

FILED

MAY 27 2005

WORKERS' COMPENSATION COURT

Hearing No. 3608
Volume XVIII

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA
Helena, Montana
May 27, 2005

MARK MATHEWS

Geoffrey C. Angel

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Larry W. Jones

WCC No. 2001-0294

I held a conference call with counsel to discuss the remand for reconsideration in light of *Dempsey*. I noted that *Dempsey* requires that the original decision finding the case-in-main to be retroactive must be reinstated. I also noted that the remand will not resolve any appeal of the common fund and other determinations I made in that original order. Both counsel indicated that by stipulating to a remand for reconsideration, it was not their intent to forego or prejudice any appeal as to those other issues but only to allow this Court to address the retroactivity issue in light of *Dempsey*. I told counsel that I will reinstate the first decision and certify it for purposes of appeal so the other issues can be addressed on appeal.

MIKE McCARTER
Judge

Minute Entry e-mailed to attorneys of record on May 27, 2005.