

WORKERS' COMPENSATION COURT

Hearing No. 3629
Volume XVIII

Helena, Montana
September 21, 2005

CATHERINE E. SATTERLEE, et al.

James G. Hunt
Thomas J. Murphy

vs.

LUMBERMAN'S MUTUAL CASUALTY COMPANY/
MONTANA STATE FUND, et al.

Michael P. Heringer
Bradley J. Luck
Thomas E. Martello
Larry W. Jones
Angie K. Jacobs
Steven W. Jennings

WCC No. 2003-0840

A telephone conference was held to determine how much time will be allotted to each side to argue during the October 7, 2005 oral argument and to set forth a procedure for the same. Counsel participating in the call were Mr. James G. Hunt, Mr. Thomas J. Murphy, Mr. Michael P. Heringer, Mr. Bradley J. Luck, Mr. Thomas E. Martello, Mr. Larry W. Jones, Ms. Angela K. Jacobs, and Mr. Steven W. Jennings.

Each side will be given approximately one hour to present their case – this time includes rebuttal time for the petitioners. Mr. Hunt indicated that both he and Mr. Murphy will split their allotted time. Mr. Luck advised the Court that, although he will be taking the lead in the argument for the defense, other defense counsel will participate.

After colloquy, the Court advised counsel of its intention to follow this Court's previous ruling in the *Reesor* case, i.e., if a ruling applies to one respondent, it will be held as the law of the case and will apply to all respondents irrespective of whether a particular respondent had formally joined in the motion. In the event a party had not responded and participated in the proceedings at the time of the ruling, however, the Court is reserving judgment as to whether such party may derive the benefit of the ruling. Before issuing a formal ruling to this effect, however, the Court will forward an e-mail asking for comments from all counsel, including those which were not participants to the telephone conference.

JAMES JEREMIAH SHEA
Judge

Minute Entry e-mailed to Satterlee distribution list on September 22, 2005.