

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 3844
Volume XIX

Helena, Montana
April 26, 2007

DEBRA STAVENJORD

Thomas J. Murphy

vs.

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2000-0207

An in-person conference came on this date at 9:00 a.m., in Room 304 of the Montana State Fund Building, 5 South Last Chance Gulch, Helena, Montana 59601. The purpose of the conference was to discuss the State Fund's methodology for identification and notification of potential *Stavenjord* claimants and whether it is impracticable or impossible for this Court to comply with the Montana Supreme Court's remand order without the assistance of a Common Fund counsel. Thomas J. Murphy, counsel for Debra Stavenjord, participated as amicus curiae. Bradley J. Luck and Thomas E. Martello participated on behalf of Respondent. Nancy Butler, Kathy Gowen, Cris McCoy, and Bill Visser of the State Fund were also present. The court reporter was Julie Sampson.

Cris McCoy and Bill Visser were sworn and testified. Respondent presented a Power Point presentation outlining the State Fund's identification and notification techniques. Three exhibits were marked and made a part of the record: Exhibit 1 (a hard-copy version of the Power Point presentation); Exhibit 2 (a draft of the initial notification letter to potential *Stavenjord* claimants); and Exhibit 3 (a draft of a two-page *Stavenjord* Information Request questionnaire). Ms. McCoy and Mr. Visser testified as to their experience at the State Fund, their involvement in the *Stavenjord* and other common fund cases, the various data gathering and case management systems, the different queries and exclusions to those queries, and the procedures employed in identifying potential *Stavenjord* beneficiaries as well as the proposed method by which these potential beneficiaries may be notified. Ms. McCoy and Mr. Visser also fielded questions on these subjects from Mr. Luck, Mr. Murphy, and the Court.

A transcript of the conference will be made and, after review, the Court may direct clarification questions to the State Fund. Mr. Murphy may request leave to direct additional discovery questions to the State Fund or submit additional materials, after which the Court will determine whether such leave shall be granted.

The conference adjourned at 1:45 p.m.

JAMES JEREMIAH SHEA
Judge

Minute Entry e-mailed to parties of record on April 30, 2007.

JB

Docket Item No. 108