

Bradley J. Luck  
GARLINGTON, LOHN & ROBINSON, PLLP  
199 West Pine • P.O. Box 7909  
Missoula, MT 59807-7909  
Telephone (406) 523-2500  
Telefax (406) 523-2595

**FILED**

**AUG 11 2008**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Greg Overturf  
Thomas E. Martello  
MONTANA STATE FUND  
P.O. Box 4759  
Helena, MT 59604-4759  
Telephone (406) 444-6500  
Telefax (406) 444-6555

Attorneys for Respondent/Insurer

IN THE SUPREME COURT OF THE STATE OF MONTANA

DEBRA STAVENJORD,

Cause No. DA 08-0209

Petitioner/Appellant,

v.

JOINT MOTION  
TO REMAND

MONTANA STATE FUND,

Appellee/Cross-Appellant.

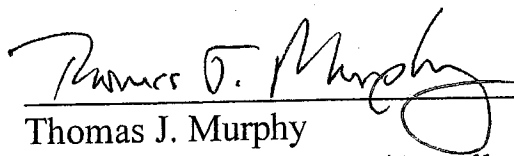
Appellant Debra Stavenjord ("Stavenjord") and Appellee and Cross-Appellant Montana State Fund ("State Fund") jointly move the Court to remand the present appeal to the Montana Workers' Compensation Court for consideration of the approval of a settlement of the matter entered into by the parties, with the

right to reinstate the appeal should the settlement not be approved. In support of the Motion, the parties state as follows:

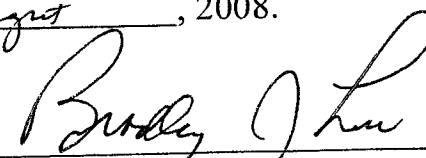
The parties engaged in appellate mediation pursuant to the Rules of this Court on July 11, 2008. At that time, a settlement was reached encompassing the issues in this matter and *Reesor v. Montana State Fund*, Supreme Court Cause No. DA 08-0314. The settlement terms and conditions require consideration and approval by the Montana Workers' Compensation Court. It is therefore necessary for the matter to be remanded to that Court for further proceedings in relation to the proposed settlement of this action. Should the settlement not be approved the parties respectfully request, upon certification of that fact, reinstatement of the appeal for further proceedings in this Court.

The parties will seek a similar remand in *Reesor* following appellate mediation with other parties to that action.

DATED this 8<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Thomas J. Murphy  
Attorneys for Petitioner/Appellant

DATED this 7<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Bradley J. Luck  
Attorneys for Respondent/Cross-Appellant

# garlington | lohn | robinson



199 West Pine Street  
P.O. Box 7909  
Missoula, Montana 59807-7909  
(406) 523-2500  
Fax (406) 523-2595  
www.garlington.com

J. C. Garlington  
1908 - 1995

Sherman V. Lohn  
1921 - 2007

R.H. "Ty" Robinson  
(Retired)

David C. Berkoff  
Stephen R. Brown  
Gary B. Chumrau  
Randall J. Colbert  
Lawrence F. Daly  
Kathleen L. DeSoto  
A. Craig Eddy, MD  
Candace C. Fetscher  
Gary L. Graham  
Charles E. Hansberry  
Gregory L. Hanson  
Malin Stearns Johnson  
William Evan Jones  
Maureen H. Lennon  
Elizabeth D. Lowrance  
Bradley J. Luck

Robert C. Lukes  
Kathryn S. Mahe  
Alan F. McCormick  
Charles E. McNeil  
Anita Harper Poe  
Larry E. Riley  
Susan P. Roy  
Robert E. Sheridan  
Brian J. Smith  
Peter J. Stokstad  
Kevin A. Twidwell  
Kristina K. Valtinson  
William T. Wagner  
Hillary A. Wandler  
Kelly M. Wills  
Elena J. Zlatnik

August 7, 2008

COPY

Ed Smith  
Clerk of Montana Supreme Court  
Room 323, Justice Building  
215 N. Sanders  
Helena, MT 59620

RE: Debra Stavenjord v. Montana State Fund, Case No. DA 08-0209

Dear Mr. Smith:

Enclosed please find an original and seven copies of a Joint Motion to Remand and a proposed Order for the Court's consideration. Also enclosed are pre-addressed envelopes directed to all counsel.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP

Bradley J. Luck  
406-523-2548  
[bjluck@garlington.com](mailto:bjluck@garlington.com)

BJL:sgf:jd

Enclosures

c: Workers' Compensation Court  
Thomas J. Murphy