

Larry W. Jones  
Law Offices of Larry W. Jones  
Employees of Liberty Mutual Group  
700 SW Higgins Avenue, Suite 108  
Missoula, MT 59803-1489  
(406) 543-2420  
(800) 548-0731 (FAX)  
Attorney for Respondent/Insurer

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

**WCC No. 2001-0300**

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**CASSANDRA M. SCHMILL,**

**Petitioner,**

**v.**

**LIBERTY NORTHWEST INSURANCE CORP.,**

**Respondent/Insurer,**

**and**

**MONTANA STATE FUND,**

**Intervenor.**

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**LIBERTY'S STATEMENT REGARDING APPROPRIATENESS OF  
ATTORNEY FEE HEARING**

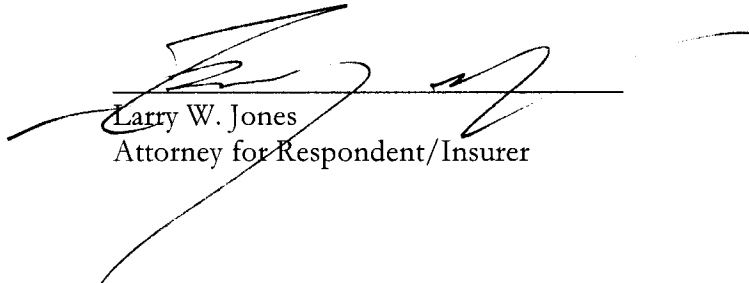
The Court ordered Liberty to file a statement indicating whether an attorney fee hearing is appropriate within regard to claims of Montana State Fund and Liberty Northwest Insurance Corp. This pleading is in response to that Order.

Liberty agrees with the State Fund that an attorney fee hearing is appropriate based upon due process considerations; however, Liberty also suggests it is essential that all attorney fee issues be resolved before implementation of the *Schmill* decision.

Liberty also believes a hearing and or briefing is not required for all the implementation issues. Liberty is hopeful that it can work with Schmill's attorney to come up with a strategy to identify the relevant cases for review by Schmill's attorney under the appropriate protective order.

Liberty also agrees with the State Fund there will be issues such as those identified by the State Fund that will eventually require the Court's involvement but that in the interest of judicial economy Liberty would request the Court not have a hearing and that Schmill's attorney contact Liberty to discuss how to proceed to identify the relevant cases and implement the *Schmill* decision.

DATED this 17<sup>th</sup> day of March, 2008.



Larry W. Jones  
Attorney for Respondent/Insurer

CERTIFICATE OF SERVICE

I hereby certify that on the 17<sup>th</sup> day March, 2007, I served the original of the foregoing LIBERTY'S STATEMENT REGARDING APPROPRIATENESS OF ATTORNEY FEE HEARING, by first-class mail, postage prepaid, on the following:

Ms. Clara Wilson, Clerk of Court  
Workers' Compensation Court  
PO Box 537  
Helena, MT 59624-0537

(also via e-mail, jbockman@mt.gov)

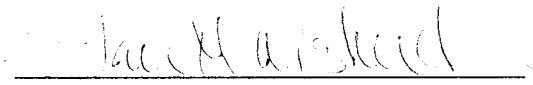
And a copy of the same to the following:

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

(also via e-mail, legalpad@digisys.net)

Mr. Bradley J. Luck  
Garlington Lohn Robinson  
PO Box 7909  
Missoula, MT 59807

(also via e-mail, bjluck@garlington.com)



Staci M. Wisherd, Legal Secretary