

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0500

FILED

JEREMY RUHD

JUL 1 2 2004

Petitioner

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer.

ORDER DENYING MOTION TO STRIKE

¶1 The Montana State Fund has filed a brief regarding the retroactivity issue. The brief incorporates its legal arguments from briefs it previously filed in other pending common fund cases. The petitioner moves to strike State Fund's arguments for failure to personally serve his counsel with copies of the incorporated briefs. He further moves for attorney fees.

Discussion

¶2 The briefs to which petitioner objects are posted on this Court's WEB site. They are posted so that all parties and counsel in all of the common fund cases have access to them. The Court has made it clear in its prior discussions with counsel that it invites argument from any counsel with respect to the issues in the common fund cases. Briefs, minute entries, orders, and other items of interest are routinely posted and available on the WEB site so that they are available to all.

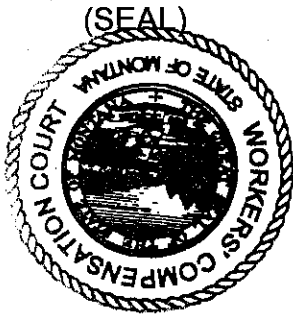
¶3 Petitioner's counsel does not allege that he does not have access to the Court's WEB site, rather he urges that the State Fund should have personally served him with the briefs. The motion is without merit. Petitioner's counsel is aware of the WEB site and the fact that all the briefs are published on that site. Incorporation by reference is the equivalent to citing a published case. If petitioner's counsel for some reason cannot access the briefs, then he should notify counsel for the State Fund. I am certain that in that event, counsel for State Fund will be happy to provide him with hard copies of the relevant briefs.

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ORDER

¶4 The motion to strike and for attorney fees is **denied**.

DATED in Helena, Montana, this 12th day of July, 2004.



JUDGE

c: Mr. Geoffrey C. Angel
Mr. Larry W. Jones
Mr. Bradley J. Luck
Mr. Greg E. Overturf - Courtesy Copy
Mr. Lon J. Dale - Courtesy Copy
Mr. Monte D. Beck - Courtesy Copy
Mr. Stephen D. Roberts - Courtesy Copy
Mr. Rex Palmer - Courtesy Copy
Submitted: June 7, 2004