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**FILED**

JAN 11 2006

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

Attorneys for Intervenors: ASARCO, Inc., Benefis, Crawford  
and Company, Continental Casualty Company,  
Golden Sunlight Mines, Northwest Healthcare,  
Corp., Plum Creek Timber Company, L.P.,  
F.H. Stoltze Land & Lumber Co., and Safeway

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

**ALEXIS RAUSCH et. al.,**

Petitioners,

vs.

**MONTANA STATE FUND.**

Respondent/Insurer,

and

**JEREMY RUHD,**

Petitioner,

vs.

**LIBERTY NORTHWEST INSURANCE  
CORPORATION,**

Respondent/Insurer.

WCC NO. 9907-8274R1

**BRIEF ADDRESSING INTERIM  
ATTORNEY'S FEES**

COMES NOW the law firm of Hammer, Hewitt & Jacobs, PLLC, on behalf of the  
above referenced Intervenors, and hereby submits its brief regarding the issue of interim

DOCKET ITEM NO. 308

attorney's fees. The undersigned discussed with Petitioner's counsel their position regarding the issue of interim attorney fees on December 28, 2005. It is the undersigned's understanding that Petitioner's counsel simply wish to proceed with the verification of each insurer's/employer's claims to which the global lien attaches, rather than waiting for the payment of attorney's fees at the conclusion of this proceeding in its entirety. To that extent, the above referenced Intervenor's have no objection.

The Intervenor's consent to proceed on an individual insurer/employer basis in no way waives their right to object to the payment of interim attorney's fees on closed, inactive or settled claims. This Court's, and ultimately perhaps the Montana Supreme Court's, decision relative to the briefing in *Flynn* on what constitutes a closed, inactive or settled case will control any dispute regarding the payment of attorney's fees in this matter.

DATED this 9<sup>th</sup> day of January, 2006.

HAMMER, HEWITT & JACOBS, PLLC



Bryce R. Floch  
P.O. Box 7310  
Kalispell, MT 59904-0310

CERTIFICATE OF SERVICE

I, Bryce R. Floch, do hereby certify that on the 9<sup>th</sup> day of January, 2006 I forwarded a copy of this **BRIEF ADDRESSING INTERIM ATTORNEY'S FEES** to counsel for Petitioners by mailing the same via U.S. Mail to:

Lon Dale  
Milodragovich, Dale,  
Steinbrenner & Binney, P.C.  
P.O. Box 4947  
Missoula, MT 59806

Monte Beck  
1946 Stadium Drive, Suite 1  
Bozeman, MT 59715



Bryce R. Floch

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ROCKIE BROWN, PARALEGAL  
PAH WARDENSON, PARALEGAL  
JARA STANFORD, PARALEGAL

January 9, 2006

Patricia J. Kessner  
Clerk of Court  
Workers' Compensation Court  
P. O. Box 537  
Helena, MT 59624-0537

Re: Rausch et al., v. Montana State Fund, et al.  
WCC No. 9907-8274R1

Dear Pat:

Enclosed for filing please find our Brief Addressing Interim Attorney's Fees.  
Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Jara Stanford, Paralegal to  
Bryce R. Floch