

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 3987
Volume XX

Helena, Montana
September 26, 2008

DEBRA STAVENJORD

Thomas J. Murphy

vs.

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2000-0207

and

DALE REESOR

Thomas J. Murphy

vs.

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2002-0676

A telephonic conference came on this date at 10:00 a.m. at the request of the parties, to discuss the status of the case. Thomas J. Murphy participated on behalf of Debra Stavenjord and Dale Reesor. Bradley J. Luck and Thomas E. Martello participated on behalf of the Montana State Fund. The purpose of the call was to discuss a proposed settlement. Prior to the conference call, I had reviewed the Settlement Agreement, Settlement Stipulation, and the proposed Order approving the settlement in both cases. During conference call, I expressed my concerns with counsel concerning jurisdiction and due process issues with respect to individuals who were not parties to the action in light of the fact that the Supreme Court has held that *Stavenjord* is not a common fund, and I have held similarly in *Reesor*. Extensive discussion was held as to how to address these concerns.

Counsel have agreed to confer and will provide the Court with amended documents, and a follow up conference call was scheduled for Tuesday, September 30, 2008, at 3:15 p.m. to discuss these proposed amendments.

The conference adjourned at 11:30 a.m.

JAMES JEREMIAH SHEA
Judge

c: Parties of record via website

JB