

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 4671
Volume XXV

Missoula, Montana
July 27, 2016

CASSANDRA SCHMILL

Laurie Wallace

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Larry W. Jones

and

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2001-0300

A hearing came on this date at 10:00 a.m. The Honorable David M. Sandler, Judge of the Workers' Compensation Court, presided. Laurie Wallace represented Petitioner Cassandra Schmill. Todd Hammer represented Respondent Insurers as set forth below. The Court Reporter was David E. Hix.

The hearing was scheduled at the initiation of the Court to discuss Petitioner's Motion for Order to Show Cause against Respondent Insurers. After due consideration of the parties' positions, the Court **granted** Petitioner's motion. The Court advised it is ordering deadlines with the intention of closing this case in the early part of 2017.

Hammer provided status of each Respondent Insurer, and per concurrence by Wallace, the Court set deadlines as follows.

ASARCO – Quinlan L. O'Connor on behalf of the Department of Labor and Industry represents ASARCO, and status will be addressed in a separate proceeding.

Benefis Health Care – An electronic copy of the Affidavit was submitted to the Court on July 27, 2016, which triggered the discovery period.

Continental Casualty Co. – A stipulation for Implementation Plan and Order was filed on July 25, 2016. A computer search has not been performed. The Affidavit or other response is due **Monday, October 31, 2016**.

FH Stoltze Land & Lumber Co. – A stipulation for Implementation Plan and Order was filed on July 25, 2016. The first computer search has been completed and the adjusters are conducting a hand-search of the files. The Affidavit or other response is due **Friday, September 30, 2016**.

Golden Sunlight Mines Inc. – Hammer has not received a response to his inquiries. A status update is due **Friday, September 30, 2016**; the Affidavit or other response is due **Monday, October 31, 2016**.

Northwest Healthcare Corp. – The Affidavit was filed on July 1, 2016, which triggered the discovery period.

Northwestern Energy – A stipulation for Implementation Plan and Order was filed on July 25, 2016. The first computer search has been completed and the adjusters are conducting a hand-search of the files. The Affidavit or other response is due **Friday, September 30, 2016**.

Plum Creek Mgmt Co. LP, Plum Creek Timber Co. Inc., Plum Creek Timber Co. LP – Weyerhaeuser Companies purchased Plum Creek and switched adjusters from ESIS to Sedgwick Claims Management Services, Inc., on July 1, 2016. The Affidavits or other responses are due **Monday, October 31, 2016**.

Rosauers Supermarkets Inc. – A stipulation for Implementation Plan and Order was filed on July 25, 2016. The first computer search has been completed and the adjusters are conducting a hand-search of the files. The Affidavit or other response is due **Friday, September 30, 2016**.

Safeway Inc., Safeway Stores Inc. – Albertsons purchased Safeway and is now adjusted by Sedgwick Claims Management Services, Inc. Hammer has been in contact with Safeway's workers' compensation TPA oversight manager, but has been unsuccessful in making much progress, and may request allowances from the Court. A status update on Safeway's investigation is due **Friday, September 30, 2016**; the Affidavits or other responses are due **Monday, October 31, 2016**.

Transportation Insurance Co. (incorrectly referred to in Petitioner's motion as Transport Ins. Co.) is represented by Hammer. The Affidavit or other response is due **Monday, October 31, 2016**.

Wallace will contact Larry Jones to inquire whether he wants to participate in tomorrow's conference and, if so, will provide the Court with a list of Jones' Respondent Insurers.

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The Court will be issuing an Order Incorporating this minute entry.

Court adjourned at 10:20 a.m.

DAVID M. SANDLER
Judge

c: Parties of Record via Website

DMS/JP

Docket Item No. 670