

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1997 MTWCC 23

WCC No. 9702-7698

STEVE CHURCH

Petitioner

vs.

TRAVELERS INDEMNITY COMPANY OF ILLINOIS

Respondent/Insurer for

FOOD SERVICES OF AMERICA

Employer.

ORDER ON ADDENDUM OF DOCUMENTS PRODUCED FOR
IN CAMERA INSPECTION

Summary: Hearing examiner reviewed additional documents produced by insurer on claim for attorney-client and/or work product privilege protection against disclosure.

Held: Work product protection extended to notes of claims adjuster regarding discussions with attorney and recommendations from attorney.

Topics:

Discovery: Claims File. Based on review by hearing examiner, work product protection extended to notes of claims adjuster regarding discussions with attorney and recommendations from attorney.

Discovery: In Camera Inspection. Based on review by hearing examiner, work product protection extended to notes of claims adjuster regarding discussions with attorney and recommendations from attorney.

Discovery: Privileges: Work product. Based on review by hearing examiner, work product protection extended to notes of claims adjuster regarding discussions with attorney and recommendations from attorney.

On April 25, 1997, the respondent presented additional documents for the Court's *in camera* review. The disposition for each of those documents is reflected in the following chart.

Document No.	Date	Description	Disposition
000042	09/06/96	Notes of claims adjuster regarding discussion with Thomas A. Marra	Redact General Mediation information - Produce redacted document
000044	10/17/96	Mediation/permanent partial disability notes regarding recommendation from Attorney Dylan E. Jackson	Work product - Production denied
000045	10/21/96	Notes regarding advice from Attorney Dylan E. Jackson	Work product - Production denied
000050 - 000053	02/10/97, 02/13/97, 02/14/97 & 02/18/97	Notes of claims adjuster regarding discussion with Attorney Dylan E. Jackson	Work product - Production denied
000054 - 000056	02/12/97	Letter from Dylan E. Jackson to Diane Nelson, Travelers	Work product - Production denied

ACCORDINGLY, IT IS HEREBY ORDERED that:

Respondent must produce number 000042 (with General Mediation information redacted).

This Order is signed by the Hearing Examiner at the direction of the Judge of the Workers' Compensation Court.

DATED in Helena, Montana, this 1st day of May, 1997.

(SEAL)

/s/ Clarice V. Beck
CLARICE V. BECK
Hearing Examiner