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Attorneys for Petitioner/Schmill

**FILED**

MAY - 5 2008

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA  
IN AND FOR THE AREA OF KALISPELL  
BEFORE THE WORKERS' COMPENSATION JUDGE

CASSANDRA SCHMILL,	)	
	)	WCC NO. 2001-0300
Petitioner,	)	
	)	
vs.	)	PETITIONER'S STATEMENT
	)	REGARDING APPROPRIATENESS
LIBERTY NW INS. CORP.,	)	OF ATTORNEY FEE HEARING
	)	
Respondent/Insurer,	)	
	)	
and	)	
	)	
MONTANA STATE FUND,	)	
	)	
Intervenor.	)	
_____	)	

Pursuant to the Court's request soliciting the parties' positions with regard to the appropriateness of an attorney fee hearing, Petitioner agrees with the sentiments expressed by the Montana State Fund and Liberty NW. Once all *Schmill* claimants have been identified and agreed upon by the parties, an attorney fee hearing would be appropriate for compliance with due process.

As to the need for a hearing prior to that time, the Petitioner agrees with the Montana State Fund and Liberty NW that a majority of the issues should be able to be resolved between the parties without the need for a hearing. Some of the issues, such as the potential for competing liens, have already been addressed. In order to keep the process moving, the Petitioner would ask the Court to set a deadline by which the parties should be in a position to identify any remaining issues which need to be brought before the Court for resolution. Thereafter, a date can be set for the attorney fee hearing.

DOCKET ITEM NO. 423

DATED this 2 of May, 2008.

ATTORNEYS FOR PETITIONER

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By:   
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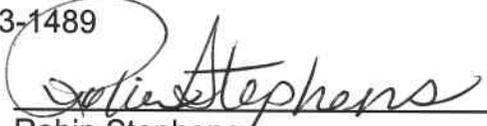
CERTIFICATE OF MAILING

I, Robin Stephens, do hereby certify that on the 2 day of May, 2008, I served a true and accurate copy of the PETITIONER'S RESPONSE TO RESPONDING INSURERS' "GATEWAY LEGAL ISSUES" AND MOTION TO DISMISS by U.S. mail, first class, postage prepaid to the following:

Mr. Bradley J. Luck  
Mr. Malin Stearns Johnson  
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Robin Stephens