FILED

Thomas A. Marra MARRA, SEXE EVENSON & BELL, P.C. 2 Railroad Square, Suite C P. O. Box 1525

Great Falls, Montana 59403-1525 Telephone: (406) 268-1000

Facsimile: (406) 761-2610

Affidavit of Counsel- Page 1

Direct e-mail: tmarra@marralawfirm.com

NOV 1 4 2008

OFFICE OF WORKERS COMPENSATION JUDGE HELENA MONTANA

(Attorneys for Respondents/Insurers Travelers Casualty & Surety Co.; Travelers Indemnity Co.; Travelers Indemnity Company of America; and Travelers Indemnity Company of Connecticut)

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al., Petitioners,	) ) ) WCC No. 9907-8274R1
( Guidonoro;	
VS.	
MONTANA STATE FUND,	
Respondent/Insurer,	) ) )
and	
THE TRAVELERS COMPANIES,	) )
Respondents/Insurers.	,
AFFIDAVIT OF COUNSEL RE: CO AND STATUS	ONFIRMATION OF NOTICE TO CLAIMANTS OF ANY OBJECTIONS
STATE OF MONTANA ) : ss. County of CASCADE )	
1. Affiant, Thomas A. Marra	a, duly deposes and says:

DOCKET ITEM NO. 358

- That affiant is an attorney of record in the above captioned matter. 2.
- Affiant is an attorney licensed to practice law in the State of Montana. 3.
- Affiant, pursuant to the parties', "Settlement Stipulation Re: Common Fund 4. Attorneys' Fees Withheld by the Travelers Companies", hereby presents this Affidavit pursuant to ¶3 of said Stipulation.
- That affiant sent notice to the affected claimants, Lawrence Dormady and 5. Oscar Dominguez, by certified mail on October 21, 2008. (See attached exhibits 1, 2, respectivelly).
- Three weeks have passed since the notification to the affected claimants 6. was sent by certified mail, returned receipt requested, and there have been no objections presented to affiant.

Further, affiant sayeth not.

DATED this 13 1/2 day of November, 2008.

(Attorneys for Respondent/Insurers The

Travelers Companies and Casualty Ins. Co.)

worn to before me this  $13\frac{1}{12}$  day of November, 2008.

(SEAL)

Notark Public for the State of Montana

Residing at **Great Falls** 

My Commission Expires: 9/12/20

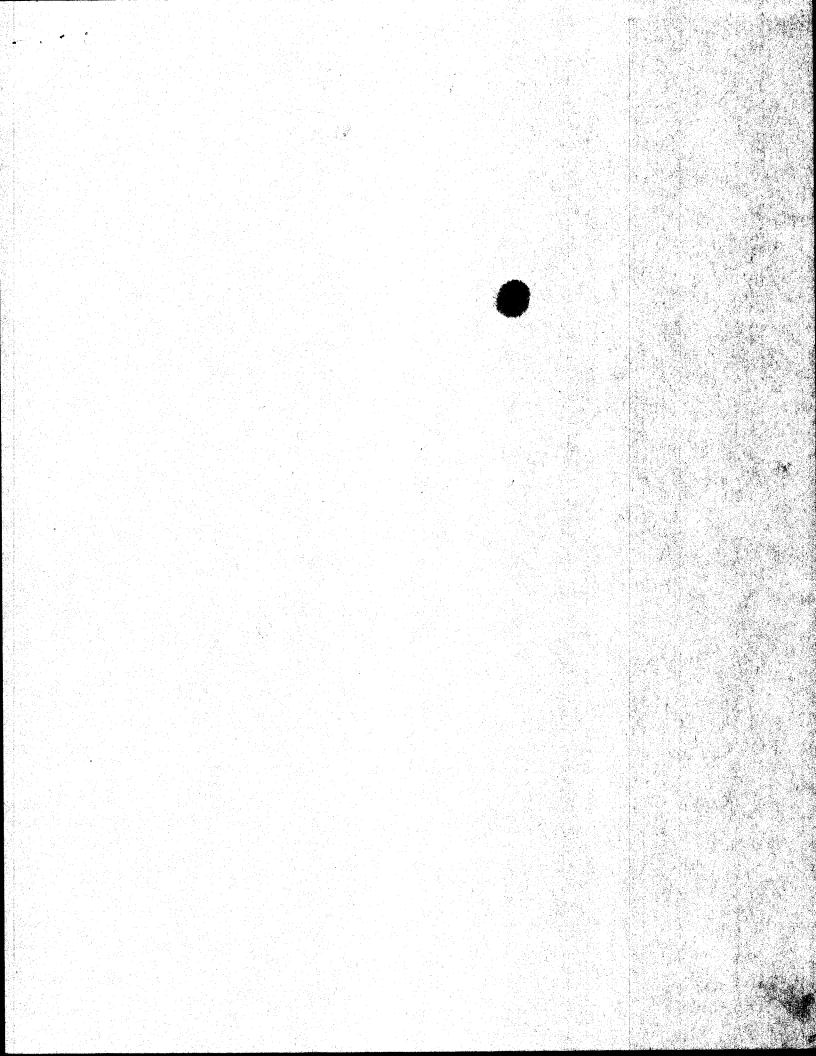
## **CERTIFICATE OF MAILING**

I, the undersigned, do hereby certify that a copy of the within and foregoing AFFIDAVIT OF COUNSEL RE: CONFIRMATION OF NOTICE TO CLAIMANTS AND STATUS OF ANY OBJECTIONS was mailed on the 13.10 day of November, 2008, at Great Falls, Montana, and directed to the following:

Monte D. Beck, Esq. Beck & Amsden, PLLC 1946 Stadium Drive, Suite 1 Bozeman, MT 59715 (Attorneys for Petitioner Fish) Stephen D. Roberts, Esq. 1700 W. Koch, Suite 5 Bozeman, MT 59715 (Attorney for Petitioner Frost)

Lon J. Dale, Esq. Milodragovich, Dale Steinbrenner & Binney, P.C. P.O. Box 4947 Missoula, MT 59805-4947 (Attorneys for Petitioner Rausch)

Diane R. Dahlman



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Linda M. Decker
Stanlee A. Dull
Carey A. Richardson
Accounts:
Joanne Berczyk

October 21, 2008

# CERTIFIED MAIL RETURN RECEIPT REQUESTED

Lawrence Dormady 327 Tenth Avenue S.W. Great Falls, MT 59404

RE: Notification of attorneys fees claimed.

Dear Mr. Dormady:

Please be advised that we represent The Travelers Companies with regard to the workers' compensation issues from the case of *Rausch v. Montana State Fund*. As a result of the *Rausch* decision by the Montana Supreme Court you became entitled to additional permanent partial disability benefits. Seventy five percent of those benefits were previously paid to you and 25% were withheld, as the attorneys, that were involved in the "common fund" case on behalf of all similarly situated claimants, were found to have an entitlement to the fees for the services that they have provided.

While 25% of the benefits were originally withheld, the common fund attorneys have since determined that they will only retain 10% rather than the full 25%, which results in a common fund attorney fee of \$1,662.50. The remaining balance, of \$2,493.75 will be paid directly by The Travelers Companies to you.



Lawrence Dormady October 21, 2008 Page 2

As a result of this notice, you have three weeks from the date stated on this notice to file a written objection with the Workers' Compensation Court and our offices, regarding the benefits that will be paid to you and the fees that will be paid to the common fund attorneys. The Workers' Compensation Court's mailing address is P.O. Box 537, Helena, MT 59624-0537. The Court's telephone number is (406)444-7794. Our office address is 2 Railroad Square, Suite C. Our telephone number is (406)268-1000.

If, you have no objection, then, after the three weeks have passed for the written objection to be provided to the Workers' Compensation Court and our offices, we will confirm with the Court that there has been no objection and, upon an order from the Workers' Compensation Court, the fees, noted above, shall be paid to the common fund attorneys. You will also receive the balance, as noted above, for the remaining permanent partial disability benefits.

Sincerely yours,

Marra, Sexe, Evenson & Bell, P.C.

Thomas A. Marra

E-mail:tmarra@marralawfirm.com

TAM/drd

U.S. Postal Service TIM
CERTIFIED MAIL TIM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.coms
Postage
For delivery information visit our website at www.usps.coms
Postage
Return Recipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees

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327 1071 AUC 5.0.

Siriest, Apt. No.
327 1071 AUC 5.0.

City, State, 219-44
City, State, 219-44

City, State, 219-44

City, State, 219-44

Corporate Fees

RECEIPT

Postmark
Here

Siriest, Apt. No.
327 1071 AUC 5.0.

7004 0750 0000 5509 4200

PS Form 3811, February 2004 Domestic F	2. Article Number 7004			■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  \$ 27 Term are 5. W.  6 reart Fails, mat 54404	SENDER: COMPLETE THIS SECTION
Domestic Return Receipt 102595-02-M-1540	7004 0750 0000 S509 420 <b>0</b>	4. Restricted Delivery? (Extra Fee) ☐ Yes	3. Service Type  Certified Mail	A. Signature  A. Signature  A. Signature  A. Signature  A. Algorithm (Lange)  B. Received by (Printed Name)  C. Date of Delivery  (0-22-08)  D. Is delivery address different from Item 1?   Yes  If YES, enter delivery address below:   No	COMPLETE THIS SECTION ON DELIVERY

	할 것 같습니다. 이 사람들은 내용 사람들이 되었다. 그는 사람들은 사람들이 함께 바다 되었다.	
William Co		
4	나는 것이 있었다. 이 이 이 아는 나라면 고하는데 하는데 하는데 하는데 하는데 화를 다녔다.	
	불인 기업을 보고 하면 되고 있는데 지역하다 하는데 하는데 하는데 살으로 하는데 하고 있다면 사람이 없다.	
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	일 마다 아들 생님, 아일 아니는 이 얼마는 아내는 이 나는 이 사이를 하는 나는 이 바로 가고 흔들었다.	
	화장 시설을 향하는 안소지되었다. 그는 그 지지 않고 하는 이 그는 것은 이 관측 항상을 모르겠다.	
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	발전 등 인터스 5대 (1995년 - H. ) 전인의 회교 이번 역시 (1995년 - H. ) 사회 전에 유명하는 유명 중국 (1995년 - H. )	
	나 그는 것 같은 것 같은 네트리아 아니다. 말하실 하는 그리고 하는 데 그리고 하는 그리는 것 같은 경우를 하나 되었다.	
	그는 사람들이 이번 보다 이상을 만들었다. 이 그는 사람들이 하면 모든 토토를 통해 보다.	
	돌아 그리, 마이트 열 말하다. 그리자가 작동하는 데 그리는 그 나는 그 그 모이라는 속을 깨끗 생각하고	
Sin dia		
	회사가 하는 아니라, 사람 사람들은 학교들이 되는 것이 되고 있다. 이번 이번 대상품을 밝혀 밝혀 가를	
	불어보고 하는 가장 말이 된다면서 아이라고 하고 그리고 하는 사람이 바로를 받아냈다.	
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	[발생님: 그 사람이 다른 보고 하고 있는 사이트 이 보고 있는 사람들이 바다를 받았다.] 	
	돌아이 아름은 이 없는 이 살이지를 받아 되었다. 그리고 아이는 아이를 가져져져져져져 되었다.	
	할 마음이 있으로 있었다. 그는 인상이 안 된 마시간이 되는 사고에 이라는 사고 한다. 사람이 사람들이 사용하는 것이다.	
	를 하는 보고 하는 사람들은 사람이 되고 있는데 하는 사람들이 하고를 설명하는 것을 되었다.	
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	를 받는데 하는 그들은 일이 얼마하면 이번 시간 사람들이 가는 하는 이 사는 말을 모양하고 밝혔다면 했다.	
		A CONTRACTOR OF THE CONTRACTOR

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Barbara E. Bell Kirk D. Evenson Alice Q. Hosley\* Antonia P. Marra Joseph R. Marra Thomas A. Marra Sara R. Sexe

\*Also Admitted in Colorado

October 21, 2008

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Legal Assistants:
Diane R. Dahlman
Linda M. Decker
Stanlee A. Dull
Carey A. Richardson
Accounts:
Joanne Berczyk

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Oscar Dominguez 1403 Avenue C. Billings, MT 59102

RE: Notification of attorneys fees claimed.

Dear Mr. Dominguez:

Please be advised that we represent The Travelers Companies with regard to the workers' compensation issues from the case of *Rausch v. Montana State Fund*. As a result of the *Rausch* decision by the Montana Supreme Court you became entitled to additional permanent partial disability benefits. Seventy five percent of those benefits were previously paid to you and 25% were withheld, as the attorneys, that were involved in the "common fund" case on behalf of all similarly situated claimants, were found to have an entitlement to the fees for the services that they have provided.

While 25% of the benefits were originally withheld, the common fund attorneys have since determined that they will only retain 15% rather than the full 25%, which results in a common fund attorney fee of \$1,267.61. The remaining balance, of \$845.08 will be paid directly by The Travelers Companies to you.



Oscar Dominguez October 21, 2008 Page 2

As a result of this notice, you have three weeks from the date stated on this notice to file a written objection with the Workers' Compensation Court and our offices, regarding the benefits that will be paid to you and the fees that will be paid to the common fund attorneys. The Workers' Compensation Court's mailing address is P.O. Box 537, Helena, MT 59624-0537. The Court's telephone number is (406)444-7794. Our office address is 2 Railroad Square, Suite C. Our telephone number is (406) 268-1000.

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Sincerely yours,

Marra, Sexe, Evenson & Bell, P.C.

Thomas A. Marra

E-mail:tmarra@marralawfirm.com

TAM/drd

# CERTIFIED MAIL. RECEIPT

7004 0750 0000 5509 4217 Return Reciept Fee (Endorsement Required) Street, Apt. No.; or PO Box No. Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ \$32 For delivery information visit our website at www.usps.com Certified Fee Postage \$ Scar Dmingue 2 Postmark Here

PS Form 3811, February 2004 Domestic Return Receipt	2. Article Number 7004 7004	D. 11, may 5, mat 59102	1. Article Addressed to:  DSCOC Dominauez  1403 Avenue C	<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mallpiece, or on the front if space permits.</li> </ul>	SENDER: COMPLETE THIS SECTION
urn Receipt 102595-02-M-1540	7004 0750 0000 5509 HZ17	3. Service Type  Certified Mail	If YES, enter delivery address below:	A. Signature  X (Printed Name)  B. Received by (Printed Name)  C. Date of Delivery  (Printed Name)  C. Date of Delivery  (Printed Name)  (Printed Name)	COMPLETE THIS SECTION ON DELIVERY

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Carey A. Richardson
Accounts:
Joanne Berczyk

## TRANSMITTAL LETTER

November 13, 2008

Clara Wilson Clerk of Court Workers' Compensation Court P.O. Box 537 Helena, MT 59624-0537

Re:

Travelers Common Fund WCC No. 9907-827-4R1

### PLEASE:

[ <b>X</b> ] [ <b>X</b> ] [ <b>I</b> ]	File or record Present to the Judge Return a conformed copy Call for an appointment Review, sign and return Other:		Per your request For your information For your file Payment enclosed Review and call
--	--	--	--

Message: Enclosed please find an original and copy of Affidavit of Counsel RE: Confirmation of Notice to Claimants and Status of any Objections and Settlement Stipulation RE: Common Fund Attorneys' Fees withheld by the Travelers Companies. Please have the Judge sign the Settlement Stipulation. Please file and return a copy to our office in the enclosed self addressed stamped envelope. Please contact our office should you have any questions. Thank you.

Very truly yours,

Marra, Sexe, Evenson & Bell, P.C.

Diane R. Dahlman

Diane R. Dahlman Legal Assistant to Thomas A. Marra