

LAURIE WALLACE
Bothe & Lauridsen, P.C.
P.O. Box 2020
Columbia Falls, MT 59912
Telephone: (406) 892-2193
Attorneys for Petitioner/Schmill

FILED

NOV 18 2010

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA
IN AND FOR THE AREA OF KALISPELL
BEFORE THE WORKERS' COMPENSATION JUDGE

CASSANDRA SCHMILL,)	
)	WCC NO. 2001-0300
Petitioner,)	
)	
vs.)	PETITIONER'S STATUS REPORT
)	
LIBERTY NW INS. CORP.,)	
)	
Respondent/Insurer,)	
)	
and)	
)	
MONTANA STATE FUND,)	
)	
Intervenor.)	
_____)	

COMES NOW the Petitioner, CASSANDRA SCHMILL, by and through her attorneys of record, and files a Status Report.

Petitioner has attached to this Status Report a list of all insurers who have filed Affidavits in response to the Summons and Notice of Attorney Fee Lien indicating that they have paid occupational disease claims during the appropriate time periods and thus have potential *Schmill* claimants in their files. (Ex. 1.) To date, none of these insurers, other than the State Fund, have notified Petitioner's counsel of the payment of any *Schmill* benefits. As the Court knows, there are several classes of cases which are uncontested. Those benefits should be paid immediately. According to Petitioner's records, 210 insurers have not responded to the Summons and Notice of Attorney Fee Lien.

At this time, the Petitioner would request the Court issue an order directing all the insurers identified on the attached list to identify and pay all *Schmill* benefits, as well as corresponding attorney fees, or at a minimum to withhold the claimed 25% attorney fee.

DOCKET ITEM NO. 480

A number of insurers have filed appearances in *Schmill* but have not filed a response to the Summons. Petitioner has attached a second list identifying those insurers. (Ex. 2.) These insurers are represented by Steven Jennings, Thomas Marra, and Oliver Goe. Petitioner has requested of them that their clients file the appropriate Affidavits after they have reviewed their files for potential *Schmill* claims. Once those Affidavits are filed, Petitioner would then ask that the Court also direct those insurers to pay appropriate benefits, as well as attorney fees.

It is Petitioner's understanding that the State Fund has paid all *Schmill* claims they have been able to identify. The State Fund, however, has not paid any attorney fees.

It is Petitioner's understanding that Liberty NW Ins. is still in the process of identifying *Schmill* claims and thus has not paid any, nor has it paid any attorney fees.

If it is appropriate that there be an attorney fee hearing, Petitioner would request that the Court schedule it at its earliest convenience.

DATED this 17 of November, 2010.

ATTORNEYS FOR PETITIONER

BOTHE & LAURIDSEN, P.C.
P.O. Box 2020
Columbia Falls, MT 59912
Telephone: (406) 892-2193

By: Laurie Wallace
LAURIE WALLACE

CERTIFICATE OF MAILING

I, Robin Stephens, do hereby certify that on the 17 day of November, 2010, I served a true and accurate copy of the PETITIONER'S STATUS REPORT by U.S. mail, first class, postage prepaid to the following:

Mr. Larry Jones
Liberty NW Ins. Corp.
2291 W. Broadway, Ste. 3
Missoula, MT 59808

Mr. Steven Jennings
Crowley Fleck, PLLP
P.O. Box 2529
Billings, MT 59103-2529

Mr. Thomas Marra
Marra, Sexe, Evenson & Bell
P.O. Box 1525
Great Falls, MT 59403-1525

Mr. Thomas Martello
Legal Counsel
Montana State Fund
P.O. Box 4759
Helena, MT 59604-4759

Mr. Bradley Luck
Garlington, Lohn & Robinson
P.O. Box 7909
Missoula, MT 59807-7909

Mr. Oliver Goe
Browning, Kaleczyc,
Berry & Hoven PC
P.O. Box 1697
Helena, MT 59624

Mr. G. Andrew Adamek
Browning, Kaleczyc,
Berry & Hoven P.C.
P.O. Box 1697
Helena, MT 59624


Robin Stephens

SCHMILL v. LIBERTY NW INS. CORP.
WCC NO. 2001-0300

Affidavits Filed by Insurers:

ACE AMERICAN INSURANCE COMPANY
ACE AMERICAN REINSURANCE CO
ACE FIRE UNDERWRITERS INS CO
ACE INDEMNITY INSURANCE COMPANY
ALBERTSONS INC
ALLSTATE INSURANCE CO
AMERICAN AMBASSADOR CASUALTY CO
AMERICAN ECONOMY INS CO
AMERICAN STATES INS CO
AMERICAN STATES PREFERRED
ASARCO INC.
BANKERS STANDARD FIRE & MARINE
BANKERS STANDARD INS CO.
BENEFIS HEALTH CARE
CENTURY INDEMNITY CO.
CONTINENTAL CASUALTY CO.
CUMIS INS. SOCIETY INC (WAUSAU)
EMPLOYERS INS COMPANY OF WAUSAU
F H STOLTZE LAND & LUMBER CO
FAIRMONT INSURANCE CO
FAIRMONT PREMIER INSURANCE COMPANY
FIRST LIBERTY INSURANCE CORPORATION
FIRST NATIONAL INS CO OF AMERICA
GENERAL CASUALTY CO OF WISCONSIN
GENERAL INS CO OF AMERICA
GOLDEN SUNLIGHT MINES INC
HOMESITE INSURANCE COMPANY
INDEMNITY INS CO OF NORTH AMERICA
J H KELLY L L C
LIBERTY INS CORP
LIBERTY INS UNDERWRITERS INC
LIBERTY MUTUAL FIRE INS CO
LIBERTY MUTUAL INS CO
LIBERTY NORTHWEST INS CORP
LM INS CORP
LOUISIANA PACIFIC CORP
MACO WORKERS COMP TRUST
MONTANA CONTRACTOR COMP FUND
MONTANA INS GUARANTY ASSOC.
MONTANA STATE FUND
NATIONAL INSURANCE ASSOCIATION

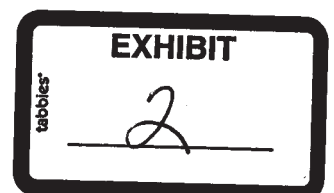


NORTHWEST HEALTHCARE CORP
NORTHWESTERN ENERGY
NORTHWESTERN NATIONAL INS CO OF MIL
OLD BEACON AMERICA INS. CO.
ONE BEACON INS CO
PACIFIC EMPLOYERS INSURANCE CO
PLUM CREEK MGMT CO LP
PLUM CREEK TIMBER CO INC
PLUM CREEK TIMBER CO LP
REGENT INSURANCE CO
ROSAUERS SUPERMARKETS INC
SAFECO INSURANCE CO OF ILLINOIS
SAFECO INSURANCE COMPANY OF AMERICA
SAFEWAY INC
SAFEWAY STORES INC
SKAGGS ALPHA BETA
SOUTHERN INSURANCE COMPANY
TIG INSURANCE CO
TRANSPORTATION INSURANCE CO.
UNIGARD INSURANCE CO
WAUSAU BUSINESS INS CO
WAUSAU UNDERWRITERS INS CO
ZURICH NORTH AMERICA

SCHMILL v. LIBERTY NW INS. CORP.
WCC NO. 2001-0300

Insurers who have appeared, but not filed Affidavits:

AFFILIATED FM INS. CO.
AIG NATIONAL INS. CO.
AIU INS. CO.
AMERICAN ALTERNATIVE INS. CORP.
AMERICAN GENERAL CORP.
AMERICAN GUARANTEE & LIABILITY INS. CO.
AMERICAN HARDWARE MUTUAL INS. CO.
AMERICAN HOME ASSURANCE CO.
AMERICAN INTERNATIONAL INS. CO.
AMERICAN INTERNATIONAL PACIFIC INS. CO.
AMERICAN INTERNATIONAL SPECIALTY LINES INS.
AMERICAN REINSURANCE CO.
AMERICAN ZURICH INS. CO.
ARGONAUT INS. CO.
ARGONAUT MIDWEST INS CO.
ARGONAUT NORTHWEST INS CO.
ASSURANCE CO. OF AMERICA
ATLANTIC MUTUAL INS. CO.
AXIS REINSURANCE CO.
BIRMINGHAM FIRE INS. CO. OF PA
BITUMINOUS CASUALTY CORP.
BITUMINOUS FIRE & MARINE INS. CO.
CENTENNIAL INS CO.
CENTRE INS CO.
CHUBB INDEMNITY INS. CO.
CHUBB INS. GROUP
CHUBB NATIONAL INS. CO.
CLARENDON NATIONAL INS. CO.
COLONIAL AMERICAN CASUALTY & SURETY
COMBINED BENEFITS INS. CO.
COMMERCE & INDUSTRY INS. CO.
CONNIE LEE INS. CO.
DAIRYLAND INS. CO.
EVANSTON INS. CO.
EVEREST NATIONAL INS. CO.
EXECUTIVE RISK INDEMNITY INC.
FAIRFIELD INS. CO.
FARMERS INS. CO.
FARMERS INS. EXCHANGE
FEDERAL INS. CO.
FIDELITY & DEPOSIT CO. OF MARYLAND



FM GLOBAL
GENERAL REINSURANCE CORP.
GENERAL SECURITY INS. CO.
GENERAL SECURITY NATIONAL INS. CO.
GENESIS INS. CO.
GRANITE STATE INS. CO.
GREAT AMERICA ALLIANCE INS. CO.
GREAT AMERICAN ASSURANCE CO.
GREAT AMERICAN INS. CO OF NEW YORK
GREAT AMERICAN INS. CO.
GREAT AMERICAN SPIRIT INS. CO.
GREAT NORTHERN INS. CO.
GREENWICH INS. CO.
GROCERS INS. CO.
GUARANTY NATIONAL INS. CO.
HARTFORD ACCIDENT & INDEMNITY CO.
HARTFORD CASUALTY INS. CO.
HARTFORD FIRE INS. CO.
HARTFORD INS. CO. OF THE MIDWEST
HARTFORD UNDERWRITERS INS. CO.
ILLINOIS NATIONAL INS. CO.
INSURANCE CO. OF STATE OF PA
LEXINGTON INS. CO.
MARKEL INS. CO.
MARYLAND CASUALTY CO.
MID CENTURY INS. CO.
MIDDLESEX INS. CO.
MONTANA HEALTH NETWORK WC INS. TRUST
MONTANA MUNICIPAL INS. AUTHORITY
NATIONAL UNION FIRE INS. OF PITTSBURGH
NEW HAMPSHIRE INS. CO.
NORTH STAR REINSURANCE CORP.
NORTHERN INS. CO. OF NEW YORK
OLD REPUBLIC INS. CO.
OLD REPUBLIC SECURITY ASSURANCE CO.
P P G INDUSTRIAL INC.
PACIFIC INDEMNITY CO.
PENN STAR INS. CO.
PETROLEUM CASUALTY CO.
PROPERTY & CASUALTY INS. CO. OF HARTFORD
QUADRANT INDEMNITY CO.
REPUBLIC INDEMNITY CO. OF AMERICA
REPUBLIC INDEMNITY CO. OF CA
ROYAL INDEMNITY CO.
SCOR REINSURANCE CO.
SECURITY INS. CO. OF HARTFORD

SENTINEL INS. CO. OF LTD
SENTRY INS. MUTUAL CO.
SENTRY SELECT INS. CO.
ST. PAUL FIRE & MARINE INS. CO.
ST. PAUL GUARDIAN INS. CO.
ST. PAUL MEDICAL LIABILITY INS. CO.
ST. PAUL MERCURY INS. CO.
ST. PAUL PROTECTIVE INS. CO.
STILLWATER MINING CO.
TRAVELERS CAS & SURETY CO. OF AMERICA
TRAVELERS CASUALTY & SURETY CO.
TRAVELERS CASUALTY CO. OF CONN.
TRAVELERS CASUALTY INS. CO. OF AMERICA
TRAVELERS COMMERCIAL CASUALTY CO.
TRAVELERS COMMERCIAL INS. CO.
TRAVELERS IND CO. OF AMERICA
TRAVELERS INDEMNITY CO.
TRAVELERS INDEMNITY CO OF CT
TRAVELERS PROPERTY & CASUALTY INS. CO.
TRAVELERS PROPERTY CASUALTY CO. OF AMERICA
TRUCK INS. EXCHANGE
TRUMBULL INS. CO.
TWIN CITY FIRE INS. CO.
UNINSURED EMPLOYERS' FUND
UNIVERSAL UNDERWRITERS INS. CO.
VALIANT INS. CO.
XL INS. CO. OF NEW YORK INC.
XL INS. AMERICAN INC.
XL REINSURANCE AMERICA
XL SPECIALTY INS. CO.
ZURICH AMERICAN INS. CO.
ZURICH AMERICAN INS. CO. OF ILLINOIS