

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANDRA M. SCHMILL

FEB 13 2004

Petitioner

vs.

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer.

ORDER REGARDING CLAIMS

- ¶1 Pursuant to the Stipulation Regarding Prospective Claims filed by counsel in this matter,
- ¶2 IT IS HEREBY ORDERED that the Stipulation is approved as to form and content.
- ¶3 SO ORDERED.

DATED in Helena, Montana, this 13th day of February, 2004.




JUDGE

c: Mr. Bradley J. Luck
Ms. Laurie Wallace
Mr. Larry W. Jones
Mr. Thomas E. Martello

Bradley J. Luck, Esq.
Thomas J. Harrington, Esq.
GARLINGTON, LOHN & ROBINSON, PLLP
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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA

CASSANDRA M. SCHMILL,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Respondent/Insurer.

WCC No. 2001-0300

**STIPULATION REGARDING
PROSPECTIVE CLAIMS**

COME NOW the parties, by and through counsel, and hereby stipulate as to the dates to use for prospectively implementing *Schmill v. Liberty Northwest Insurance Corporation*, WCC No. 2001-0300 and *Schmill v. Liberty Northwest Insurance Corporation*, 2003 MT 80, 315 Mont. 51, 67 P.3d 290. For prospective implementation purposes, the parties stipulate and agree that a claimant's entitlement date shall be the date a claimant's occupational disease is first diagnosed as work-related. Therefore, all claims arising out of occupational

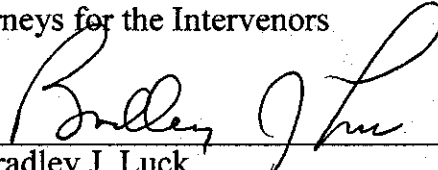
diseases which were first diagnosed as work-related on or after June 22, 2001, the date of the Workers' Compensation Court's decision in this matter, are considered prospective claims. Common fund fees are not payable on prospective claims.

DATED this 11 day of ~~December~~, ^{Feb} 2004, 2003.

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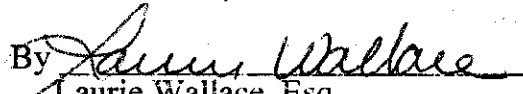
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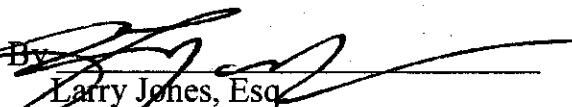
DATED this 8 day of ~~December~~, ^{January} 2004, 2003.

Bothe & Lauridsen
P.O. Box 2020
Columbia Falls, MT 59912

By 
Laurie Wallace, Esq.

DATED this 9 day of ~~December~~, ^{Feb} 2004, 2003.

Liberty Northwest Insurance Corp.
700 S.W. Higgins Ave., Suite 250
Missoula, MT 59803

By 
Larry Jones, Esq.