

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

**FILED**

APR 14 2006

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

AMENDED ORDER DELINEATING ISSUES AND SETTING BRIEFING SCHEDULE

¶1 Pursuant to motion of the Respondents and the Court's Minute Book Hearing No. 3687,

¶2 The briefing schedule is **reset**. Issues to be briefed are as follows:

¶2a Does a common fund exist?

¶2b Is there an ascertainable class?

¶2c Is there an ascertainable fund?

¶2d If there is a common fund, is it retroactive?

¶2e Do laches or statutes of limitations apply to claims which failed to timely present a challenge to Montana Code Annotated?

¶2f Does application of the common fund doctrine violate constitutional guarantees of "freedom of contract and taking without just compensation"?

¶3 IT IS ORDERED that:

Simultaneous Opening Briefs are due **Friday, May 5, 2006**.

Simultaneous Answer Briefs are due **Friday, May 26, 2006**.

No Reply Briefs will be allowed.

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

¶5 **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 14<sup>th</sup> day of April, 2006.

(SEAL)



JUDGE

e-Common Fund Distribution List Via E-Mail and Website

DOCKET ITEM NO. 398