

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

JUN 25 2004

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

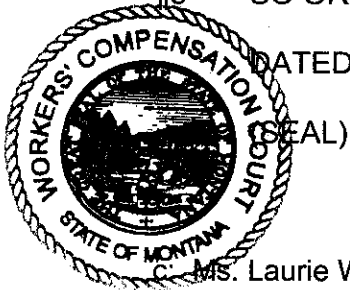
ORDER AMENDING AND CLARIFYING JUDGMENT

¶1 On June 4, 2004, I issued my Decision and Judgment Regarding Common Fund Issues and certified it as final for purposes of appeal. Counsel for the parties subsequently brought to my attention the fact that other issues may need to be addressed if the decision is upheld on appeal. Those issues include but are not limited to the effect of the statute of limitations, laches, and settlements in individual cases, which we have characterized in prior proceedings and in this one as "implementation" issues. Similar issues arose in *Murer*, *Broeker*, and *Rausch* and were resolved without the need for appeal. I expect that the implementation issues can be similarly resolved in this case if it is affirmed on appeal and remanded for implementation, therefore, there is no need to resolve those issues at present. Moreover, unless and until a common fund is implemented, it is difficult to identify and resolve the issues that may arise.

¶2 Accordingly, the Decision and Judgment Regarding Common Fund Issues is deemed amended to expressly exclude all possible implementation issues and limit the decision to those issues which were expressly addressed.

¶3 SO ORDERED.

DATED in Helena, Montana, this 25th day of June, 2004.



Mike McLean

JUDGE

C. Ms. Laurie Wallace
Mr. Larry W. Jones
Mr. Bradley J. Luck