

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. 04-650

WCC NO. 2001-0294

**FILED**

MARK MATHEWS,  
Petitioner and Appellant,  
v.  
LIBERTY NORTHWEST INSURANCE CORP.,  
Respondent.

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FEB 10, 2005

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

ORDER

**FILED**

MAY 19 2005

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

The parties to this appeal have stipulated to the dismissal of the appeal and remand of this case to the Workers' Compensation Court for further proceedings consistent with our Opinion in *Dempsey v. Allstate*, 2004 MT 391, 325 Mont. 207, \_\_\_ P.3d \_\_\_.

THEREFORE,

IT IS ORDERED that this appeal is DISMISSED and the case is remanded to the Workers' Compensation Court for further proceedings consistent with *Dempsey*.

The Clerk is directed to mail true copies of this order to all counsel of record and to the Honorable Mike McCarter of the Workers' Compensation Court.

DATED this 10<sup>th</sup> day of February, 2005.

For the Court,

By *Karla M. Gray*  
Chief Justice

852