

TO: Laurie Wallace
Bothe & Lauridsen

FROM: Jackie Bockman, Deputy Clerk of Court

DATE: June 28, 2006

RE: *Schmill v. Liberty Northwest Ins. Corp./Montana State Fund, et al.*
WCC No. 2001-0300

In response to your e-mail of June 27, 2006, I provide the following information:

As to your request for the Court to set a briefing schedule for the insurers/self-insureds who have responded to the Summons, I will forward your e-mail to the Judge to make him aware of your request.

As to your request for the Court to cross-check those who have responded in *Stavenjord* and *Reesor* to those who have not responded in *Schmill*, this Court has not issued a Summons in *Stavenjord*, so I cannot cross-check responses to that case.

I first cross-checked the Court's *Schmill* spreadsheet with the list of non-responsive insurers/self-insureds you provided to me. I will provide docket item numbers, so you can pull up the documents on our website - http://wcc.dli.mt.gov/Schmill_Info.asp. The Court's records reflect the following insurers/self-insureds have responded in ***Schmill***, which you show as being non-responsive.

| <u>Name</u> | <u>Docket Item No.</u> |
|---|------------------------|
| American Mutual Liability Ins. Co. | #127 |
| Evergreen National Indemnity | #185 |
| Fort Wayne Health & Casualty Ins. Co. | #232 |
| Guidant (GuideOne) Specialty Mutual Insurance Co. | #176 |
| Mission American Insurance Co. | #137 |
| United Pacific Insurance Co. | #167 |
| United States Liability Insurance Co. | #241 |
| Villanova Insurance Company | #155 |

Additionally, the Court's records reflect the following insurers/self-insureds have not responded - that you do not have on your list of non-responsive parties:

Name
Federated Service Insurance Co.
Safeway Stores, Inc.
Western Guaranty Association

The following insureds/self-insureds were listed on your spreadsheet as not responding to the Summons, where my records reflect they were not *named* in the Summons:

Name
Cenex Harvest States Coop
Harnish Group Inc.
Montana University System
Nonsubject Employer Carrier
Roseburg Forrest Products

The following insurers/self-insureds that have not responded in **Schmill** have responded in **Reesor**. You can pull up their responses at the following website: http://wcc.dli.mt.gov/reesor_info.asp.

| <u>Name</u> | <u>Docket Item No.</u> |
|---------------------------------------|------------------------|
| Ace American Insurance Company | #102 |
| Ace American Reinsurance Company | #102 |
| Ace Fire Underwriters Insurance Co. | #102 |
| Ace Indemnity Insurance Co. | #102 |
| Albertsons Inc. | #203 |
| Allianz Global Risks US Insurance Co. | #217 |
| Allstate Insurance Co. | #200 |
| AMCO Insurance Co. | #260 & #43 |
| American Interstate Ins. Co. | #162 |
| Atlanta Specialty Ins. Co. | #168 |
| Bankers Standard Fire & Marine | #102 |
| Bankers Standard Ins. Co. | #102 |
| Beatrice Companies Inc. | #170 |
| Century Indemnity Co. | #102 |
| Church Mutual Ins. Co. | #94 |
| Classic Fire & Marine Company | #37 |
| Clearwater Insurance Company | #61 |
| Conagra Foods Inc. | #169 |
| Connie Lee Insurance Co. | #75 |
| Costco Wholesale Corp. | #171 |
| Country Casualty Ins. Co. | #74 |

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| Country Mutual Ins. Co. | #74 |
| Country Preferred Ins. Co. | #74 |
| Cumis Insurance Society Inc. | #241 |
| Economy Fire & Casualty Co. | #46 |
| Economy Preferred Ins. Co. | #46 |
| Economy Premier Assurance Co. | #46 |
| Electric Insurance Co. | #172 |
| First Professionals Insurance Co. Inc. | #42 |
| General Casualty Co. of Wisconsin | #250 & #188 |
| Homesite Insurance Company | #88 |
| Hudson Insurance Co. | #61 |
| Indemnity Ins. Co. of North America | #102 |
| Indiana Lumbermens Mutual Ins. Co. | #228 |
| Insurance Company of North America | #102 |
| Integon National Insurance Company | #277/235 |
| J H Kelly Inc. | #49 (?) |
| Leader Insurance Company | #168 |
| Majestic Insurance Company | #66 |
| Medical Assurance Co. Inc. | #47 |
| Metropolitan Direct Prop & Cas Ins. | #46 |
| Metropolitan General Ins. Co. | #46 |
| Metropolitan Prop & Cas Ins. Co. | #46 |
| MHA Workers' Comp Trust | #167 & #277 |
| MCI General Ins. Corp. | #235 |
| Modern Service Ins. Co. | #213 |
| Montana Contractor Comp. Fund | #194 |
| Montana Electric & Telephone Pool | #96 |
| Montana Ins. Guaranty Assoc. | #190 |
| Montana Loggers Exchange | #166 |
| Montana State Fund | #201 |
| National General Ins. Co. | #277 & #235 |
| North American Specialty Ins. Co. | #296 & 73 |
| Northwestern National Ins. Co. Of MIL | #192 |
| Odyssey America Reinsurance Corp. | #61 |
| One Beacon America Insurance Co. | #241 |
| One Beacon Ins. Co. | #241 |
| Overseas Partners US Reinsurance | #61 |
| Pacific Employers Insurance Co. | #102 |
| Pennsylvania Manufacturers Assoc. | #83 |
| Pennsylvania National Mutual Casualty | #83 |
| Plum Creek Timber Co. LP | #253 |
| Professionals Advocate Insurance Co. | #51 |
| Regent Insurance Co. | #250 & 343 |
| Republic Indemnity Co. of CA | #112 |
| Safety National Casualty Corp. | #161 |

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|------------------------------|--------------------|
| Skaggs Alpha Beta | #203 |
| Southern Insurance Company | #196 |
| Specialty National Ins. Co. | #57 |
| Transport Insurance Co. | #431 [then w/drew] |
| ULICO Casualty Co. | #64 & #250 |
| Unigard Insurance Co. | #188 |
| Vanliner Insurance Co. | #155 |
| Washington Casualty Co. | #52 |
| Wausau Underwriters Ins. Co. | #241 |
| Zenith Insurance Co. | #91 |

In the future, you may check the website to verify if an insurer/self-insured has appeared in any of the common fund matters:
http://wcc.dli.mt.gov/common_fund_litigation.asp)

You may want to contact Lou Joy at Tom Murphy's office to see if she has different addresses for the insurers/self-insureds who responded in *Reesor*. As you are no doubt aware, this Court advised counsel that it would serve the initial Summons in each common fund matter. Subsequent service is the responsibility of counsel. See Judge Shea's e-mail to all counsel (*Reesor* Docket Item No. 309; *Schmill* Docket Item No. 77). See also, Mr. Murphy's letter to Judge Shea (*Reesor* Docket Item No. 316) and the Court's response (*Reesor* Docket Item No. 323).

One thing that you may already be aware of, is that the addresses provided to the Court by ERD (addresses listed in the Excel spreadsheet provided to your office) may not be the same addresses listed at the Insurance Commissioner's office for proper service. Prior to Judge Shea coming on board, I had talked with Darla Sautter at the Insurance Commissioner's office, who is responsible for service. She indicated to me that she would have to manually look up all the addresses for each insurer we wanted served. The Court had considered helping her look up addresses for service. When the Court made the decision not to pursue service - that service was the responsibility of petitioners' counsel. I did not follow up on getting current addresses, nor do I have a list of the registered agents for service on the self-insureds.

Let me know if you have any questions.

/jb