

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 4008
Volume XX

Helena, Montana
December 2, 2008

DEBRA STAVENJORD

vs.

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2000-0207

and

DALE REESOR

vs.

MONTANA STATE FUND

Bradley J. Luck
Thomas E. Martello

WCC No. 2002-0676

A telephonic conference came on this date at 9:00 a.m. to discuss what impact, if any, the Montana Supreme Court decision in *Flynn v. Montana State Fund* (2008 MT 394) has as to the implementation procedures in *Stavenjord* and *Reesor*. Bradley J. Luck and Thomas E. Martello participated on behalf of the Montana State Fund. Larry W. Jones was also present during the conference call.

Mr. Luck discussed the State Fund's position regarding the definitions of "settled claims" and "paid in full." State Fund's position is that "paid in full" needs to be determined within the confines of *Flynn*. Mr. Luck requested the *Stavenjord* and *Reesor* letter process and implementation be held in abeyance until this Court makes a determination as to the definition of "paid in full."

I agreed that the definition of "paid in full" needs to be set out in *Flynn*, which will either control or inform *Stavenjord* and *Reesor*. The remediation procedures in *Stavenjord* and *Reesor* are **held in abeyance** pending resolution of the definition of "paid in full" in the *Flynn* case.

Once the file is remanded from the Supreme Court, a conference call and/or a briefing schedule will be set in *Flynn*.

JAMES JEREMIAH SHEA
Judge

c: Parties of record via website
JB/PS/JMB