

WORKERS' COMPENSATION COURT

Hearing No. 3499
Volume XVII

Helena, Montana
September 16, 2004

DEBRA STAVENJORD

Thomas J. Murphy

vs.

MONTANA STATE FUND

Bradley J. Luck,
Thomas J. Harrington,
David A. Hawkins, and
Thomas E. Martello

WCC No. 2000-0207

I held a telephone conference with above counsel to discuss possible appeals in the is case. Settlement discussions are ongoing but I expressed my concern with respect to binding claimants reaching MMI before June 1999. However, one of the possibilities being discussed is a class-type notice to those claimants with an opt-out provision. Further discussions appear to be warranted and I expressed my willingness to discuss their proposals with them as I would have to approve any settlement. Meanwhile, Mr. Murphy will file an appeal next week. Mr. Luck will be filing a motion to stay the judgment in the matter pending resolution of the appeal and we all agreed that a stay is appropriate. He will file the motion for stay tomorrow and I will grant it. The State Fund will file a cross-appeal within the time allowed by statute. If the parties are able to reach a resolution which would meet with my approval, a procedure similar to that followed in *Flynn* might be appropriate. In any event, everyone will stay in touch and keep the discussions open.

MIKE McCARTER
Judge