

IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

12/01/04

HON MIKE MCCARTER
WORKERS COMPENSATION CT
PO BOX 537
HELENA MT 59624-0537

0771
0222 ✓

NOTICE OF FILING

Case Number 04-797

MONTANA STATE FUND, Petitioner,
vs
WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA,
HONORABLE MIKE MCCARGER, WORKERS' COMPENSATION COURT JUDGE, Respondent,
and
ROBERT FLYNN and CARL MILLER, Individually and on Behalf of Others
Similarly Situated, Claimants,
and
LIBERTY NORTHWEST INSURANCE CORPORATION, Intervenor.

The DISTRICT COURT RECORD on appeal has been received and filed as of this date.

TRANSCRIPT received:

NO YES

APPELLANT'S FEE OF \$75.00 IS

PAID DUE NO FEE

The Appellant's Brief is due 30 days from the date above.

Sincerely,

ED SMITH
Clerk of the Supreme Court

1625 11th Avenue
P.O. Box 537
Helena, MT 59624-0537
(406) 444-7794
FAX (406) 444-7798
TDD (406) 444-0532



E-mail Clerk of Court at:
pkessner@state.mt.us

Court Web Site:
<http://wcc.dli.state.mt.us>

Workers' Compensation Court

Mike McCarter
Judge

December 1, 2004

Mr. Ed Smith
Clerk of Montana Supreme Court
Justice Building
215 No. Sanders
Helena, MT 59620-3003

Re: Robert Flynn and Carl Miller, Individually and on Behalf of Others
Similarly Situated vs. Montana State Fund and Liberty Northwest
Insurance Corporation
WCC No. 2000-0222 and WCC No. 2003-0771

Dear Mr. Smith:

Documents docketed with the Workers' Compensation Court in the above-entitled matter are listed on the following page(s). The entire original Workers' Compensation Court file is hand-delivered this date.

If you have any questions regarding this information please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia J. Kessner".

Patricia J. Kessner
Clerk of Court

PJK
c: Mr. Rex Palmer
Mr. Bradley J. Luck
Mr. Thomas E. Martello
Mr. Larry W. Jones
Enclosure

CERTIFICATION

I HEREBY CERTIFY that the attached is the full, true and original record in the office of the Workers' Compensation Court of the State of Montana in the case of **ROBERT FLYNN and CARL MILLER, Individually and on Behalf of Others Similarly Situated vs. MONTANA STATE FUND and LIBERTY NORTHWEST INSURANCE CORPORATION, WCC No. 2000-0222 and WCC No. 2003-0771.**

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Seal of the Workers' Compensation Court of the State of Montana. Dated in Helena, Montana this 1 day of December, 2004.

(SEAL)

PATRICIA J. KESSNER
Clerk of Court



Montana Workers' Compensation Court

11/30/2004

Page 1

WCC #: 2000-0222

Plan: 3

Petitioner: Robert Flynn
Respondent: Montana State Fund
3rd Party:
Employer: Salish Kootenai College

Petitioner's Attorney: Rex Palmer
Respondent's Attorney: Thomas E. Martello
Bradley J. Luck

3rd Party's Attorney:
Additional Attorney:

DOCKET

Date Filed	Description
1 10/30/2000	Petition For Hearing.
2 11/02/2000	Scheduling Order (1/15/01 MSO).
3 11/02/2000	~Clerk's Certificate Of Service.
4 12/06/2000	Response To Petition For Hearing.
5 12/11/2000	Petitioner's Witness & Exhibit List.
6 12/12/2000	Respondent's Notice Of Exchange.
7 01/19/2001	Notice Of Service.
8 01/24/2001	Agreed Statement Of Facts.
9 01/30/2001	Telephone Conference Call - Minute Book Hearing #3065.
10 02/02/2001	Statement Of Issues.
11 02/12/2001	Petitioner's Opening Brief.
12 02/20/2001	Respondent's Reply Brief.
13 02/27/2001	Petitioner's Reply Brief.
14 05/18/2001	Decision And Judgment.
15 05/31/2001	Notice Of Appeal (Petitioner).
16 06/01/2001	Clerk's Certificate Of Service (Notice Of Appeal).
17 06/05/2001	Amended Notice Of Appeal (Petitioner).

Montana Workers' Compensation Court

11/30/2004

WCC #: 2000-0222

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Plan: 3

Date Filed	Description
18 06/06/2001	Clerk's Certificate Of Service (Amended Notice Of Appeal).
19 07/10/2001	No Transcript Ordered, Submitted On Briefs.
20 07/10/2001	--Original Court File Hand Delivered To The Supreme Court.
21 08/10/2001	Mediator's Report.
22 12/09/2002	Supreme Court Decision (#813).
23 12/26/2002	Notice Of Attorneys' Lien.
24 12/26/2002	Remittitur Received From The Supreme Court.
25 01/29/2003	Original Court File Returned From The Supreme Court.
26 03/04/2003	Status Conference - Minute Book Hearing #3293.
27 03/17/2003	Notice Of Representation.
28 03/20/2003	Statement Of Scope Of Attorney's Lien.
29 03/31/2003	Transcript Of Proceedings (3/4/03).
30 04/17/2003	Motion For Stay And Direction On Implementation (Respondent).
31 05/02/2003	Petitioner's Response To Respondent's Motion For Stay And Direction On Implementation.
32 05/02/2003	Respondent's Brief Re: Common Fund Attorney Fees.
33 05/02/2003	State Fund's Answer Brief Regarding Retroactivity.
34 05/02/2003	--Affidavit Of Cristine E. McCoy.
35 05/02/2003	--Affidavit Of Marvin Kraft.
36 05/02/2003	--Affidavit Of Richard Root.
37 05/05/2003	Order Staying Retroactive Application Of Decision.
38 05/21/2003	State Fund's Brief Regarding Jurisdiction To Determine An Entitlement Date.
39 05/28/2003	Petitioner's Brief Regarding Jurisdiction To Determine An Entitlement Date.
40 06/04/2003	Petitioner's Brief Regarding Retroactivity And Common Fund.
41 06/10/2003	Order Permitting Amicus Briefs.

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11/30/2004

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WCC #: 2000-0222

Plan: 3

Date Filed	Description
42 07/11/2003	Amicus Brief Of Kelly Wild (Hunt/Foust).
43 07/11/2003	Amicus Curiae (Retroactivity And Remand Bar On Amending Petitions).
44 07/11/2003	Amicus Curiae Brief Of Laurie Wallace.
45 08/05/2003	Decision And Order Regarding Retroactivity And Attorney Fees.
46 09/25/2003	Confidentiality Agreement.
47 10/06/2003	Conference Call - Minute Book Hearing #3359.
48 10/06/2003	Notice Of Appeal (Respondent).
49 10/08/2003	Clerk's Certificate Of Service (Notice Of Appeal).
50 11/04/2003	Conference Call - Minute Book Hearing #3375.
51 11/10/2003	Joint Request To Delay Transmission Of Record.
52 11/14/2003	Order Delaying Transmission Of Record.
53 01/02/2004	Amended Notice Of Attorney's Lien.
54 01/05/2004	Original Court File, Transcript, Hand Delivered To The Supreme Court.
55 01/14/2004	Conference Call - Minute Book Hearing #3403.
56 02/05/2004	Supreme Court Decision (#832).
57 02/05/2004	Original Court File Returned From The Supreme Court.
58 02/12/2004	Notice Of Claim Of Attorney Lien.
59 02/12/2004	Clerk's Certificate Of Service (Notice Of Claim Of Attorney Lien).
60 02/24/2004	Certificate Of Mailing.
61 02/26/2004	Order Clarifying Global Lien.
62 03/19/2004	Settlement Agreement.
63 06/04/2004	Conference Call - Minute Book Hearing #3460.
64 09/21/2004	Conference Call - Minute Book Hearing #3500.
65 10/14/2004	Conference Call - Minute Book Hearing #3507.

Montana Workers' Compensation Court

WCC #: 2000-0222

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Date Filed	Description
66 10/21/2004	Motion To Intervene And Supporting Brief (Liberty NW).
67 10/21/2004	Affidavit of Larry W. Jones.
68 10/25/2004	Order Granting Motion To Intervene.
69 10/28/2004	Conference In Missoula - Minute Book Hearing #3518.
70 11/05/2004	Decision And Order Regarding Disclosure Of Claimant Information.
71 11/18/2004	Conference Call - Minute Book Hearing #3525.
72 12/01/2004	Original Court File Hand Delivered To The Supreme Court.

Montana Workers' Compensation Court

11/30/2004

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WCC #: 2003-0771

Plan: 3

Petitioner: Carl Miller, Individually And On Behalf Of Others Similarly Situated
Respondent: Montana State Fund
3rd Party:
Employer: William E. Farrell

Petitioner's Attorney: Rex Palmer
Respondent's Attorney: Thomas E. Martello
Bradley J. Luck

3rd Party's Attorney:
Additional Attorney:

DOCKET

Date Filed	Description
1 03/25/2003	Petition For Hearing.
2 03/26/2003	Scheduling Order (8/11/03 HLN).
3 03/26/2003	~Clerk's Certificate Of Service.
4 04/16/2003	Motion For Stay (Respondent).
5 04/29/2003	Petitioner's Brief In Opposition To Motion For Stay.
6 05/21/2003	Clerk's Certificate Of Service (Petitioner's Brief In Opposition To Motion For Stay).
7 05/23/2003	State Fund's Reply Brief In Support Of Motion For Stay.
8 05/30/2003	Order Consolidating And Requiring Response.
9 06/16/2003	Response To Petition For Hearing.
10 07/16/2003	Conference Call - Minute Book Hearing #3346.
11 07/17/2003	Order Vacating Scheduling Order.
12 01/14/2004	Conference Call - Minute Book Hearing #3403.
13 02/12/2004	Notice Of Claim Of Attorney Lien.
14 02/12/2004	Clerk's Certificate Of Service.
15 02/24/2004	Certificate Of Mailing.
16 02/26/2004	Order Clarifying Global Lien.
17 03/19/2004	Settlement Agreement.

Montana Workers' Compensation Court

WCC #: 2003-0771

Plan: 3

11/30/2004

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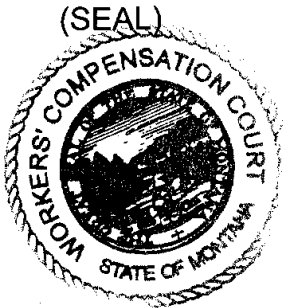
Docket

Date Filed	Description
18 10/28/2004	Conference In Missoula - Minute Book Hearing #3518.
19 11/05/2004	Decision And Order Regarding Disclosure Of Claimant Information.
20 11/18/2004	Conference Call - Minute Book Hearing #3525.
21 12/01/2004	Original Court File Hand Delivered To The Supreme Court.

CERTIFICATION

I HEREBY CERTIFY that the attached is the full, true and original record in the office of the Workers' Compensation Court of the State of Montana in the case of **ROBERT FLYNN and CARL MILLER, Individually and on Behalf of Others Similarly Situated vs. MONTANA STATE FUND and LIBERTY NORTHWEST INSURANCE CORPORATION, WCC No. 2000-0222 and WCC No. 2003-0771.**

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Seal of the Workers' Compensation Court of the State of Montana. Dated in Helena, Montana this 1 day of December, 2004.



PATRICIA J. KESSNER
Clerk of Court

IN THE SUPREME COURT OF THE STATE OF MONTANA

THE OFFICE OF THE CLERK OF SUPREME COURT

HELENA, MONTANA 59620-3003

11/26/04

HON MIKE MCCARTER
WORKERS COMPENSATION CT
PO BOX 537
HELENA MT 59624-0537

NOTICE OF FILING

Case Number 04-797

MONTANA STATE FUND, Petitioner,

vs

WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA,
HONORABLE MIKE MCCARGER, WORKERS' COMPENSATION COURT JUDGE, Respondent,
and

ROBERT FLYNN and CARL MILLER, Individually and on Behalf of Others
Similarly Situated, Claimants,

and

LIBERTY NORTHWEST INSURANCE CORPORATION, Intervenor.

A PETITION/APPLICATION for a writ of:

 HABEAS CORPUS
 MANDAMUS
 X SUPERVISORY CONTROL
 EXTRAORDINARY RELIEF
 PROHIBITION
 OTHER

has been received and filed on the above date.

APPEARANCE FEE OF \$75.00 IS PAID DUE X *No Fee* ~~FORMA PAUPERIS APPLICATION.~~

Sincerely,

ED SMITH
Clerk of the Supreme Court