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November 19, 2003

FILED

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Honorable Mike McCarter
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624-0537

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

RE: Common Fund Cases
Stavenjord, Schmill, Rausch, Ruhd, Flynn, Lee Miller

Dear Judge McCarter:

I am in receipt of Tom Murphy's letter to you of November 11, 2003. I do not agree with his statements that he attributed to me or to the practices of Liberty.

As regards settlement of cases possibly impacted by Stavenjord and/or Schmill, I recently settled a case, with Jay Dufrechou, Hearing Examiner, in which the claimant acknowledged the existence of those cases in a decision to settle before the final resolution. The parties sent in a stipulation for entry of judgment in that case. Sutich v. Liberty Northwest Ins. Corp., WCC No. 2003-0765.

Tom's letter raises an issue that I have not heard discussed at the hearings you have held. Specifically, Tom may be claiming that cases impacted by Stavenjord and/or Schmill cannot be settled, if they are settled, that there has to be some type of carve out provision in the settlement covering the contingency of common fund attorney fees.

If you have any questions, please contact me.

Very truly yours,


Larry W. Jones

LWJ/cb

c: Laurie Wallace, Bradley J. Luck, Monte D. Beck, Greg E. Overturf, Geoffrey C. Angel,
Larry Anderson, David Hawkins, Stephen D. Roberts, Lon J. Dale, Rex Palmer, Thomas
J. Murphy