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OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

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IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

EULA MAE HIETT,

Petitioner,

v.

MISSOULA COUNTY PUBLIC
SCHOOLS,

Respondent/Insurer.

WCC No. 2001-0278

MONTANA CONTRACTOR
COMPENSATION FUND'S OPENING
BRIEF REGARDING SCOPE OF
DECISION

COMES NOW the Montana Contractor Compensation Fund ("MCCF"), and pursuant to this Court's Minute Entry and briefing schedule of May 11, 2005, hereby files its Opening Brief Regarding Scope of Decision and incorporates by reference the arguments contained in the Montana State Fund's Opening Brief Regarding Scope of Decision. For the reasons stated in the State Fund's brief, MCCF asserts that the Montana Supreme Court's decision in *Hiett v. Missoula County Pub. Sch.*, 2003 MT 213, 317 Mont. 95, 75 P.3d 341, did not abrogate the exclusion of palliative and maintenance care codified at Montana Code Annotated § 39-71-704(1)(f), nor did it wholly abrogate the secondary medical services provision codified at Montana Code Annotated § 39-71-704(1)(b).

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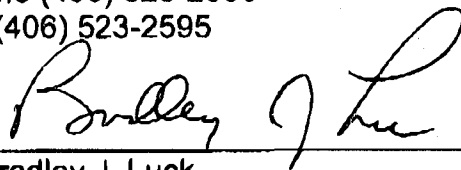
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DATED this 24th day of June, 2005.

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By



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CERTIFICATE OF MAILING

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Montana Contractors Compensation Fund, hereby certify that on this 24th day of June, 2005, I FAXed and mailed a copy of the foregoing *Montana Contractor Compensation Fund's Opening Brief Regarding Scope of Decision*, postage prepaid, to the following persons:

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