

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 4063
Volume XXI

Helena, Montana
June 2, 2009

CASSANDRA SCHMILL

Laurie Wallace

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Larry W. Jones

and

MONTANA STATE FUND

WCC No. 2001-0300

A telephone conference call came on this date at 3:30 p.m. with the above-named counsel. The conference call was scheduled at the initiation of Mr. Jones to discuss Liberty Northwest's motion to stay proceedings.

At the outset, I raised the fundamental issue of whether this Court has jurisdiction, as this matter is currently on appeal at the Montana Supreme Court. This jurisdictional issue must be decided before I can address the merits of Liberty Northwest's motion. I referred counsel to the *Michalak*¹ case in which I cited to *Muri*² and *Powder River County*.³

Mr. Jones deferred to the Court as to this Court's jurisdiction to hear its motion to stay proceedings. Ms. Wallace argued that the Court has jurisdiction over implementation issues concerning Liberty Northwest because these are ancillary issues, particularly since Liberty Northwest is not a party to the current *Schmill* appeal.

I ordered counsel to brief the limited issue of whether this Court has jurisdiction to address the merits of Liberty Northwest's motion. The parties shall file simultaneous briefs on this issue by June 12, 2009. No reply briefs will be allowed.

JAMES JEREMIAH SHEA
Judge

Minute Entry mailed to parties of record on June 4, 2009.

JB/PS

Docket Item No. 462

¹ *Michalak v. Liberty Northwest Ins. Corp.*, 2007 MTWCC 14A.

² *Muri v. Frank*, 2001 MT 29, ¶ 12, 304 Mont. 171, 18 P.3d 1022.

³ *Powder River County v. State*, 2002 MT 259, 312 Mont. 198, 60 P.3d 357.