

WORKERS' COMPENSATION COURT

Hearing No. 3353
Volume XVI

Helena, Montana
August 28, 2003

JEREMY RUHD

Geoffrey C. Angel

vs.

LIBERTY NORTHWEST
INSURANCE CORPORATION

Larry W. Jones

WCC No. 2002-0500

The status conference in the above-entitled matter came on Thursday, August 28, 2003, at 1:15 p.m., in the Workers' Compensation Court, Helena, Montana. The Honorable Mike McCarter, Judge of the Workers' Compensation Court, presided. Petitioner, Jeremy Ruhd, was represented by Mr. Geoffrey C. Angel. Respondent was represented by Mr. Larry W. Jones. Also appearing as interested parties were Mr. Thomas E. Martello, Mr. Thomas J. Murphy, Mr. James G. Hunt, and Mr. David W. Lauridsen. Ms. Carol Gleed appeared on behalf of the Department of Labor and Industry. The court reporter in this matter was Ms. Laurie Crutcher.

Mr. Jones reported that Liberty's system shows 18 cases entered as PTD cases, with 4,235 entered as TTD cases, some of which are in fact PTD cases. Mr. Jones is going to query Liberty's IT people to see if there is a way to better identify which of the 4,235 are likely PTD cases. Mr. Martello volunteered to send suggestions to Mr. Jones based on the State Fund's experience within two weeks.

The parties shall file a status report in four weeks which shall include: (1) stipulated facts for resolution of the *Chevron Oil* argument and other issues relating to common fund and retroactivity (excepting affirmative defenses that may be raised, such as statute of limitations, res judicata, etc.); (2) suggested briefing schedule; and (3) possible stipulation to date on which application of decisions becomes prospective, relating to requested stay relating to retroactive application.

A transcript of the conference is being prepared and will be posted on the Court's WEB page. The transcript shall be controlling if the Court's recollection as reflected in these minutes is inconsistent with it.

Court recessed at 1:35 p.m.

MIKE McCARTER
Judge