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**FILED**

AUG - 1 2006

OFFICE OF  
 WORKER'S COMPENSATION JUDGE  
 HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT  
 FOR THE STATE OF MONTANA

CATHERINE E. SATTERLEE,	)	WCC No. 2003-0840
Petitioner,	)	
v.	)	
LUMBERMAN'S MUTUAL CASUALTY	)	
COMPANY,	)	
Respondent/Insurer A	)	
_____	)	
JAMES ZENAHLIK,	)	WCC No. 2003-0840
Petitioner,	)	
v.	)	
MONTANA STATE FUND,	)	
Respondent/Insurer	)	
_____	)	
JOSEPH FOSTER,	)	WCC No. 2003-0840
Petitioner,	)	
v.	)	
MONTANA STATE FUND,	)	
Respondent/Insurer	)	
_____	)	
_____	)	

**LUMBERMAN'S CROSS MOTION FOR SUMMARY JUDGMENT**


COMES NOW, Respondent/Insurer Lumberman's Mutual Casualty Company, pursuant to Administrative Rules of Montana 24.5.329, and hereby brings a cross motion for summary judgment. Respondent/Insurer hereby joins in the Cross-Motion for Summary Judgment filed by the Montana State Fund, and for the reasons stated in Lumberman's Mutual Casualty Company's Response Brief on Constitutionality Issues Relating to § 39-71-710, and for the reasons cited in the Montana State Fund's Answer Brief in Opposition

DOCKET ITEM NO. 325

to Petitioner's Motion for Summary Judgment and Brief in Support of Cross-Motion for Summary Judgment, Respondent/Insurer requests this Court deny Petitioner's Motion and grant summary judgment in favor of Respondent/Insurer regarding the constitutionality of § 39-71-710, MCA, with respect to permanent total and rehabilitation benefits.

DATED this 27th day of July, 2006.

BROWN LAW FIRM, P.C.

BY   
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was duly served on counsel of record by U.S. mail, postage prepaid, and addressed as follows this 27<sup>th</sup> day of July, 2006:

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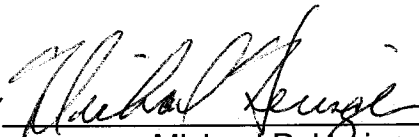
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cc: Sandy Mayernik