

WORKERS' COMPENSATION COURT

Hearing No. 3567

Volume XVII

CATHERINE E. SATTERLEE, et al.

vs.

LUMBERMAN'S MUTUAL CASUALTY COMPANY,
MONTANA STATE FUND,
and
ROYAL & SUNALLIANCE

Helena, Montana
March 1, 2005

James G. Hunt
Thomas J. Murphy

Michael P. Heringer
Bradley J. Luck and
Thomas J. Harrington
David M. Sandler

WCC No. 2003-0840

I held a telephone conference to determine what progress has been made regarding preparation of a notice to appear to be sent to other Montana insurers to allow them to participate in briefing and argument of the constitutional challenge in this case. Counsel participating in the call were Mr. James G. Hunt, Mr. Thomas J. Murphy, Mr. Bradley J. Luck, Mr. Thomas J. Harrington, and Mr. David M. Sandler. Mr. Michael P. Heringer was notified of the conference call but was unavailable and did not participate.

Discussion was also held in the *Reesor v. Montana State Fund* matter, WCC No. 2002-0676, and a copy of this Minute Entry will also be placed in that file.

Mr. Murphy has prepared a proposed summons in the Reesor case and Mr. Luck has responded by letter with his comments. Mr. Murphy will send the proposed summons, Mr. Luck's comments, and a proposed order to appear in this case to me, with copies to other counsel. I will review the drafts and revise them, circulate the revised drafts to counsel, then set up a further conference call to discuss the drafts and finalize the summons. A copy of the notice of lien will be attached to the summons.

Mr. Murphy will fashion a notice to appear in the Satterlee matter using the Reesor summons as a form, and we will follow the same procedure as outlined above for Reesor.

Mr. Murphy noted that at the end of the Reesor conference in February, I had indicated that the date for answer briefs regarding the constitutional challenges will be fixed after the time for appearances by other insurers has expired.

Re: Satterlee, et al. v. Lumberman's Mutual Casualty Co., et al.
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After reviewing the draft notice to appear in Satterlee and summons in Reesor, we will discuss a date for replies to be filed and fix a briefing schedule.

MIKE McCARTER
Judge

Minute Entry e-mailed to attorneys of record on March 3, 2005.

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