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Sent: Monday, October 23, 2006 4:34 PM

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Subject: Hiett v. MSGIA, WCC No. 2001-0278

FILED

OCT 23 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

To: All Parties and Counsel of Record

Re: *Hiett v. MSGIA*, WCC No. 2001-0278

The recent Supreme Court decision in *Stavenjord v. Montana State Fund*, 2006 MT 257, brings to the forefront the issue as to whether *Hiett v. MSGIA*, WCC No. 2001-0278 is a common fund. At the May 11, 2005, conference in the *Hiett* matter (Minute Entry No. 3603), this Court advised the parties that once the threshold issues were resolved, a conference would be scheduled. The Court issued its Order Determining Threshold Issues in Scope of Decision on October 11, 2006, 2006 MTWCC 33.

Rather than schedule a conference, it may be more expeditious for this Court to set a briefing schedule to brief the issue of whether there is an identifiable class of claimants.

Please respond to the Court by November 1, 2006. If enough parties believe than an in-person conference is necessary, one will be scheduled. Otherwise, a briefing schedule will be set as to whether a common fund exists.

Jackie Bockman
Deputy Clerk of Court
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10/23/2006

DOCKET ITEM NO. 136