

**FILED**

**JAN 22 2007**

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OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

**IN THE WORKERS' COMPENSATION COURT OF MONTANA**

CASSANDRA SCHMILL )  
 )  
 v. )  
 )  
 LIBERTY NORTHWEST )  
 INSURANCE CORPORATION )  
 )  
 and )  
 )  
 MONTANA STATE FUND )

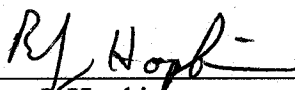
WCC NO. 2001-0300

**RESPONDENT UNINSURED  
EMPLOYERS' FUND RESPONSE  
TO ORDER DELINEATING ISSUES  
TO BE BRIEFED**

On January 20, 2006, the Uninsured Employers' Fund (UEF) filed an extensive response to the Amended Summons and Notice of Attorney fee lien. In that response, the UEF provided a history of its unique status and addressed various factors relating to whether it falls within the ambit of the Supreme Court's ruling in Schmill II. After carefully reviewing that response, the UEF is unaware of any new issues that would require supplementing its response. Rather than repeat its analysis of the issues raised in that response, the UEF respectfully refers the Court to that document for the UEF's analysis of whether it falls within the ambit of Schmill II.

Ultimately, while there are limitations on the ability of the UEF to make retroactive benefit payments and to pay attorney fees, the UEF is still unaware of any absolute bar to its involvement in further Schmill II proceedings.

Respectfully submitted this 7th day of December, 2006.

  
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Brian J. Hopkins  
Agency Counsel  
Department of Labor and Industry

Handdelivered to WCC on 1/22/07

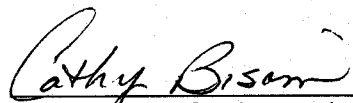
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the original of the foregoing document was filed with the Court and a true and correct copy of the foregoing document was, this day, personally served upon lead counsel for Petitioners, by depositing the same in the U.S. mail, postage prepaid, and addressed as follows:

Ms. Laurie Wallace Esq.  
Bothe & Lauridsen, P.C.  
PO Box 2020  
Columbia Falls, MT 59912

DATED this 7<sup>th</sup> day of December, 2006

  
\_\_\_\_\_  
Department of Labor and Industry