

FILED

JUN 22 2016

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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

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 REPLY TO |
| |) | ST PAUL/TRAVELERS INSURER'S |
| LIBERTY NW INS. CORP., |) | RESPONSE TO PETITIONER'S |
| |) | MOTION TO SHOW CAUSE |
| Respondent/Insurer, |) | |
| |) | |
| and |) | |
| |) | |
| MONTANA STATE FUND, |) | |
| |) | |
| Intervenor. |) | |
| |) | |

COMES NOW the Petitioner, CASSANDRA SCHMILL, by and through her attorneys of record, and submits the following Reply to St. Paul/Travelers Insurer's Response to Petitioner's Motion to Show Cause:

In its response to Petitioner's Motion to Show Cause, the listed insurer for St. Paul/Travelers, claims that Petitioner mistakenly identified Crowley Fleck PLLP, and Steven W. Jennings, as representing these insurers. While it is true that Mr. Jennings has not filed an appearance with the Court on behalf of these insurers, it is not true that he does not represent them. In an e-mail to Petitioner's counsel dated May 4, 2016, Mr. Jennings clearly states that he was recently hired by Travelers to represent them and their entities in this matter. (See Ex. A.) Since Mr. Jennings does, in fact, represent St. Paul/Travelers and its related entities, and since St. Paul/Travelers and its related entities have made an appearance in this case, albeit through a previous attorney, Petitioner's Motion to Show

DOCKET ITEM NO.

645

PDF

Cause was properly served on St. Paul/Travelers and related insurers by mailing the same to Mr. Jennings. If Mr. Jennings prefers to have his client go unrepresented in this litigation, then he should provide the Court with current contact information so that St. Paul/Travelers and its related entities can be served directly.

DATED this 20 of June, 2016.

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 20 day of June, 2016, I served a true and accurate copy of the PETITIONER'S REPLY TO ST PAUL/TRAVELERS INSURER'S RESPONSE TO PETITIONER'S MOTION TO SHOW CAUSE by U.S. mail, first class, postage prepaid to the following:

Mr. Steve Jennings
CROWLEY FLECK, PLLP
P.O. Box 2529
Billings, MT 59103-2529

Robin Stephens
Robin Stephens

Laurie Wallace

From: Steve W. Jennings <sjennings@crowleyfleck.com>
Sent: Wednesday, May 04, 2016 10:05 AM
To: Laurie Wallace; Laurie Wallace
Subject: Travelers (Common FUnd)

Laurie:

Travelers has sent me another letter that you wrote to them asking them to address the *Schmill* Common Fund. You have apparently forgotten that on approximately March 14 I called you to tell you that Travelers had recently hired me to represent them and that Travelers would be conducting a file search for potential *Schmill* claimants. [REDACTED]

In any event, I remind you that I represent Travelers and their entities in the *Schmill* Common Fund case. They have been advised of the appropriate *Schmill* search criteria and are currently in the process of reviewing their files under that criteria to determine whether they have potential *Schmill* claimants. We will advise you of the results of the search via the Court's affidavit process.

CROWLEY | FLECK
ATTORNEYS

STEVEN W. JENNINGS
TRANSWESTERN PLAZA II
490 N 31ST ST., SUITE 500
BILLINGS, MT 59101 USA
VOICE 406.255.7284 FAX 406.252.5292
sjennings@CROWLEYFLECK.COM

THIS ELECTRONIC MAIL TRANSMISSION MAY CONSTITUTE AN ATTORNEY-CLIENT COMMUNICATION THAT IS PRIVILEGED AT LAW. IT IS NOT INTENDED FOR TRANSMISSION TO, OR RECEIPT BY, ANY UNAUTHORIZED PERSONS. IF YOU HAVE RECEIVED THIS ELECTRONIC MAIL TRANSMISSION IN ERROR, PLEASE DELETE IT FROM YOUR SYSTEM WITHOUT COPYING IT, AND NOTIFY THE SENDER BY REPLY E-MAIL OR BY CALLING CROWLEY FLECK PLLP, 406-252-3441, SO THAT OUR ADDRESS RECORD CAN BE CORRECTED.

NOTICE: THIS ELECTRONIC MAIL TRANSMISSION MAY CONSTITUTE AN ATTORNEY-CLIENT COMMUNICATION THAT IS PRIVILEGED AT LAW. IT IS NOT INTENDED FOR TRANSMISSION TO, OR RECEIPT BY, ANY UNAUTHORIZED PERSONS. IF YOU HAVE RECEIVED THIS ELECTRONIC MAIL TRANSMISSION IN ERROR, PLEASE DELETE IT FROM YOUR SYSTEM WITHOUT COPYING IT, AND NOTIFY THE SENDER BY REPLY E-MAIL OR BY CALLING CROWLEY FLECK PLLP AT 406-252-3441, SO THAT OUR ADDRESS RECORD CAN BE CORRECTED.

This email has been scanned for email related threats and delivered safely by Mimecast. For more information please visit <http://www.mimecast.com>



Bothe & Lauridsen, P.C.

Attorneys at Law

5 HIGHWAY 2 EAST
P.O. BOX 2020
COLUMBIA FALLS, MT 59912

KENNETH S. THOMAS
DAVID W. LAURIDSEN
LAURIE WALLACE
WILLIAM DEAN BLACKABY

(406) 892-2193
1 (800) 354-3262
Fax (406) 892-0207

JOHN H. BOTHE (1951-1996)

June 20, 2016

Ms. Jackie Poole
Clerk of Workers'
Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: SCHMILL v. LIBERTY NW INS. CORP.
WCC No. 2001-0300

Dear Jackie:

Enclosed please find the Petitioner's Reply to St. Paul/Travelers Insurer's Response to Petitioner's Motion to Show Cause in regard to the above-referenced matter.

Should you have any questions concerning this matter, please contact me directly.

Sincerely,


LAURIE WALLACE
BOTHE & LAURIDSEN, P.C.

LW/rs
Enc.

cc: Steven Jennings (w/enclosure)