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FILED

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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA

CATHERINE E. SATTERLEE, Petitioner, v. LUMBERMAN'S MUTUAL CASUALTY COMPANY, Respondent/Insurer.	WCC No. 2003-0840 STATUS REPORT
JAMES ZENAHLIK, Petitioner, v. MONTANA STATE FUND, Respondent/Insurer.	WCC No. 2003-0840
JOSEPH FOSTER, Petitioner, v. MONTANA STATE FUND, Respondent/Insurer.	WCC No. 2003-0840
DORIS BOWERS, Petitioner, v. PUTNAM & ASSOCIATES, Respondent/Insurer.	WCC No. 2003-0840

COMES NOW the Montana State Fund ("State Fund"), pursuant to this Court's directive of June 2, 2004, and hereby provides the Court with a status of the case.

On December 1, 2003, this Court vacated the trial setting and instructed the parties to contact the Court when they were prepared to have another Scheduling Order

entered. Previously, the parties had agreed upon a preliminary factual stipulation and indicated that they intended on submitting this matter to the Court on a briefing schedule instead of proceeding to trial. However, Petitioners' attorney hired an economist to develop a report reflecting, among other things, the percentage of Montana's population that works beyond the age of 65. Petitioners' attorney wants to include the report as part of the agreed factual record. Petitioners' attorney provided Respondents with a copy of the economist's report, and Respondents are still researching information and contemplating discovery to determine if any opinions or material contained in the report are applicable, relevant, objectionable or should be excluded from the agreed factual record. Lastly, the parties believe judicial economy is best served by awaiting the Montana Supreme Court's decision in *Reesor v. Montana State Fund*, Montana Supreme Court Case No. 03-639, because *Reesor* will likely determine whether Petitioners are entitled to receive additional benefits in this matter. Therefore, the parties are not presently in a position to request the Court to have another Scheduling Order entered.

The State Fund circulated this Status Report to all counsel involved in this matter, all of whom agree with its accuracy and concur in its filing.

DATED this 9 day of June, 2004.

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By 
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CERTIFICATE OF MAILING

The undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Montana State Fund, hereby certifies that on this 9th day of June, 2004, she mailed a copy of the foregoing Status Report, postage prepaid, to the following persons:

STATUS REPORT

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