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**FILED**

**APR 21 2008**

OFFICE OF  
WORKERS COMPENSATION JUDGE  
HELENA, MONTANA

*Thomas J. Murphy, Attorney*  
*Charla K. Tadlock, Attorney*

*Lou Joi Poelman, Paralegal*  
*Sandra Gilbert, Paralegal*  
*Amanda Voytoski, Paralegal*

April 21, 2008

Honorable James Shea  
Workers Compensation Court  
P O Box 537  
Helena, MT 59624-0357

Via Fax & 1<sup>st</sup> Class Mail  
406-444-7798

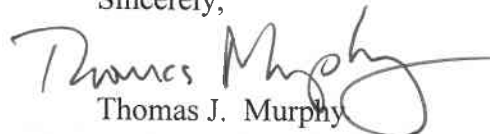
Re: Stavenjord v. Montana State Fund  
WCC No. 2000-2070 0207

Dear Judge Shea:

As you know, the State Fund is disregarding the *Stavenjord* Common Fund and attorney fee lien, because it is sending out letters directly to hundreds of potential *Stavenjord* claimants. I received a copy of Tom Martello's 4/18/08 letter to the Court, which included a "representative *Stavenjord* letter." Mr. Martello's letter asks potential *Stavenjord* claimants a number of legal questions, which should first be discussed with their own counsel before they are answered. Unfortunately, Mr. Martello's 4/18/08 letter implies to the Court that the "representative *Stavenjord* letter" is the only one being sent, but that is not the case. Here, I attach a 4/14/08 letter that the State Fund sent to Attorney Luke Faust incorrectly informing his *Stavenjord* client that there is a "final decision."

*Stavenjord* argues that it will be "impractical or impossible" to supervise the payment of *Stavenjord*-type benefits without common fund counsel. Therefore, *Stavenjord* asks this Court to uphold the attorney fee lien until the Montana Supreme Court conclusively rules on that issue in *Stavenjord III*. In the meantime, the State Fund should not be allowed to disregard the *Stavenjord* Common Fund and attorney fee lien.

Sincerely,

  
Thomas J. Murphy

TJM/ljp

enc. State Fund Letter to Attorney Faust - 4/14/08  
cc: Brad Luck - with enclosure by fax only - 406-523-2595  
Tom Martello - with enclosure by fax only - 406-444-6555

DOCKET ITEM NO. 120