

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANDRA SCHMILL

APR 24 2012

Petitioner

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

and

MONTANA STATE FUND

Intervenor.

ORDER ESTABLISHING HEARING DATE FOR
COMMON FUND ATTORNEYS' FEES FOR MONTANA STATE FUND CLAIMS

As the result of a decision by the Montana Supreme Court on April 10, 2003, in the above-captioned case, Petitioner established the right of occupational disease claimants to receive workers' compensation benefits at the same rate as industrial injury claimants and without any apportionment deductions for non-occupational factors contributing to the occupational disease. You have been identified as a claimant who received such an award pursuant to the Supreme Court's decision. The insurer on your claim, Montana State Fund, previously sent you a check for your increased benefits.

Since the Petitioner in this case established the legal precedent for the immediate payment of TTD benefits at the full benefit rate, the Montana Supreme Court has determined that her attorneys are entitled to recover attorneys' fees in some amount for these benefits. The attorneys' fees are payable from the increased TTD benefits that were obtained for claimants who suffered occupational diseases from the period of July 1, 1987, through June 22, 2001.

In recognition of this decision by the Montana Supreme Court, the Montana State Fund, with the permission of this Court, withheld twenty five percent (25%) of your past-due TTD benefits in order to pay the attorneys' fees incurred by Petitioner. The specific percentage of the attorneys' fees to be deducted from your past-due benefits has not yet been approved by the Montana Workers' Compensation Court. The Petitioner has

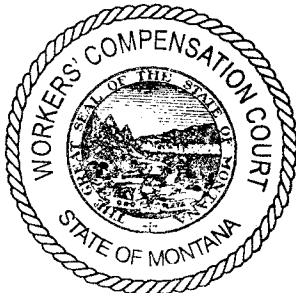
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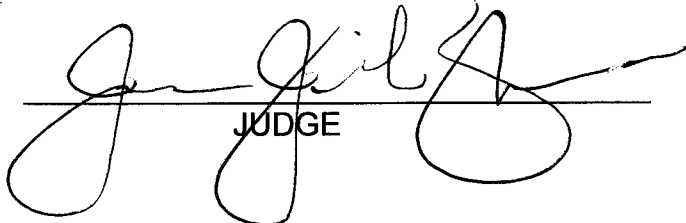
requested that the attorneys' fees be fixed at 25% of all past-due TTD benefits. The Montana State Fund does not object to this request. If the agreement is approved by the Montana Workers' Compensation Court, the attorneys' fees will be forwarded to the Petitioner's attorneys from the amount withheld from your past-due benefits. It is not anticipated that any additional benefits would be payable to any claimant. However, any remaining portion of the withheld amounts on any individual claim will be refunded.

The Court is not bound by the agreement between the Petitioner and the Montana State Fund and may set the amount of the attorneys' fees at some other level. The Court has scheduled a hearing to determine the amount of the attorneys' fees, which you are invited to attend, on Tuesday, the 26th day of June, 2012, in Helena, Montana, at 9:00 A.M. **The hearing will be held in the courtroom of the Workers' Compensation Court, 1625 11th Avenue, Helena, Montana.**

YOU HAVE THE RIGHT TO BE PRESENT AT THAT HEARING TO VOICE YOUR SUPPORT FOR OR OBJECTION TO THE PROPOSED ATTORNEYS' FEES. YOU MAY ALSO FILE A WRITTEN STATEMENT SUPPORTING OR OBJECTING TO THE PROPOSED ATTORNEYS' FEES BY MAILING YOUR STATEMENT TO THE WORKERS' COMPENSATION COURT, P.O. BOX 537, HELENA, MONTANA, 59624-0537, NO LATER THAN June 19, 2012. **All oral and/or written comments should be limited to the proposed attorneys' fees.**

Dated in Helena, Montana, this 24th day of April, 2012.




JUDGE

c: Parties of Record Via Website