

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 4460
Volume XXIV

Helena, Montana
March 25, 2013

JACK MURER, et al

Allan McGarvey

vs.

STATE COMPENSATION MUTUAL
INSURANCE FUND

Charles E. McNeil

WCC No. 9206-6487

A telephone conference call came on this date at 10:00 a.m. with the above-named counsel. The Court initiated this conference call to clarify the joint Petition for Order Re: Resolution of Attorney's Fees received on March 21, 2013. The Honorable James Jeremiah Shea, Judge of the Workers' Compensation Court, presided. Allan McGarvey represented Petitioners. Charles E. McNeil represented Respondent. The court reporter was Kim Johnson.

I convened this conference call to clarify that the order the parties have requested cannot be interpreted as approving the *Mordja*¹ claim.

Mr. McGarvey clarified that the parties intend this petition to quell any lingering issues over common fund fees in *Murer*. Mr. McGarvey stated that the issue the parties seek to resolve centers around disagreement on payment of common fund fees. Respondent contended overpayment on a number of claimants, and Petitioner contended that the fee had not been calculated on a number of claimants. In the context of negotiating *Mordja*, the parties agreed to drop their respective contentions. The district court has resolved *Mordja* by final order.

Mr. McNeil agreed with Mr. McGarvey's assessment, adding that the parties wish to ensure that the attorney fee dispute has reached its conclusion.

I found the explanation satisfactory; however, I ordered the parties to replace the term "class action" with "common fund" in their proposed order. Counsel shall make this amendment, and submit the same to the Court for my signature.

JAMES JEREMIAH SHEA
Judge

Minute Entry e-mailed to parties of record on March 26, 2013.

JJS/JB/JP

Docket Item No. 244

¹ *Mordja, et al. v. State Compen. Mutual Ins. Fund*, Montana Second Judicial District Court, Silver Bow County Cause No. DV-98-58.