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MONTANA WORKERS' COMPENSATION COURT

CASSANDRA SCHMILL,)
)
 Petitioner,)
 vs.) WCC No. 2001-0300
)
 LIBERTY NORTHWEST INSURANCE)
 CORPORATION,)
)
 and)
)
 MONTANA STATE FUND,)
)
 Respondents.)

Taken at: Montana Workers' Compensation Courthouse
 Helena, Montana
 Monday, May 4, 2015, 9:00 a.m.

Before: The Honorable David M. Sandler
 (Appearing by telephone)

TELEPHONIC HEARING TRANSCRIPT

Reported by David E. Hix, ASCR, Montana Workers'
 Compensation Court Official Court Reporter, 1625 11th
 Avenue, Helena, Montana 59624-0537, (406) 444-7794,
 Official Court Reporter and Notary Public for the State
 of Montana, residing in Missoula, Montana.

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A P P E A R A N C E S

STEVEN W. JENNINGS, ESQ., Crowley/Fleck, 490 North 31st Street, Suite 500, Billings, Montana 59103-2529, appearing by telephone for and on behalf of the Respondent.

LAURIE WALLACE, Esq., 5 Highway 2 East, P.O. Box 2020, Columbia Falls, Montana 59912-2020, appearing by telephone for and on behalf of the Plaintiffs.

ALSO PRESENT: JACKIE POOLE, CLERK OF COURT

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I N D E X

WITNESSES:

PAGE:

NONE CALLED

EXHIBITS:

NONE OFFERED

Certificate of Court Reporter.....6

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Monday, May 4, 2015

THE COURT: I take it Ms. Allison is not there?

THE CLERK: No, we have not heard from -- you're talking to Jackie, correct, Judge?

THE COURT: Yes.

THE CLERK: Okay. No, we have not heard from any claimant at all on this, and nobody is here at the Court.

THE COURT: Okay. Good. We'll make it quick then. Okay. This is the time set for the hearing regarding the Common Fund attorney's fees for the benefits paid to Carole Allison from AIG and related entities, as set forth in the Affidavit of Tathay McNeilly, which is Docket No. 597.

Ms. Allison was entitled to \$364.82 in TTD benefits pursuant to the Schmill decision. AIG sent Ms. Allison a check for \$423.62 and withheld \$141.21 in attorney's fees, which is the 25 percent that Ms. Wallace has requested. AIG is willing pay the \$141.21 as the Court directs. This Court has received and filed a letter from AIG's attorney. That's Docket No. 603, which notified Ms. Allison of the time and date of this hearing. She has not filed an objection and has not appeared.

1 Given the history and complexity of this
2 litigation, this Court finds that 25 percent is an
3 appropriate and reasonable fee, and it is approved. AIG
4 is ordered to pay the \$141.21 to Ms. Wallace.

5 Unless there are any questions or comments,
6 that will conclude this hearing.

7 MS. WALLACE: Nothing from me, Your Honor.

8 MR. JENNINGS: Your Honor, this is Steve
9 Jennings, representing the AIG insurers. One question,
10 my point in trying to prompt this was to hopefully get
11 our folks dismissed. Do you want a motion upon AIG's
12 payment of the attorney's fee lien for dismissal?
13 Procedurally, how would you prefer to proceed with that,
14 Your Honor?

15 THE COURT: Yeah, because your last Motion
16 to Dismiss I know we ruled -- we denied it as moot after
17 we scheduled this hearing. So go ahead and file a new
18 motion, and then Laurie can respond however she wants or
19 needs to. And then we'll rule on it from there.

20 MR. JENNINGS: Fair enough, Your Honor.

21 THE COURT: All right. Anything else?

22 MS. WALLACE: Nothing from me, thank you.

23 THE COURT: Okay. That will conclude this
24 hearing. Thanks, everyone.

25 (Thereupon, the hearing concluded at 9:07 a.m.)

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C E R T I F I C A T E

STATE OF MONTANA)
 : SS.
County of Missoula)

I, David E. Hix, ASCR, Freelance Court Reporter and Notary Public for the State of Montana, residing in Missoula, Montana, do hereby certify:

That I was duly authorized to and did report the testimony and evidence in this cause;

That the foregoing pages of this telephonic hearing transcript constitute a true and accurate transcription of my stenotype notes.

I further certify that I am not an attorney nor counsel of any of the parties; nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 4th day of May, 2015.

David E. Hix, ASCR
WCC Official Court Reporter,
Notary Public, State of Montana
Residing in Missoula, Montana.
My Commission expires: August 1, 2017