

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

FILED

DEC 11 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

ORDER VACATING AND RESETTING BRIEFING SCHEDULE

¶ 1 Following the issuance of the Court's Order in this case dated November 8, 2006, the parties had a conference call with the Court on November 21, 2006. At that time, the parties determined that the Court's issue at paragraph 2a was too restrictive to present all the issues before the Court and thus it was determined that the parties would draft a new, more expansive issue.

¶ 2 The parties also determined during the telephone conference that paragraphs 3a and 3b have already been addressed by way of stipulation and thus do not need any further briefing.

¶ 3 The parties agreed that the issues stated at paragraphs 3c and 3d in the Court's Order of November 8, 2006, were still appropriate for briefing.

¶ 4 Pursuant to the foregoing understandings, the parties will brief the following issues:

¶ 4a What *Schmill* claims (with entitlement dates between July 1, 1987, and June 22, 2001) are subject to review and increase in benefits based upon a retroactive application of *Schmill I*?

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¶ 4b Whether the scope of retroactive application is limited by any applicable statute of limitations or laches.

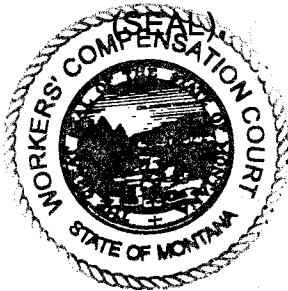
¶ 4c Whether the Uninsured Employers' Fund falls within the ambit of the Montana Supreme Court's decision in *Schmill II*.

¶ 5 The briefing schedule will be as follows: Petitioner's opening brief on all issues will be due December 18, 2006, Respondents' answer briefs will be due January 16, 2007, and the Petitioner's reply brief will be due January 31, 2007.

THEREFORE this Court ORDERS:

¶ 6 The parties may choose to brief any or all of the above issues, with the Petitioner's opening brief due December 18, 2006, Respondents' answer briefs due January 16, 2007, and Petitioner's reply brief due January 31, 2007.

DATED in Helena, Montana, this 11th day of December, 2006.




JAMES JEREMIAH SHEA

c: Parties of Record - Via Website

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