

Geoffrey R. Keller  
 MATOVICH & KELLER, P.C.  
 2812 First Avenue North, Suite 225  
 P.O. Box 1098  
 Billings, Montana 59103-1098  
 Telephone: (406) 252-5500  
 Facsimile: (406) 252-4613  
 Attorneys for Respondents:  
 American Economy Insurance Company  
 American States Insurance Company of America  
 American States Preferred Insurance Company  
 First National Insurance Company of America  
 General Insurance Company of America  
 Safeco Insurance Company of America  
 Safeco Insurance Company of Illinois

**FILED**

MAR 10 2008

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,	)	
	)	
Petitioner,	)	WCC No.: 2001-0300
	)	
Vs.	)	RESPONDENT SAFECO COMPANIES
	)	UNOPPOSED MOTION AND BRIEF
LIBERTY NORTHWEST	)	TO EXTEND FILING DEADLINES
INSURANCE CORPORATION,	)	
	)	
Respondent/Insurer,	)	
	)	
And	)	
	)	
MONTANA STATE FUND	)	
	)	
Intervenor.	)	
_____	)	

COME NOW the above listed Respondent/Insurers, and move this court to extend the briefing deadlines 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 and counsel for other Respondent/Insurers represented by Steve Jennings have been contacted and do not oppose this motion.

### BRIEF

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 (including those represented by Steve Jennings) will hinder their ability to meet the March 17, 2008, deadline.

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, the moving Respondents respectfully request this Court to vacate the current 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 7<sup>th</sup> day of March, 2008.

MATOVICH & KELLER, P.C.

By

  
\_\_\_\_\_  
GEOFFREY R. KELLER  
Attorneys for Respondent/Insurers Safeco

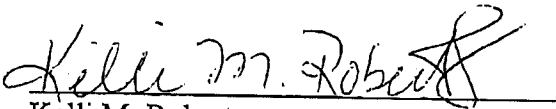
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was mailed postage prepaid, to the following:

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

Steve W. Jennings  
Crowley Law Firm  
P.O. Box 2529  
Billings, MT 59103-2529

This 7<sup>th</sup> day of March, 2008.



Kelli M. Roberts  
For MATOVICH & KELLER, P.C.

**MATOVICH**  
**& KELLER, P.C.**  
*Attorneys at Law*

*Carey E. Matovich*  
*Geoffrey R. Keller*  
*Brooke B. Murphy*  
*Benjamin O. Rechtfertig*  
*Eric E. Holm*

March 7, 2008

**Via Facsimile (406) 444-7798**  
**and U.S. Mail**  
Clara Wilson  
Clerk of Court  
Workers' Compensation Court  
P.O. Box 537  
1625 11<sup>th</sup> Avenue  
Helena, Montana 59624-0537

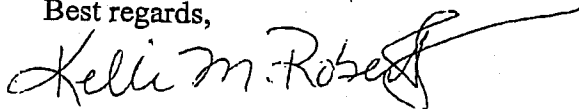
Re: Schmill v. Liberty Northwest Insurance Corporation, et al  
WWC No.: 2001-0300

Dear Ms. Wilson:

Enclosed for filing is the Respondent Safeco Companies Unopposed Motion and Brief to Extend Filing Deadlines. The original will follow by U.S. Mail, with a copy of the same that we would request be date stamped and returned to our office.

Thank you for your assistance, and should you have any questions regarding the foregoing, please feel free to contact me directly.

Best regards,



Kelli M. Roberts  
Legal Assistant

Enclosure