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FILED

DEC 18 2006

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,

Petitioner,

vs.

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Respondent/Insurer.

and

MONTANA STATE FUND,

Intervenor.

WCC No. 2001-0300

**RESPONSE TO PETITIONER'S
CLAIM FOR COMMON FUND
ATTORNEYS' FEES**

COMES NOW, Indiana Lumberman's Mutual Insurance Company, by and through counsel of record, and responds to the Petition in the above-referenced matter. Respondent has used an electronic inquiry which revealed the names of all cases in which it insured injured workers for workers' compensation matters in the State of Montana. Of the twenty eight (28) cases, none (0) involved occupational diseases. Thus, Indiana Lumberman's has no cases in which the *Schmill* decision would apply. Please see the attached Affidavit of Michael Arnold.

DATED this 15th day of December, 2006.

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By: 
Steven S. Carey

DOCKET ITEM NO. 349

CERTIFICATE OF MAILING

I, Laura R. Richardson, a representative of Carey Law Firm, P.C., attorneys for Indiana Lumberman's Mutual Insurance Company, hereby certify that on the 15th day of December, 2006, I mailed a true and correct copy of the foregoing **RESPONSE TO PETITIONER'S CLAIM FOR COMMON FUND ATTORNEYS' FEES**, postage prepaid, first class mail, to the following:

Ms. Laurie Wallace
BOTHE & Lauridsen, p.c.
P.O. Box 2020
Columbia Falls, MT 59912



Laura R. Richardson

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

<p>CASSANDRA SCHMILL</p> <p>Petitioner,</p> <p>vs.</p> <p>LIBERTY NORTHWEST INSURANCE CORPORATION</p> <p>Respondent/Insurer,</p> <p>and</p> <p>MONTANA STATE FUND,</p> <p>Intervenor.</p>)	<p>WCC No. 2001-0300</p> <p>AFFIDAVIT OF MICHAEL ARNOLD</p>
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STATE OF INDIANA)
County of Marion):ss.
)

COMES NOW, Michael Arnold, being first duly sworn upon his oath,
deposes and states as follows:

1. I am the Workers' Compensation Assistant Manager for the ILM Group, which includes Indiana Lumbersmens.
 2. I have reviewed the files which Indiana Lumbersmens had in Montana involving indemnity payments. All of these claims involved injuries.
 3. None of the files I reviewed involved occupational disease claims.
- As a result, Indiana Lumbersmens has no claims which are responsive to the *Schmill* case.

FURTHER AFFIANT SAYETH NAUGHT.

