

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL,

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION,

Respondent/Insurer

and

MONTANA STATE FUND,

Intervenor.

ORDER REGARDING APPROPRIATENESS OF ATTORNEY FEE HEARING

¶ 1 On February 14, 2008, this Court issued an Order Adopting Order of Special Master¹ in which, among other items, the Court ordered Respondent/Insurer Liberty Northwest Insurance Corporation and Intervenor Montana State Fund to file a statement indicating whether an attorney fee hearing is appropriate with regard to their respective claimants. Respondent and Intervenor complied, and Petitioner also responded.²

¶ 2 All three parties agreed that an attorney fee hearing is appropriate in this case, although the parties differ as to the timing of the hearing. The parties also all agree that other implementation issues remain in this case; however, they all assert that many if not all of these issues can be worked out by the parties without the assistance of the Court. Respondent and Intervenor both suggest that the attorney fee issues be resolved prior to the implementation of the *Schmill* proceeds. Petitioner suggests that the Court might set a deadline by which the parties should be in a position to identify any remaining

¹ Docket Item No. 410.

² [Montana State Fund's] Statement Regarding Appropriateness of Attorney Fee Hearing, Docket Item No. 414; Liberty's Statement Regarding Appropriateness of Attorney Fee Hearing, Docket Item No. 417; and Petitioner's Statement Regarding Appropriateness of Attorney Fee Hearing, Docket Item No. 423, respectively.

implementation issues which need to be brought before the Court for a resolution, and that a date be set for the attorney fee hearing after that time.

¶ 3 Therefore, while I have determined that it is appropriate to have a hearing on the attorney fee issue prior to implementation of the *Schmill* decision proceeds, I believe it is first necessary for the parties to identify which, if any, other implementation issues remain unresolved and require Court intervention. The parties have until Monday, June 16, 2008, to file with the Court a list of the remaining implementation issues which require Court intervention. The parties may file this document jointly.

¶ 4 After reviewing the issues list, I will decide whether it is appropriate to schedule an attorney fee hearing at that time, or resolve the other implementation issues prior to the attorney fee hearing.

ORDER

¶ 5 On or before June 16, 2008, the parties will file with the Court a list of the remaining implementation issues in this case which require Court intervention.

DATED in Helena, Montana, this 16th day of May, 2008.

(SEAL)

/s/ JAMES JEREMIAH SHEA
JUDGE

c: Parties of Record via Website
Submitted: May 5, 2008