

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 3687
Volume XVIII

Helena, Montana
April 13, 2006

DALE REESOR

Thomas J. Murphy

vs.

MONTANA STATE FUND

Bradley J. Luck
Steven W. Jennings
KD Feedback
Larry W. Jones

WCC No. 2002-0676

A conference call was held this date with the above counsel at the initiation of Respondents' counsel. The purpose of the call was to discuss Respondents' motions for extension of time to file their briefs pursuant to the Court's March 14, 2006 Order Delineating Issues and Setting Briefing Schedule.

Petitioner's counsel objected to the extensions, arguing that it has been over a year since the matter was remanded from the Supreme Court, the Respondents have known about the issues to be briefed since the July 2005 conference, and there were no surprises when the Order setting the briefing schedule was issued.

Mr. Jones argued that a small extension would not delay the resolution of this issue given that the parties are waiting on the Court to provide a decision in the *Flynn* matter on retroactive application. Mr. Luck agreed and stated further that he was creating a factual record and still in the process of finalizing affidavits. He indicated that Mr. Murphy initially had agreed to assist and sign off on these affidavits. Mr. Murphy disputed that contention and stated that he had never agreed to present stipulated facts to the Court because he felt that the process would unduly delay the proceedings.

Mr. Murphy expressed the concern that if all the insurers requested extensions in this case, the matter could be delayed for years. I stated that I appreciated his concern. However, because these specific respondents had moved for brief extensions within the time that had originally been set for the briefing of this matter, I was inclined to grant the requests. I noted that the original deadline was to run on Monday and no other parties had requested extensions. I further noted that, in my view, a party would be hard pressed to request an extension within this new time period if they apparently had not required an extension before the original deadline.

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Accordingly, I granted Respondents' request for a brief extension and amended the original order. The deadlines are now as follows: Simultaneous opening briefs are due Friday, May 5, 2006; simultaneous reply briefs are due Friday, May 26, 2006. The Court will issue an Order reflecting these changes.

JAMES JEREMIAH SHEA
Judge

Minute Entry e-mailed to Reesor Distribution List on April 14, 2006.

JB

Docket Item No. 397