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**FILED**

**FEB 12 2004**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

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Attorneys for Intervenors

THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA

CASSANDRA M. SCHMILL,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE  
CORPORATION,

Respondent/Insurer.

WCC No. 2001-0300

**STIPULATION REGARDING  
PROSPECTIVE CLAIMS**

COME NOW the parties, by and through counsel, and hereby stipulate as to the dates to use for prospectively implementing *Schmill v. Liberty Northwest Insurance Corporation*, WCC No. 2001-0300 and *Schmill v. Liberty Northwest Insurance Corporation*, 2003 MT 80, 315 Mont. 51, 67 P.3d 290. For prospective implementation purposes, the parties stipulate and agree that a claimant's entitlement date shall be the date a claimant's occupational disease is first diagnosed as work-related. Therefore, all claims arising out of occupational

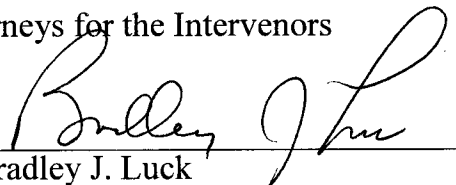
diseases which were first diagnosed as work-related on or after June 22, 2001, the date of the Workers' Compensation Court's decision in this matter, are considered prospective claims. Common fund fees are not payable on prospective claims.

DATED this 11 day of ~~December~~, <sup>Feb</sup> 2004, 2003.

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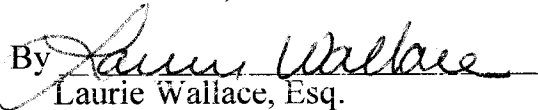
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Attorneys for the Intervenors

By   
Bradley J. Luck

DATED this 8 day of ~~December~~, <sup>January</sup> 2004, 2003.

Bothe & Lauridsen  
P.O. Box 2020  
Columbia Falls, MT 59912

By   
Laurie Wallace, Esq.

DATED this 9 day of ~~December~~, <sup>Feb</sup> 2004, 2003.

Liberty Northwest Insurance Corp.  
700 S.W. Higgins Ave., Suite 250  
Missoula, MT 59803

By   
Larry Jones, Esq.