

ERIK B. THUESON
58 South View Road
Clancy, MT 59634
Telephone: (406) 459-1792
ethueson@gmail.com

JOHN MORRISON
SCOTT PETERSON
P. O. Box 557
Helena, MT 59624
Telephone: (406) 442-3261
john@mswdlaw.com
speterson@mswdlaw.com
Attorneys for Plaintiffs

**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

<p>DANA ROLAN, on her own behalf and on behalf of the class she represents,</p> <p style="text-align: right;">Plaintiffs,</p> <p>vs.</p> <p>NEW WEST HEALTH SERVICES, DARWIN SELECT INSURANCE COMPANY and ALLIED WORLD ASSURANCE COMPANY and DARWIN NATIONAL ASSURANCE COMPANY,</p> <p style="text-align: right;">Defendants.</p>	<p style="text-align: center;">Cause No. DDV 2010-91</p> <p style="text-align: center;">Honorable Christopher D. Abbott</p> <p style="text-align: center;">PLAINTIFFS' MOTION TO REVOKE APPROVAL OF PRELIMINARY SETTLEMENT AND OTHER RELIEF</p>
---	--

Pursuant to the Court's powers set forth in M. R. Civ. P. 23, the Class requests the Court to revoke its approval of a preliminary settlement in the above class action and modify the Certification Order accordingly. This request is based

upon misrepresentations defendant New West Health Services made about its financial inability to pay the class remedy in order to gain preliminary approval of an inadequate settlement. Attorney fees and costs for multiplying the proceedings are requested. As required by the rules, a separate motion is made for relief under M. R. Civ. P. 11.

This motion is based on the documents on file and the brief in support which is submitted herewith. The plaintiff Class has contacted representatives of New West Health Services who object to this motion. Defendant Allied World Assurance Company, the liability carrier for New West, has also been notified and states: Allied is not a party to the settlement between Rolan and New West, and therefore does not take a position except to state that any fees and costs recovered by Rolan or incurred by New West must be deducted from the policy proceeds interpled with the court.

DATED this 21st day of April, 2023.

THUESON LAW OFFICE



ERIK B. THUESON
58 South View Road
Clancy, MT 59634

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served true and accurate copies of the foregoing document upon counsel of record by the following means:

Robert Lukes
350 Ryman St, PO Box 7909
Missoula MT 59807-7909
Attorneys for New West Health

- U.S. Mail
- Federal Express
- Hand-Delivery
- E-mail relukes@garlington.com

Randall Nelson
2619 St. Johns Ave, Ste E
Billings MT 59102
Attorneys for Allied World

- U.S. Mail
- Federal Express
- Hand-Delivery
- E-mail rgnelson@nelsonlawmontana.com

Gary Zadick
PO Box 1746
Great Falls, MT 59403
Attorneys for New West Health

- U.S. Mail
- Federal Express
- Hand-Delivery
- E-mail gmz@uazh.com

Martha Sheehy
PO Box 584
Billings MT 59103-0584
Attorneys for Allied World

- U.S. Mail
- Federal Express
- Hand-Delivery
- E-mail msheehy@sheehylawfirm.com

John Morrison and Scott Peterson
P. O. Box 557
Helena, MT 59624
Co-Counsel for Plaintiffs

- U.S. Mail
- Federal Express
- Hand-Delivery
- E-mail john@mswdlaw.com
speterson@mswdlaw.com

DATED this 21st day of April, 2023.



Elayne M. Simmons
elayne@thuesonlawoffice.com