

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

ORDER DELINEATING ISSUES AND SETTING BRIEFING SCHEDULE

¶1 IT IS HEREBY ORDERED that the Court is setting forth the following briefing schedule. Issues to be briefed are as follows:

- ¶1a Does a common fund exist?
- ¶1b Is there an ascertainable class?
- ¶1c Is there an ascertainable fund?
- ¶1d If there is a common fund, is it retroactive?
- ¶1e Do laches or statutes of limitations apply to claims which failed to timely present a challenge to Montana Code Annotated?
- ¶1f Does application of the common fund doctrine violate constitutional guarantees of "freedom of contract and taking without just compensation"?

Simultaneous Opening Briefs are due **Monday, April 17, 2006.**

Simultaneous Answer Briefs are due **Wednesday, May 17, 2006.**

No Reply Briefs will be allowed.

¶2 Ruling on Petitioner's motions to compel discovery are held in abeyance pending ruling on the above issues.

¶3 **All parties named in any and all of the common fund litigation matters are invited to intervene for the limited purpose of briefing these issues.**

DATED in Helena, Montana, this 14th day of March, 2006.

(SEAL)

/s/ James Jeremiah Shea

JUDGE

c: Parties of Record Via E-Mail and Website