

FILED

OCT 28 2013

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

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Common Fund Attorneys

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al.,)	WCC No. 9907-8274R1
)	
Petitioner,)	
)	
-vs-)	STIPULATION ON COMMON
)	FUND ATTORNEY FEES
MONTANA STATE FUND, et al.)	WITHHELD FROM
)	SANDRA HARRINGTON
Respondent.)	AND WAIVER OF HEARING
)	

This settlement stipulation is made and entered into by and between Lon J. Dale, Monte D. Beck and Stephen D. Roberts ("common fund attorneys"), and Sandra Harrington, *pro se*.

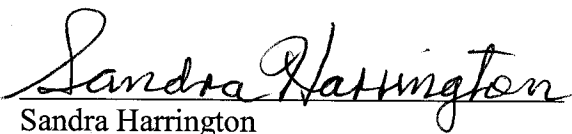
1. The statutory maximum of 25% (\$4,417.44) for Common Fund Attorneys' Fees was withheld from the \$17,669.75 impairment award paid to Sandra Harrington in 2003 by GAB Robins. GAB Robins was the third party administrator for Sandra Harrington's employer, Southwest Montana Federal Credit Union at that time of her injury, however, now Crawford & Company is the third party administrator for Southwest Montana Federal Credit Union.

2. Rather than the maximum fee allowed by statute, the Common Fund Attorneys have agreed to the same fee schedule approved by this Court in its July 10, 2003, Attorney Fee Order and Judgment in *Rausch v. Montana State Fund*. Sandra Harrington was 62 years of age on September 5, 2002, the date of the Supreme Court decision in *Rausch*. Therefore, according to the above referenced fee schedule, Ms. Harrington's common fund attorneys fees would be at the rate of 5% of the impairment rating for her permanent total disability.

3. Therefore, it is proposed that from the \$4,417.44 Common Fund Attorneys' Fees withheld from Ms. Harrington's impairment rating, the sum of \$883.49 (5%) be paid to the Common Fund Attorneys, and the remaining \$3,533.95 (20%) be returned to Sandra Harrington, subject to approval of this stipulation by the Court.

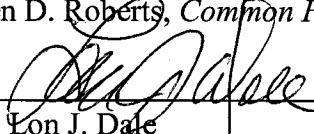
4. By signing this stipulation, Sandra Harrington agrees to waive her right to a hearing on this matter, agrees that the attorney fees are reasonable, and requests that the Court approve the payments set forth in this stipulation.

DATED this 31st day of October, 2013.


Sandra Harrington

Lon J. Dale, Monte D. Beck, and
Stephen D. Roberts, *Common Fund Attorneys*

By: _____


Lon J. Dale

6654/5 (kwp)

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MILODRAGOVICH • DALE • STEINBRENNER, P.C.

ATTORNEYS

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RACHEL H. PARKIN

TRANSMITTAL MEMORANDUM

October 25, 2013

Jackie Poole, Deputy Clerk of Court
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Our File No: 6654/5

RE: *Rausch/Ruhd* Common Fund Attorneys' Fees, WCC# 9907-8274R1

Documents and/or papers listed below are enclosed:

- 1) Stipulation on Common Fund Attorney Fees Withheld from Sandra Harrington and Waiver of Hearing; and
- 2) (Proposed) Order for Distribution of Common Fund Attorney Fees Withheld by Crawford & Company from Sandra Harrington's Impairment Award.

Please note: We are still wrapping up some loose ends on this matter, but should be done soon--I hope!
Thank you.

Sincerely,

MILODRAGOVICH, DALE
& STEINBRENNER, P.C.

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Enclosure

c: Sandra Harrington
Cathy Anderson, Crawford & Company

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