

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

MOTION AND BRIEF IN SUPPORT OF DEFENDANTS' UNOPPOSED MOTION TO EXTEND FILING DEADLINE

FILED

MAR - 7 2008

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

COME NOW the above listed insurers ("Responding Insurers"), and respectfully file this motion to extend the briefing deadline for the "gateway" legal issues as set forth in this Court's *Order Adopting Order of Special Master* dated February 14, 2008. This motion is supported by the following brief. Counsel for Petitioner Schmill has been contacted and advises that she does not oppose this motion.

ARGUMENT

In its *Order Adopting Order of Special Master* of February 14, 2008, this Court established a briefing schedule for "gateway" legal issues previously identified by Responding Insurers. Specifically, the Order established March 17, 2008, as the deadline for opening briefs; April 21, 2008, for response briefs; and May 12, 2008, for reply briefs. Although Responding Insurers have been diligently attempting to comply with the briefing schedule, it has become apparent that the communication and coordination required by the large number of Responding Insurers will hinder their ability to meet the March 17 deadline.

Effective representation requires contact and coordination with each and every Responding Insurer to insure they are apprised of all relevant issues and provided the opportunity to offer input and direction. Due to the considerable number of Responding Insurers, such contact and coordination is necessarily time consuming and cumbersome. As the "gateway" legal issues to be briefed are essentially Responding Insurers' fundamental defenses to any common fund liability, and thus could result in dismissal of Responding Insurers, such issues are of particular importance to Responding Insurers.

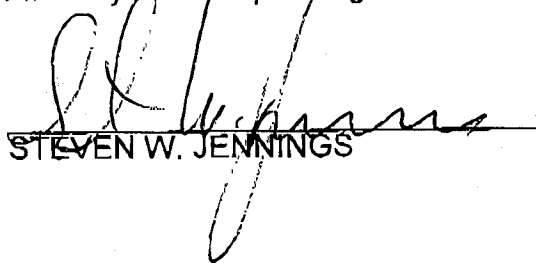
CONCLUSION

The difficulties of coordinating with each Responding Insurer to properly present focused legal arguments and to provide each Responding Insurer with the opportunity to review and approve the arguments on "gateway" issues requires considerable time. As the issues to be presented are unique, and may potentially determine an area of law in Montana that has not been fully developed, it is necessary that each client have adequate opportunity to be involved in the process. An extension of time for the briefing of the "gateway" issues will assure that such opportunity is permitted.

WHEREFORE, Responding Insurers request the Court to vacate the currently briefing schedule, as set forth in the *Order Adopting Order of Special Master*, and issue an order establishing April 14, 2008 as the deadline for opening briefs; May 12, 2008, for response briefs; and June 16 for reply briefs.

Dated this 6th day of March 2008.

CROWLEY, HAUGHEY, HANSON,
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Attorneys for Responding Insurers

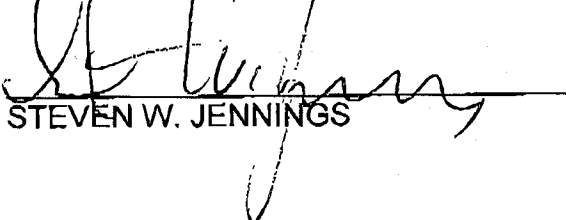

STEVEN W. JENNINGS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following counsel of record, by the means designated below, this 6th day of March 2008:

- U.S. Mail
- FedEx
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HARTFORD UNDERWRITERS INSURANCE CO.
PROPERTY & CASUALTY INSURANCE CO. OF HARTFORD
SENTINEL INSURANCE COMPANY LTD.
TWIN CITY FIRE INSURANCE CO.
TRUMBULL INSURANCE CO.
MARKEL INSURANCE COMPANY
EVANSTON INSURANCE COMPANY
MONTANA HEALTH NETWORK WORKERS COMPENSATION INSURANCE TRUST
PETROLEUM CASUALTY COMPANY
AXIS REINSURANCE COMPANY
GROCERS INSURANCE COMPANY
GUARANTY NATIONAL INSURANCE COMPANY
ROYAL INDEMNITY COMPANY
SECURITY INSURANCE COMPANY OF HARTFORD
SCOR REINSURANCE COMPANY
GENERAL SECURITY INSURANCE COMPANY
GENERAL SECURITY NATIONAL INSURANCE COMPANY
SENTRY INSURANCE MUTUAL COMPANY
SENTRY SELECT INSURANCE COMPANY
DAIRYLAND INSURANCE COMPANY
MIDDLESEX INSURANCE COMPANY
PPG INDUSTRIES, INC.
CONNIE LEE INSURANCE COMPANY
STILLWATER MINING COMPANY
PENN STAR INSURANCE COMPANY
UNIVERSAL UNDERWRITERS GROUP
FAIRFIELD INSURANCE COMPANY
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AMERICAN ZURICH INSURANCE COMPANY
ASSURANCE COMPANY OF AMERICA
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REPUBLIC INDEMNITY OF CALIFORNIA
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