

Bockman, Jacqueline

From: Bockman, Jacqueline
Sent: Wednesday, April 30, 2008 4:43 PM
To: 'Bradley J. Luck'; tommurphy@qwest.net
Cc: Martello, Tom; Overturf, Greg; Shea, Jim; sheaxii@aol.com; Blaner, Jeanine; Simon, Paul; Wilson, Clara
Subject: Stavenjord

Counsel,

It is the Judge's view that the notice of appeal has divested the court of jurisdiction. If anybody has a different view, please feel free to brief it.

Let me know if you have any questions.

Jackie Bockman
Deputy Clerk of Court
Workers' Compensation Court
jbockman@mt.gov

From: Bradley J. Luck [mailto:bjluck@GARLINGTON.COM]
Sent: Wednesday, April 30, 2008 12:54 PM
To: tommurphy@qwest.net; Bockman, Jacqueline
Cc: Martello, Tom; Overturf, Greg
Subject: RE: Stavenjord

I started this so I can't complain about email legal arguments. However, I do not want to get into making a record by email. I was simply following up on the message from the Court. We have an appeal, which typically negates jurisdiction when filed. There is a lot that can be said about where we are but not when there is no jurisdiction for the Court to hear it (or in an email) . Our only calculated effort is that we simply want to know how the Court sees the present status.

Thank you.

Brad

Brad Luck
406-523-2548

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From: Tom Murphy [mailto:tommurphy@qwest.net]
Sent: Wednesday, April 30, 2008 12:48 PM
To: 'Bockman, Jacqueline'
Cc: Bradley J. Luck; 'Martello, Tom'

4/30/2008

Subject: FW: Stavenjord

Dear Jackie:

While the major issue in this case is currently pending before the Supreme Court, I submit that the Workers' Compensation Court should be concerned about the State Fund's calculated disregard of the *Stavenjord* Attorney Fee Lien. The Workers' Compensation Court previously indicated that it would consider the matter, and I have no objection to the Court doing so despite the fact that I filed a Notice of Appeal. If the Common Fund is successful in *Stavenjord III*, then we will certainly be back before the Workers' Compensation Court seeking attorney fees on the *Stavenjord* benefits that the State Fund plans to pay (and is currently paying). I have asked the State Fund to protect the Attorney Fee Lien until the Supreme Court rules in *Stavenjord III*, but the State Fund refused. Please advise whether the Court wants to proceed with a discussion of this issue in order to head off a greater problem later. Thank you.

Thomas Murphy
Murphy Law Firm
Great Falls, Montana
406-452-2345

From: Bradley J. Luck [mailto:bjluck@GARLINGTON.COM]
Sent: Wednesday, April 30, 2008 12:10 PM
To: Bockman, Jacqueline
Cc: tmartello@montanastatefund.com; tommurphy@qwest.net; Overturf, Greg
Subject: Stavenjord

Jackie:

The Court previously indicated it wanted to wait until after it issued the Order on our Motion for Reconsideration before determining whether we wanted to have a conference on the Request for Emergency Hearing. A Notice of Appeal was filed following the Order. Please advise whether the Court wants to proceed with the discussion on the motion and/or feels it has jurisdiction to do so with the filing of the appeal. We just want to be sure we are all on the same page in regard to pending matters.

Thank you.

Brad

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4/30/2008

