

FILED

AUG 25 2016

LAURIE WALLACE
Bothe & Lauridsen, P.C.
P.O. Box 2020
Columbia Falls, MT 59912
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Attorneys for Petitioner/Schmill

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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 MOTION FOR
)	TELEPHONIC ATTORNEY FEE HEARING
LIBERTY NW INS. CORP.,)	
)	
Respondent/Insurer,)	
)	
and)	
)	
MONTANA STATE FUND,)	
)	
Intervenor.)	
_____)	

COMES NOW the Petitioner, CASSANDRA SCHMILL, by and through her attorney of record, and moves the Court to change the upcoming attorney fee hearing scheduled for August 30, 2016, at 1:00 PM from an in-person hearing to a telephonic hearing. Pursuant to the attached Affidavit, Petitioner's counsel has confirmed that none of the claimants who received *Schmill* benefits from Liberty NW Ins. Corp. and its affiliated insurers intend to object to the attorney fee request, whether in writing or in person. Since none of the claimants will be objecting to the attorney's fees, the Petitioner does not see the need for an in-person hearing. The Petitioner has discussed this motion with defense counsel and has been advised that the Respondent does not object.

DOCKET ITEM NO. 685

DATED this 23 of August, 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 23 day of August, 2016, I served a true and accurate copy of the PETITIONER'S MOTION FOR TELEPHONIC ATTORNEY FEE HEARING by U.S. mail, first class, postage prepaid to the following:

Mr. Larry Jones
WILLS LAW FIRM
323 W. Pine St.
Missoula, MT 59802

Robin Stephens
Robin Stephens

LAURIE WALLACE
Bothe & Lauridsen, P.C.
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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.)	AFFIDAVIT OF LAURIE WALLACE
)	
LIBERTY NW INS. CORP.,)	
)	
Respondent/Insurer,)	
)	
and)	
)	
MONTANA STATE FUND,)	
)	
Intervenor.)	
_____)	

STATE OF MONTANA)
 : ss.
County of Flathead)

I, LAURIE WALLACE, being first duly sworn, deposes and says:

1. According to prior pleadings filed by the Respondent in this case, the Respondent identified 14 claimants entitled to *Schmill* benefits from the files of Liberty NW Ins. Corp., and its affiliated insurers. Those 14 claimants are Kimberly Appel, Norma Cline, Johnny Flores, Donna Goldy, Cornelia Jones, Pamela Jones, Duane Kessel, Marlene

Martin, Greg Meyers, Darcy Potter, Sandy Samples, Doug Smith, Janice Sorenson, and Linda Sutich.

2. Of those 14 claimants, one was determined to be deceased (Norma Cline), and the checks from Liberty NW Ins. Corp. were returned in the claims of Cornelia Jones, Pamela Jones, and Linda Sutich.

3. Of the 10 claimants who received the Respondent's Notice of Attorney Fee Hearing mailed on July 12, 2016, 3 contacted me directly and advised me that they have no objections to the attorney fees. One was Duane Kessel, who also filed a notice to the Court that he did not object to the attorney fees. The second one was Marlene Martin who I spoke with on July 15, 2016, at which time she advised me that she has no objection to the attorney fees. The third one was Greg Meyers who contacted my office on July 18, 2016, and advised that he has no objection to the attorney fees.

4. I sent follow-up letters to the remaining 7 claimants on August 10, 2016. The letter directed to Johnny Flores was returned. (Ex. 1.) On August 15, 2016, I spoke with Kimberly Appel, Janice Sorenson, and Sandy Samples who all advised me that they have no objections to the attorney fees. On August 16, 2016, I spoke with Paul Toennis, who was Donna Goldy's attorney for the occupational disease claim. He advised me that Ms. Goldy has no objection to the attorney fees. Darcy Potter provided me with a written note stating that she has no objection to the attorney fees which I filed with the Court on August 19, 2016. Lastly, on August 22, 2016, I spoke with Doug Smith who advised me that he would not be filing an objection to the attorney fees.

FURTHER, your Affiant sayeth not.

DATED this 23 day of August, 2016.

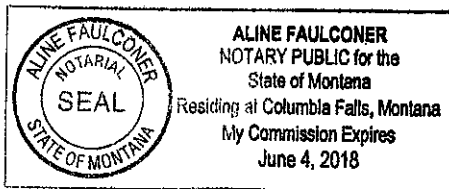
ATTORNEYS FOR PLAINTIFF

BOTHE & LAURIDSEN, P.C.
P.O. Box 2020
Columbia Falls, Montana 59912
Telephone: (406) 892-2193

By: *Laurie Wallace*
Laurie Wallace:

Subscribed and sworn to before me this 23 day of August, 2016.

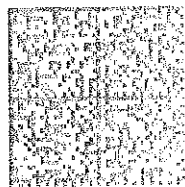
Aline Faulconer
Aline Faulconer
Notary Public for the State of Montana
Residing at Columbia Falls
My Commission Expires: 6/4/18



Bathe & Lauridsen, P.C.
Attorneys at Law
5 HIGHWAY 2 EAST
P.O. BOX 2020
COLUMBIA FALLS, MONTANA 59912

Mr. Johnny Flores
2808 Eaton St
Missoula, MT 59801

AUG 15 2016



060359075043
\$0.485
08/10/2016
Meter From 59912
US POSTAGE

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5991202020

BC: 59912202020

*2536-05800-10-43

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

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