

**SYNOPSIS OF THE CASE**

**2011 MT 300; DA 10-0368: ROBERT FLYNN and CARL MILLER**, Individually and on Behalf of Others, Similarly Situated, Petitioners and Appellants, v. **MONTANA STATE FUND**, Appellee and Cross-Appellant, and **LIBERTY NORTHWEST INSURANCE CORPORATION**, Respondent/Insurer and Appellee.<sup>1</sup>

In previous cases, the Montana Supreme Court has determined that its decisions in workers' compensation cases apply retroactively to claims that are not "final" or "settled" at the time the decision is issued. Montana's workers' compensation statutes provide for the definition of "settled." Under this law, two types of claims fall under the definition of "settled." First, claims where there has been a formal settlement agreement. Second, claims that are "paid in full."

In this case, the Court decided whether the Workers' Compensation Court (WCC) correctly interpreted the term "paid in full." The WCC defined "paid in full" to mean that an injured worker received all the benefits on his or her claim prior to the new court decision. A claim is not "paid in full" if the injured worker, who filed a claim before the Court's decision, receives a compensation payment after the new decision.

The Court agreed with the WCC's definition of "paid in full." The Court reiterated the importance of applying the law in newly issued court opinions only to those cases which are not final or settled. Cases that are final or settled should not be disturbed by a subsequently decided Montana Supreme Court case.

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<sup>1</sup> This synopsis has been prepared for the convenience of the reader. It constitutes no part of the Opinion of the Court and may not be cited as precedent.