

widow of John P. Murphy, Jr., after Norm Grosfield, attorney for MACo Workers' Compensation Trust, confirmed that the monies withheld could be disbursed to Mr. Murphy's widow.

Confirmation has been received by Return Receipt of Certified Mail that each individual received their "Notice of Common Fund Attorneys Fees Withheld from Workers' Compensation Award." The twenty (20) day time period has expired for all except Ettore Salvatore, whose time period expires May 10th. No requests for hearing have been received by this office to date.

Attached are copies of the Notice letters sent to the claimants and the dated return receipts showing when the Notices were deemed served.

Attached also is a copy of a letter to Norm Grosfield, Attorney for MACo Workers' Compensation Trust requesting disbursement of funds to the claimants whose twenty day time period for filing a request for hearing has expired. Norm Grosfield will be notified on May 11th, if no request for hearing has been received by Mr. Salvatore, and will be requested to disburse Mr. Salvatore's withheld workers' compensation award and the common fund attorneys' fees, pursuant to stipulation and order.

DATED this 6th day of May, 2010.

BECK & AMSDEN, PLLC
1946 Stadium Drive, Suite 1
Bozeman, MT 59715
Telephone: (406) 586-8700
Attorneys for Petitioner Fisch

STEPHEN D. ROBERTS, ESQ.
1700 W. Koch St. Ste. 5
Bozeman, MT 59715
Telephone: (406) 586-3100
Attorney for Petitioner Frost

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.
P.O. Box 4947
Missoula, MT 59806-4947
Telephone: (406) 728-1455
Attorneys for Petitioner Rausch

By: _____


Lon J. Dale

c: Norm Grosfield
Stephen Roberts
Monte Beck



MILODRAGOVICH, DALE
STEINBRENNER & NYGREN, P.C.

ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
CHRISTIAN T. NYGREN
G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN

PERRY J. SCHNEIDER
CORY R. GANGLE
W. ADAM DUERK
PHILIP B. CONDRA
GIOVANNA M. MCLAUGHLIN
CHRISTOPHER DECKER

E-Mail: lon@bigskylawyers.com

May 6, 2010

Norm Grosfield, Esq.
GROSFIELD LAW FIRM
P.O. Box 5015
Helena, MT 59704-5015

RE: Rausch Common Fund Attorneys' Fees
Our File No. 6654/5

Dear Norm:

Please be advised that we have received confirmation of receipt of notice of common fund attorneys fees from all of the claimants. The twenty (20) day time period has expired for all except Ettore Salvatore, whose time period expires May 10th. In the interim, however, we would ask you to process payments for those whose time has expired and have not requested a hearing. Those individuals are Rand Elliot Booth, Allen E. Lawson, John P. Murphy, Jr. and Irvin L. Naasz. The amount to be paid out to each individual is set forth in the chart below:

Name	Amount of Award	Attorney Fees Withheld by MACo	Common Fund Attorney Fees Owed	Balance Due Claimant
Booth, Rand Elliot	\$5,985.00	\$897.75	\$897.75	\$0.00
Lawson, Allen E.	\$15,890.00	\$3,972.50	\$2,383.50	\$1,589.00
Murphy, John P., Jr. (Deceased)	\$23,815.75	\$5,953.93	\$3,572.36	\$2,381.57
Naasz, Irvin L.	\$37,341.50	\$5,164.25	\$3,734.15	\$1,430.10
Ettore, Salvatore	\$13,860.00	\$3,465.00	\$2,079.00	\$1,386.00

As Mr. John P. Murphy, Jr., is deceased, I called his wife, Colleen Murphy, to explain the situation. She agreed to accept notice on behalf of her deceased husband. Her twenty (20) day

Norm Grosfield, Esq.
May 6, 2010
Page 2

period for requesting a hearing expired April 28, 2010. Please pay the amount retained from Mr. Murphy's impairment to his widow, Colleen Murphy, at the address you previously provided this office for Mr. Murphy.

Attached are copies of the Return Receipts for the notices sent by certified mail to each of the individuals.

If Mr. Salvatore has not filed an objection by Tuesday, May 11th, then the specified funds for his claim should also be distributed. I will notify you if any objection is received from Mr. Salvatore. Assuming there is no objection from Mr. Salvatore, please send a check in the amount of \$12,666.76 made payable to MDS&N Trust Account for the common fund attorneys fees. I will send Monte and Stephen their share, after reimbursement to MDSN&N for postage associated with sending the certified letters.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.



Len J. Dale

kwp

Enclosure

c: Monte D. Beck
Stephen J. Roberts

SENDER: COMPLETE THIS SECTION

- 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:

RAND ELLIOT BOOTH
7632 RT 111
MORGAN VT 05853

2. Article Number

(Transfer from service label)

7009 0080 0001 3536 5797

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Rand Booth* Agent
 Addressee

B. Received by (Printed Name)

RAND E BOOTH

C. Date of Delivery

4/12/10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

RECEIVED 4/15/10

DATE 5/2/10

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- 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:

ALLEN E LAWSON
588 THOMSEN AVENUE
DILLON MT 59725

2. Article Number

(Transfer from service label)

7009 0080 0001 3536 5766

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Allen Lawson* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

RECEIVED APR 08 2010

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- 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:

COLLEEN D MURPHY
18 THIRD AVE SW
CUT BANK MT 59427

2. Article Number

(Transfer from service label)

7009 0080 0001 3536 5803

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Colleen Murphy* Agent
 Addressee

B. Received by (Printed Name)

Colleen Murphy

C. Date of Delivery

4-5-10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

RECEIVED APR 09 2010

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- 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:

**IRVIN L NAASZ
PO BOX 25
HARLOWTOWN MT 59036**

2. Article Number

(Transfer from service)

7009 0080 0001 3536 5780

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Irvin L Naasz*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

4/7/10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

RECEIVED APR 08 2010

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- 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:

**ETTORE SALVATORE
28 PINE NEEDLE LANE
CASCADE MT 59421**

2. Article Number

(Transfer from service)

7009 0080 0001 3536 5773

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *ETTORE SALVATORE*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

ETTORE SALVATORE

4/20/10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

RECEIVED APR 20 2010

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
CHRISTIAN T. NYGREN
G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN

PERRY J. SCHNEIDER
CORY R. GANGLE
W. ADAM DUERK
PHILIP B. CONDR
GIOVANNA M. McLAUGHLIN
CHRISTOPHER DECKER
E-Mail: lon@bigskylawyers.com

April 6, 2010

Rand Elliot Booth
7632 Rt 111
Morgan VT 05853

Sent by Certified Mail #7009 0080 0001 3536 5797

NOTICE OF COMMON FUND ATTORNEYS' FEES
WITHHELD FROM WORKERS' COMPENSATION AWARD

RE: Montana Association of Counties (MACo) Workers' Compensation Impairment Award
Rausch Common Fund Attorneys Fees
Our File No. 6654/5

Dear Mr. Booth:

As a result of a decision by the Montana Supreme Court on September 5, 2002, in *Rausch, et al., Petitioners, v. Montana State Fund, Respondent/Insurer*, WCC 9907-8274R1, petitioners established the right of permanently totally disabled workers' compensation claimants to receive an impairment award. You have been identified as a claimant who has received such an award, pursuant to the Supreme Court's decision.

As the petitioners in this case established the legal precedent for the immediate payment of the impairment awards to permanently totally disabled claimants, the Montana Supreme Court has determined that attorneys' fees are payable from the impairment awards obtained for claimants who suffered work injuries from the period of July 1, 1991, to September 5, 2002. The petitioners in *Rausch, et al.* were represented by Monte Beck, Stephen Roberts and myself. We are the common fund attorneys.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer (MACo), withheld 15% of your impairment award in order to pay the attorneys' fees incurred by Petitioners. State workers' compensation law allows 25% for attorneys' fees. As the common fund attorneys, however, we have agreed that attorneys fees in the common fund cases be fixed at the rate of 15% of the impairment awards, therefore, a common fund

Rand Elliot Booth
April 6, 2010
Page 2

attorneys' fee in the amount of \$897.75 (15%) was withheld from your impairment award of \$5,985.00.

If you object to the amount of common fund attorneys' fees that were withheld from your impairment award, you must file a written objection to payment of the common fund attorneys within twenty (20) days of your receipt of this notice. (See copy of Judge Shea's March 30, 2010, Order, enclosed)

If you object, you are to send a written statement supporting your objection within 20 days of receipt of this notice to both my office and the Workers' Compensation Court at the following addresses:

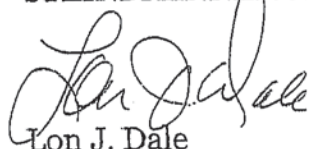
Workers' Compensation Court and to: Lon J. Dale
RE: Rausch Common Fund Milodragovich, Dale, Steinbrenner & Nygren, PC
P.O. Box 537 P.O. Box 4947
Helena, MT 59624-0537 Missoula, MT 59806-4947

If an objection is filed the Court will schedule a hearing for you to appear and present your objection to the Court. If no objection is filed, the attorneys' fees identified will be paid.

If you have questions, please feel free to contact me at 406-728-1455.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.



Lon J. Dale
Common Fund Attorney

kwp
Enclosure

c: Norman Grosfield, Attorney for MACo Workers' Compensation Trust
 Monte Beck, Common Fund Attorney
 Stephen Roberts, Common Fund Attorney

FILED

MAR 30 2010

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al.,)	WCC No. 9907-8274R1
)	
Petitioner,)	
)	ORDER FOR NOTICE OF
-vs-)	STIPULATION FOR COMMON
)	FUND ATTORNEYS FEES
MONTANA STATE FUND, et al.)	
)	
Respondent.)	

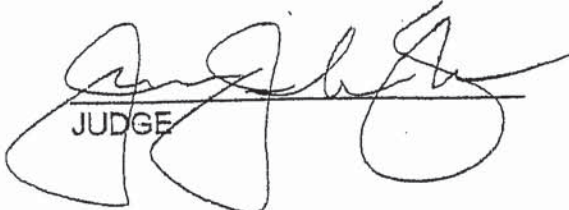
IT HEREBY ORDERED that based upon the Settlement Stipulation Re Common Fund Attorneys' Fees Withheld by Montana Association of Counties' Workers' Compensation Trust (MACOWCTr), notice will be sent to claimants identified in the Stipulation advising the claimants of the common fund attorneys' fees withheld from their workers' compensation claims and the proposed distribution of those fees.

IT IS THEREFORE ORDERED that:

1. Notice will be sent by certified, return-receipt mail to the claimants at the addresses provided by MACOWCTr within ten (10) days of the date of this order by Lon J. Dale, Milodragovich, Dale, Steinbrenner & Nygren, P.C., as representative of the common fund attorneys.
2. The notice will inform the claimants that they must file a written objection to distribution of payments as set forth in the stipulation within twenty (20) days of receipt of the notice by certified mail. The written objection is to be mailed to this Court and to the common fund attorneys, c/o Lon J. Dale, with the addresses to be provided in the notice.
3. If any objection is filed with this court or with the common fund attorneys within the twenty day time period, this court will schedule a hearing for the objector(s) to appear and present their objections to this Court.
4. If no objection is filed within the time period specified, MACOWCTr is ordered to distribute the funds as set forth in the Stipulation of record.

5. The common fund attorneys shall provide a status report regarding compliance with the Order within thirty (30) days of this order.

DATED this 30th day of March, 2010.


JUDGE

c: Norm Grosfield
Monte Beck
Stephen Roberts
Lon Dale



ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
CHRISTIAN T. NYGREN
G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN

PERRY J. SCHNEIDER
CORY R. GANGLE
W. ADAM DUERK
PHILIP B. CONDRA
GIOVANNA M. MCLAUGHLIN
CHRISTOPHER DECKER

E-Mail: lon@bigskylawyers.com

April 6, 2010

Allen E. Lawson
588 Thomsen Avenue
Dillon, MT 59725

Sent by Certified Mail # 7009 0080 0001 3536 5766

**NOTICE OF COMMON FUND ATTORNEYS' FEES
WITHHELD FROM WORKERS' COMPENSATION AWARD**

RE: Montana Association of Counties (MACo) Workers' Compensation Impairment Award
and Rausch Common Fund Attorneys Fees
Our File No. 6654/5

Dear Mr. Lawson:

As a result of a decision by the Montana Supreme Court on September 5, 2002, in *Rausch, et al., Petitioners, v. Montana State Fund, Respondent/Insurer*, WCC 9907-8274R1, petitioners established the right of permanently totally disabled workers' compensation claimants to receive an impairment award. You have been identified as a claimant who has received such an award, pursuant to the Supreme Court's decision.

As the petitioners in this case established the legal precedent for the immediate payment of the impairment awards to permanently totally disabled claimants, the Montana Supreme Court has determined that attorneys' fees are payable from the impairment awards obtained for claimants who suffered work injuries from the period of July 1, 1991, to September 5, 2002. The petitioners in *Rausch, et al.* were represented by Monte Beck, Stephen Roberts and myself. We are the common fund attorneys. State workers' compensation law allows 25% for attorneys' fees.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer, (MACo), withheld 25% of your impairment award in order to pay the attorneys' fees incurred by Petitioners. We, the common fund attorneys, have agreed that the common fund attorneys' fee be at the rate of 15% and, therefore, a common fund attorneys' fee in the amount

Allen E. Lawson
April 6, 2010
Page 2

of \$2,383.50 is due. As \$3,972.50 was withheld from your impairment award (25%), MACo will refund \$1,589.00 after payment of the common fund attorneys' fees.

If you object to the amount of common fund attorneys' fees that were withheld from your impairment award, you must file a written objection to payment of the common fund attorneys' within twenty (20) days of your receipt of this notice. (See copy of Judge Shea's March 30, 2010, Order, enclosed)

If you object, you are to send a written statement supporting your objection within 20 days of receipt of this notice to both my office and the Workers' Compensation Court at the following addresses:

Workers' Compensation Court
RE: Rausch Common Fund
P.O. Box 537
Helena, MT 59624-0537

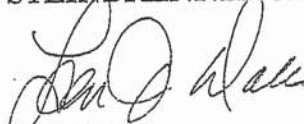
Lon J. Dale
Milodragovich, Dale, Steinbrenner & Nygren, PC
P.O. Box 4947
Missoula, MT 59806-4947

If an objection is filed, the Court will schedule a hearing for you to appear and present your objection to the Court. If no objection is filed within the 20 days, the common fund attorneys' fees will be paid and the balance of the amount withheld will be sent to you.

If you have questions, please feel free to contact me at 406-728-1455.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.



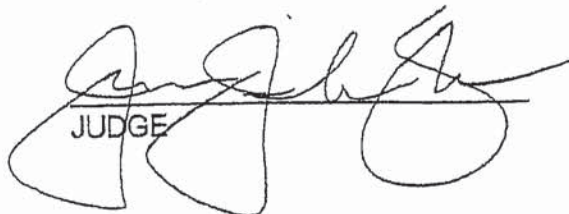
Lon J. Dale
Common Fund Attorney

kwp
Enclosure

c: Norman Grosfield, Attorney for MACo Workers' Compensation Trust
Monte Beck, Common Fund Attorney
Stephen Roberts, Common Fund Attorney

5. The common fund attorneys shall provide a status report regarding compliance with the Order within thirty (30) days of this order.

DATED this 30~~th~~ day of March, 2010.


JUDGE

c: Norm Grosfield
Monte Beck
Stephen Roberts
Lon Dale



MILODRAGOVICH, DALE
STEINBRENNER & NYGREN, P.C.

ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
CHRISTIAN T. NYGREN
G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN

PERRY J. SCHNEIDER
CORY R. GANGLE
W. ADAM DUERK
PHILIP B. CONDRA
GIOVANNA M. MCLAUGHLIN
CHRISTOPHER DECKER

E-Mail: lon@bigskylawyers.com

April 7, 2010

Colleen D. Murphy
18 Third Ave SW
Cut Bank, MT 59427

Sent by Certified Mail #7009 0080 0001 3536 5803

**NOTICE OF COMMON FUND ATTORNEYS' FEES
WITHHELD FROM WORKERS' COMPENSATION AWARD**

RE: John P. Murphy, Jr., Deceased
Montana Association of Counties (MACo) Workers' Compensation Impairment Award
Rausch Common Fund Attorneys Fees
Our File No. 6654/5

Dear Mrs. Murphy:

This letter is sent in conjunction with our recent phone call. It is my understanding that your husband has passed away. We have received permission from his workers' compensation insurer to contact you. The insurer is also agreeable to making payment to you in lieu of your deceased husband. This letter is intended to explain the reason we are contacting you.

As a result of a decision by the Montana Supreme Court on September 5, 2002, in *Rausch, et al., Petitioners, v. Montana State Fund, Respondent/Insurer*, WCC 9907-8274R1, petitioners established the right of permanently totally disabled workers' compensation claimants to receive an impairment award. Mr. Murphy was identified as a claimant who received such an award, pursuant to the Supreme Court's decision.

As the petitioners in this case established the legal precedent for the immediate payment of the impairment awards to permanently totally disabled claimants, the Montana Supreme Court has determined that attorneys' fees are payable from the impairment awards obtained for claimants who suffered work injuries from the period of July 1, 1991, to September 5, 2002. The petitioners in *Rausch, et al.* were represented by Monte Beck, Stephen Roberts and myself. We are the common fund attorneys. State workers' compensation law allows 25% for attorneys' fees.

OFFICE COPY

Colleen D. Murphy
April 7, 2010
Page 2

In recognition of this decision by the Montana Supreme Court, Mr. Murphy's workers' compensation insurer, MACo, withheld 25% of his impairment award in order to pay the attorneys' fees incurred by Petitioners. We, as the common fund attorneys, have agreed that the common fund attorneys' fee be at the rate of 15% and, therefore, a common fund attorneys' fee in the amount of \$3,572.36 is being claimed. As \$5,953.93 was withheld from Mr. Murphy's impairment award, MACo will refund \$2,381.57 after payment of the common fund attorneys' fees.

If you, on behalf of your late husband, object to the amount of common fund attorneys' fees being requested, you must file a written objection to payment of the common fund attorneys within twenty (20) days of your receipt of this notice. (See copy of Judge Shea's March 30, 2010, Order, enclosed)

If you object, you are to send a written statement supporting your objection within 20 days of receipt of this notice to both my office and the Workers' Compensation Court at the following addresses:

Workers' Compensation Court
RE: Rausch Common Fund
P.O. Box 537
Helena, MT 59624-0537

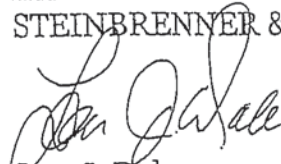
Lon J. Dale
Milodragovich, Dale, Steinbrenner & Nygren, PC
P.O. Box 4947
Missoula, MT 59806-4947

If an objection is filed, the Court will schedule a hearing for you to appear and present your objection to the Court. If no objection is filed within the 20 days, the common fund attorneys' fees will be paid in the amount of \$3,572.36 and the balance of the amount withheld, \$2,381.57, will be sent to you on behalf of your husband. By copy of this letter, we request that MACo make payment to you of the balance of the withheld funds after payment of the fees authorized by the Court.

If you have questions, please feel free to contact me at 406-728-1455.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.



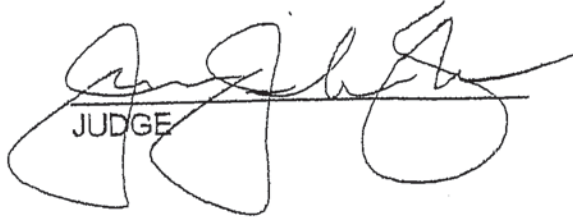
Lon J. Dale

Common Fund Attorney

kwp
Enclosure

5. The common fund attorneys shall provide a status report regarding compliance with the Order within thirty (30) days of this order.

DATED this 30th day of March, 2010.


JUDGE

c: Norm Grosfield
Monte Beck
Stephen Roberts
Lon Dale



ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
CHRISTIAN T. NYGREN
G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN

PERRY J. SCHNEIDER
CORY R. GANGLE
W. ADAM DUERK
PHILIP B. CONDRA
GIOVANNA M. MCLAUGHLIN
CHRISTOPHER DECKER

E-Mail: lon@bigskylawyers.com

April 6, 2010

Irvin L. Naasz
P.O. Box 25
Harlowtown, MT 59036

Sent by Certified Mail #7009 0080 0001 3536 5780

**NOTICE OF COMMON FUND ATTORNEYS' FEES
WITHHELD FROM WORKERS' COMPENSATION AWARD**

RE: Montana Association of Counties (MACo) Workers' Compensation Impairment Award
Rausch Common Fund Attorneys Fees
Our File No. 6654/5

Dear Mr. Naasz:

As a result of a decision by the Montana Supreme Court on September 5, 2002, in *Rausch, et al., Petitioners, v. Montana State Fund, Respondent/Insurer*, WCC 9907-8274R1, petitioners established the right of permanently totally disabled workers' compensation claimants to receive an impairment award. You have been identified as a claimant who has received such an award, pursuant to the Supreme Court's decision.

As the petitioners in this case established the legal precedent for the immediate payment of the impairment awards to permanently totally disabled claimants, the Montana Supreme Court has determined that attorneys' fees are payable from the impairment awards obtained for claimants who suffered work injuries from the period of July 1, 1991, to September 5, 2002. The petitioners in *Rausch, et al.* were represented by Monte Beck, Stephen Roberts and myself. We are the common fund attorneys. State workers' compensation law allows 25% for attorneys' fees.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer, (MACo), withheld 25% of your impairment award in order to pay the attorneys' fees incurred by Petitioners. We, as the common fund attorneys, have agreed that the common fund attorneys' fee be at the rate of 10% for individuals 60 years of age or older, and, therefore, a common fund attorneys' fee in the amount of \$3,734.15 is due. As \$5,164.25 was withheld

Irvin L. Naasz
April 6, 2010
Page 2

from your impairment award, MACo will refund \$1,430.10 after payment of the common fund attorneys' fees..

If you object to the amount of common fund attorneys' fees that were withheld from your impairment award, you must file a written objection to payment of the common fund attorneys' within twenty (20) days of your receipt of this notice. (See copy of Judge Shea's March 30, 2010, Order, enclosed)

If you object, you are to send a written statement supporting your objection within 20 days of receipt of this notice to both my office and the Workers' Compensation Court at the following addresses:

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Helena, MT 59624-0537

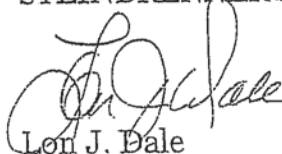
Lon J. Dale
Milodragovich, Dale, Steinbrenner & Nygren, PC
P.O. Box 4947
Missoula, MT 59806-4947

If an objection is filed, the Court will schedule a hearing for you to appear and present your objection to the Court. If no objection is filed within the 20 days, the common fund attorneys' fees will be paid and the balance of the amount withheld will be sent to you.

If you have questions, please feel free to contact me at 406-728-1455.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.



Lon J. Dale
Common Fund Attorney

kwp
Enclosure

c: Norman Grosfield, Attorney for MACo Workers' Compensation Trust
Monte Beck, Common Fund Attorney
Stephen Roberts, Common Fund Attorney

FILED

MAR 30 2010

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al.,)	WCC No. 9907-8274R1
)	
Petitioner,)	
)	
-vs-)	ORDER FOR NOTICE OF
)	STIPULATION FOR COMMON
MONTANA STATE FUND, et al.)	FUND ATTORNEYS FEES
)	
Respondent.)	

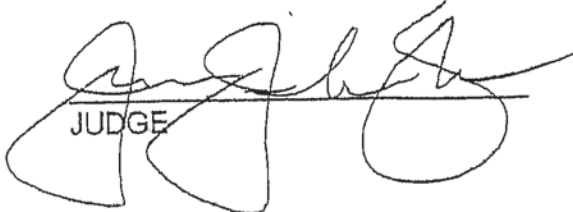
IT HEREBY ORDERED that based upon the Settlement Stipulation Re Common Fund Attorneys' Fees Withheld by Montana Association of Counties' Workers' Compensation Trust (MACOWCTr), notice will be sent to claimants identified in the Stipulation advising the claimants of the common fund attorneys' fees withheld from their workers' compensation claims and the proposed distribution of those fees.

IT IS THEREFORE ORDERED that:

1. Notice will be sent by certified, return-receipt mail to the claimants at the addresses provided by MACOWCTr within ten (10) days of the date of this order by Lon J. Dale, Milodragovich, Dale, Steinbrenner & Nygren, P.C., as representative of the common fund attorneys.
2. The notice will inform the claimants that they must file a written objection to distribution of payments as set forth in the stipulation within twenty (20) days of receipt of the notice by certified mail. The written objection is to be mailed to this Court and to the common fund attorneys, c/o Lon J. Dale, with the addresses to be provided in the notice.
3. If any objection is filed with this court or with the common fund attorneys within the twenty day time period, this court will schedule a hearing for the objector(s) to appear and present their objections to this Court.
4. If no objection is filed within the time period specified, MACOWCTr is ordered to distribute the funds as set forth in the Stipulation of record.

5. The common fund attorneys shall provide a status report regarding compliance with the Order within thirty (30) days of this order.

DATED this 30th day of March, 2010.


JUDGE

c: Norm Grosfield
Monte Beck
Stephen Roberts
Lon Dale



ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
CHRISTIAN T. NYGREN
G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN

PERRY J. SCHNEIDER
CORY R. GANGLE
W. ADAM DUERK
PHILIP B. CONDRA
GIOVANNA M. MCLAUGHLIN
CHRISTOPHER DECKER

E-Mail: lon@bigskylawyers.com

April 6, 2010

Ettore Salvatore
28 Pine Needle Lane
Cascade, MT 59421

Sent by Certified Mail #7009 0080 0001 3536 5773

**NOTICE OF COMMON FUND ATTORNEYS' FEES
WITHHELD FROM WORKERS' COMPENSATION AWARD**

RE: Montana Association of Counties (MACo) Workers' Compensation Impairment Award
Rausch Common Fund Attorneys Fees
Our File No. 6654/5

Dear Mr. Salvatore:

As a result of a decision by the Montana Supreme Court on September 5, 2002, in *Rausch, et al., Petitioners, v. Montana State Fund, Respondent/Insurer*, WCC 9907-8274R1, petitioners established the right of permanently totally disabled workers' compensation claimants to receive an impairment award. You have been identified as a claimant who has received such an award, pursuant to the Supreme Court's decision.

As the petitioners in this case established the legal precedent for the immediate payment of the impairment awards to permanently totally disabled claimants, the Montana Supreme Court has determined that attorneys' fees are payable from the impairment awards obtained for claimants who suffered work injuries from the period of July 1, 1991, to September 5, 2002. The petitioners in *Rausch, et al.* were represented by Monte Beck, Stephen Roberts and myself. We are the common fund attorneys. State workers' compensation law allows 25% for attorneys' fees.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer, (MACo), withheld 25% of your impairment award in order to pay the attorneys' fees incurred by Petitioners. We, as the common fund attorneys, have agreed that the common fund attorneys' fee be at the rate of 15% and, therefore, a common fund attorneys' fee in the amount of \$2,079.00 is due. As \$3,465.00 was withheld from your impairment award, MACo

Ettore Salvatore
April 6, 2010
Page 2

will refund \$1,386.00 after payment of the common fund attorneys' fees..

If you object to the amount of common fund attorneys' fees that were withheld from your impairment award, you must file a written objection to payment of the common fund attorneys' within twenty (20) days of your receipt of this notice. (See copy of Judge Shea's March 30, 2010, Order, enclosed)

If you object, you are to send a written statement supporting your objection within 20 days of receipt of this notice to both my office and the Workers' Compensation Court at the following addresses:

Workers' Compensation Court
RE: Rausch Common Fund
P.O. Box 537
Helena, MT 59624-0537

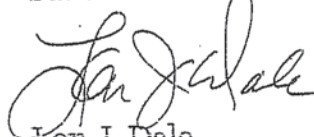
Lon J. Dale
Milodragovich, Dale, Steinbrenner & Nygren, PC
P.O. Box 4947
Missoula, MT 59806-4947

If an objection is filed, the Court will schedule a hearing for you to appear and present your objection to the Court. If no objection is filed within the 20 days, the common fund attorneys' fees will be paid and the balance of the amount withheld will be sent to you.

If you have questions, please feel free to contact me at 406-728-1455.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & NYGREN, P.C.



Lon J. Dale
Common Fund Attorney

kwp
Enclosure

c: Norman Grosfield, Attorney for MACo Workers' Compensation Trust
Monte Beck, Common Fund Attorney
Stephen Roberts, Common Fund Attorney

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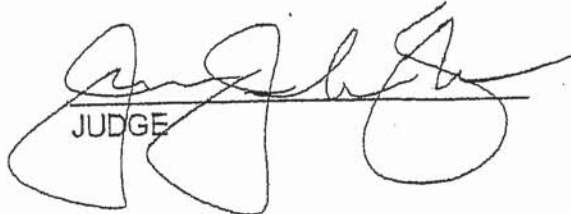
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DATED this 30th day of March, 2010.


JUDGE

c: Norm Grosfield
Monte Beck
Stephen Roberts
Lon Dale