

**FILED**

JUL 15 2016

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

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Attorneys for Respondent/Insurer Liberty NW Ins. Corp.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,

Petitioner,

v.

LIBERTY NW INS. CORP.,

Respondent/Insurer.

And

MONTANA STATE FUND,

Intervenor.

WCC No. 2001-0300

**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2016, a copy of the Amended Order Establishing Hearing Date for Common Fund Attorneys' Fees was served on the person(s) listed below by the following means:

Hand Delivery  
 1, 2 Mail  
 Overnight Delivery Service  
 E-Mail

1. Duane Kessel  
P.O. Box 51  
Libby, MT 59923

2. Laurie Wallace  
Bothe & Lauridsen, P.C.  
P.O. Box 2020  
Columbia Falls, MT 59912-2020

*Rhonda Brinkley*

DOCKET ITEM NO. 651

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July 12, 2016

Duane Kessel  
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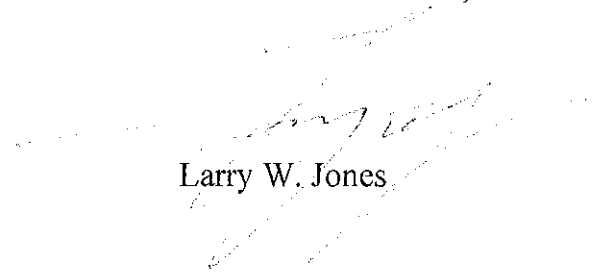
RE: *Cassandra Schmill v. Liberty NW Ins. Corp./Montana State Fund*  
Order Establishing Hearing Date

Dear Mr. Kessel:

Enclosed is a copy of the Montana Workers Compensation Court's AMENDED ORDER ESTABLISHING HEARING DATE FOR COMMON FUND ATTORNEY FEES. Please read it carefully. The attorney for Cassandra Schmill who is requesting attorney fees is Laurie Wallace, Bothe & Lauridsen, P.C., P.O. Box 2020, Columbia Falls, MT 59912-2020, (406) 892-2193, laurie@bothelauridsen.com. If you do not have any objection to the Court awarding her attorney fees, please notify her as soon as possible.

Very truly yours,

WILLS LAW FIRM, P.C.



Larry W. Jones

LWJ:rm  
Enclosure  
c: Laurie Wallace

COPY

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

**FILED**

CASSANDRA SCHMILL

JUL - 6 2016

Petitioner

vs.

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

and

MONTANA STATE FUND

Intervenor.

AMENDED  
ORDER ESTABLISHING HEARING DATE FOR  
COMMON FUND ATTORNEYS' FEES

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 has either received such an award or is eligible to receive such an award pursuant to the Supreme Court's decision.

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 work injuries from the period of July 1, 1987, through June 22, 2001.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer has withheld a certain percentage 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 now been agreed upon between the Petitioner and your workers' compensation insurer, but has not yet been

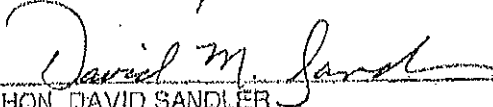
DOCKET ITEM NO. 649

approved by the Montana Workers' Compensation Court. Specifically, the Petitioner and your workers' compensation insurer have agreed that the attorneys' fees be fixed at 25% of all past-due TTD benefits. 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. Any remaining portion of the withheld amounts will be refunded to you.

The Court is not bound by the agreement between the Petitioner and your workers' compensation insurer 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 30th day of August, 2016, in Helena, Montana, at 1:00 P.M. The hearing will be held in the courtroom of the Workers' Compensation Court, 1625-11<sup>th</sup> 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 August 23, 2016. *All oral and/or written comments should be limited to the proposed attorneys' fees.*

Dated in Helena, Montana, this 6th day of July, 2016.

  
HON. DAVID SANDLER

