

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 4673
Volume XXV

Missoula, Montana
July 28, 2016

CASSANDRA SCHMILL

Laurie Wallace

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Larry W. Jones

and

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2001-0300

A hearing came on this date at 1:30 p.m. The Honorable David M. Sandler, Judge of the Workers' Compensation Court, presided. Laurie Wallace represented Petitioner Cassandra Schmill. Oliver Goe, Quinlan O'Connor, Ronald Atwood, and Steve Jennings represented Respondent Insurers as set forth below. The Court Reporter was David E. Hix.

The hearing was scheduled at the initiation of the Court to discuss Petitioner's Motion for Order to Show Cause against Respondent Insurers. After due consideration of the parties' positions, the Court **granted** Petitioner's motion. The Court advised it is ordering deadlines with the intention of closing this case in the "relatively" near future.

Respondent Insurers' counsel provided status, and per concurrence by Wallace, the Court set deadlines as follows.

Oliver Goe:

American Hardware Mutual Ins. Co. – The Affidavit was filed July 28, 2016, which triggered the discovery period. Goe advised, with the concurrence of Wallace, that his client will correct the error in paragraph 5 to insert the correct insurer.

Argonaut Ins. Co., Argonaut Northwest Ins. Co., Argonaut Midwest Ins. Co. - The Affidavit was filed July 28, 2016, which triggered the discovery period.

Electric Ins. Co. – Goe is having difficulty getting responses to his inquires; Sedgwick Claims Management Services, Inc. is identified as the adjusting entity. The Affidavit or other response is due **Friday September 30, 2016**.

Transportation Ins. Co. (incorrectly referred to in Petitioner's motion as Transport Ins. Co.) – Todd Hammer represents Transportation Ins. Co. Status was addressed in a separate proceeding.

Quinlan L. O'Connor:

ASARCO Claims – Following bankruptcy, the bond assigned to the Department of Labor and Industry, who is handling the claims. The Department has begun a review of the files. The Affidavit or other response is due **Friday September 30, 2016**.

Ronald Atwood:

J H Kelly LLC – The Affidavit was filed on October 16, 2006, under Docket Item No. 316. Wallace advised she had not received responses to her follow-up request until today. Wallace advised that the additional information Atwood provided satisfies her request and Wallace will be filing a request to dismiss in the near future.

Louisiana Pacific Corp. – Atwood advised there are a number of files in storage in Portland. Atwood is working with the current adjuster on the investigation. The Affidavit or other response is due **Friday, September 30, 2016**.

Steve Jennings:

Combined Benefits Ins. Co. – A search was accomplished in 2005 and, due to the sale of this company,¹ no investigation was performed and claim files no longer exist. They have identified two potential claimants (a third potential claimant is now deceased) and are in the process of contacting them. To the extent the potential claimants are located and have helpful information, an appropriate affidavit will be filed. To the extent the potential claimants do not have adequate documentation or information or cannot be located, a settlement will be reached between CFM and Wallace as to her attorney fee lien. The Affidavit or other response is due **Friday, September 30, 2016**.

St. Paul Fire & Marine Ins. Co., St. Paul Guardian Ins. Co., St. Paul Medical Liability Ins. Co., St. Paul Mercury Ins. Co., St. Paul Protective Ins. Co., Travelers Casualty & Surety Co. of America, Travelers Casualty & Surety Co., Travelers Casualty Co. of Conn., Travelers Casualty Ins. Co. of America, Travelers Commercial Casualty Co., Travelers Commercial Ins. Co., Travelers Ind. Co. of America, Travelers Indemnity Co., Travelers Indemnity Co. of CT, Travelers Property & Casualty Ins. Co., Travelers Property Casualty Co. of America – Three possible claimants have been identified; one benefit has been paid, but the attorney fee has not. As to the remaining two, based on the dates of injuries, it is unlikely that they meet the *Schmill* criteria. If the claim files are not located, a

¹ Caring For Montanans, Inc. (CFM) is the parent company that now owns Combined Benefits Ins. Co.

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settlement will be reached with Wallace as to her attorney fee lien. The Affidavits or other responses are due **Friday, September 30, 2016**.

The Court will be issuing an Order Incorporating this minute entry.

Court adjourned at 1:55 p.m.

DAVID M. SANDLER
Judge

c: Parties of Record via Website

DMS/JP

Docket Item No. 671