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WORKERS' COMPENSATION COURT  
IN AND FOR THE STATE OF MONTANA

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CASSANDRA SCHMILL,	)	WCC No. 2001-0300
	)	
Petitioner,	)	June 26, 2012
	)	9:10 a.m.
v.	)	
	)	
LIBERTY NORTHWEST	)	Hearing
INSURANCE CORPORATION,	)	
	)	
Respondent/Insurer,	)	
	)	
and	)	
	)	
MONTANA STATE FUND,	)	
	)	
Intervenor.	)	

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BEFORE THE HONORABLE JAMES JEREMIAH SHEA

The hearing in the above-entitled matter was held on Tuesday, June 26, 2012, at 9:10 a.m., at the Workers' Compensation Court, 1625 11th Avenue, Helena, Montana.

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A-P-P-E-A-R-A-N-C-E-S

APPEARING ON BEHALF OF THE PETITIONER:

Laurie Wallace  
Attorney at Law  
PO Box 2020  
Columbia Falls, MT 59912

ON BEHALF OF THE RESPONDENT (Not Present):

Larry W. Jones  
Attorney at Law  
2291 W. Broadway  
Suite 3  
Missoula, MT 59808

APPEARING ON BEHALF OF INTERVENOR:

Thomas E. Martello  
Special Assistant Attorney General  
Montana State Fund  
PO Box 4759  
Helena, MT 59604

1           BE IT REMEMBERED that on Tuesday, June 26,  
2 2012, before the Honorable James Jeremiah Shea, at  
3 the Workers' Compensation Court in Helena, Montana,  
4 the following proceedings were had:

5                   \* \* \* \*

6  
7           THE COURT: Why don't we go ahead. And we  
8 will go on the record here, and this is the matter  
9 of Cassandra Schmill versus Liberty Northwest  
10 Insurance and Montana State Fund, intervenor. This  
11 is the time set for an attorney fee hearing  
12 regarding the common fund fees entitled to common  
13 fund counsel as pertains to State Fund claimants.  
14 And there was an -- I'm not going to recite the  
15 file verbatim, it's all part of the record. There  
16 is -- notices went out to the claimants regarding  
17 their opportunity to appear and object. It should  
18 be noted that the notice advised that the hearing  
19 would be set for nine a.m. this morning. It's now  
20 9:10 and nobody has appeared.

21           Common fund counsel, Laurie Wallace, is  
22 here, and Tom Martello, State Fund counsel, is  
23 present as well.

24           The only objection we did receive is from  
25 a Mr. Mark Gillette, and we received a letter from

1 him on June 19 in which he -- it is docketed as  
2 number 548, so I'm not going to read it, but he  
3 does object in general to the proposed payment of  
4 the 25 percent fee. There was a brief discussion  
5 before we went on the record with both counsel  
6 regarding counsels' positions on it. As I  
7 understand it -- and I'll certainly ask both  
8 counsel to clarify or state if there's anything  
9 they want to add -- State Fund has basically, is  
10 taking no position on it one way or the other. And  
11 Ms. Wallace, as common fund counsel, has offered to  
12 reduce her fee to 15 percent from 25 percent; is  
13 that correct?

14 MS. WALLACE: Yes.

15 THE COURT: Okay.

16 MR. MARTELLO: Yes.

17 THE COURT: Great, okay. With that, one  
18 exception being noted, since there have been no  
19 other objections, the -- what had been -- the  
20 claimants had been notified that the proposed fee  
21 was 25, would be 25 percent. State Fund does not  
22 object to that. In light of, certainly, the long  
23 history that Schmill has taken, I think that's an  
24 appropriate fee. So I will approve the 25 percent  
25 common fund fee and we will issue an order to that

1 effect.

2           So with that, are there any -- obviously,  
3 with the exception of Mr. Gillette where that will  
4 be a 15 percent fee -- with that, are there any  
5 questions? Any comments?

6           MS. WALLACE: No, Your Honor. Thank you.

7           MR. MARTELLO: No, Your Honor.

8           THE COURT: All right. And it's now 9:12  
9 and still nobody has shown up. Okay, thanks,  
10 everyone, we can go off the record.

11                   (The time is 9:12 a.m.)

12                               \* \* \* \* \*

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1 STATE OF MONTANA )  
2 County of Lewis and Clark ) :SS.

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5 I, Kimberly Johnson, a Registered  
6 Professional Reporter and Notary Public in and for  
7 the County of Lewis and Clark, do hereby certify:

8

9 That the foregoing cause was taken before  
10 me at the time and place herein named, that the  
11 foregoing cause was reported by me, and that the  
12 foregoing pages contain a true record of the  
13 testimony to the best of my ability.

14

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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\_\_\_\_\_  
Kimberly E. Johnson  
Registered Professional Reporter  
Notary Public  
My Commission Expires 3/19/2016

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