

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0286

KELLY WILD

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

FILED

SEP 30 2003

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

WCC No. 2001-0294

MARK MATHEWS

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer.

NOTICE TO ALL MONTANA WORKERS' COMPENSATION INSURERS
AND PLAN 1 SELF INSURED

TO: ALL INSURERS PROVIDING WORKERS' COMPENSATION INSURANCE COVERAGE IN MONTANA AT ANY TIME SINCE JUNE 30, 1983, AS WELL AS ALL EMPLOYERS WHO HAVE SELF-INSURED PURSUANT TO PLAN 1 OF THE MONTANA WORKERS' COMPENSATION ACT, § 39-71-1101 ET SEQ., MCA, AT ANY TIME SINCE JUNE 30, 1983.

Please take notice that the petitioners in *Mathews v. Liberty Northwest Ins. Corp.*, WCC No. 2001-0294, and *Wild v. Montana State Fund*, WCC No. 2001-0286 now pending before this Court, are seeking to certify that class of respondents consisting of all insurers providing workers' compensation insurance coverage in Montana at any time since July 1, 1983, as well as all employers who have self-insured pursuant to Plan 1 of the Montana Workers' Compensation Act, § 39-71-1101 et seq., MCA, at any time since July 1, 1983.

The purpose of their request is to secure workers' compensation benefits for all workers injured in the course and scope of their employments since June 30, 1983, who would have been entitled to workers' compensation benefits but for the fact that they held Independent Contractor Exemptions under section 39-71-401(3), MCA (1993-2001), at the time of their injuries. Their request arises in light of Montana Supreme Court decisions in *Wild v. Montana State Fund*, 2003 MT 115 and *Mathews v. Liberty NW Ins. Corp.*, 2003 MT 116.

The Court will be receiving legal argument concerning the petitioner's request. If you wish an opportunity to submit argument and be heard, an attorney representing you must file a notice of appearance on your behalf with the Court no later than November 17, 2003. The appearance will be deemed to be for the limited purpose of opposing or supporting the request for class certification.

DATED in Helena, Montana, this 30th day of September, 2003



JUDGE