

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No.

Petitioner

vs.

Respondent/Insurer.

PRETRIAL ORDER

¶1 Pursuant to Rule 24.5.318 of the Rules of the Workers' Compensation Court, a Pretrial Conference was held in the above-entitled matter on the ___ of _____, 20__, before Pretrial Hearing Examiner, _____. _____ appeared as counsel for Petitioner. _____ of _____ appeared as counsel for Respondent.

A. Statement of Jurisdiction: The Workers' Compensation Court has jurisdiction in the above-entitled matter pursuant to § 39-71-2905, MCA, and the agreement of the parties.

B. Motions: [State either that no motions have been filed at this time or describe any motions which are pending. See Court Rule 24.5.316 Motions and review the Scheduling Order deadlines.]

C. Statement of Uncontested Facts: The uncontested facts are as follows:

1. That on _____, Petitioner suffered an industrial injury [or occupational disease] arising from his/her employment with _____ of _____, Montana.
2. At the time of the injury, _____ [employer] was enrolled under Compensation Plan No. __ (1, 2, or 3) of the Workers' Compensation Act, and was insured by the _____.

3. The parties have exchanged all available medical records relating to the injury and will continue to do so.

4. The mediation procedure has been satisfied.

D. Stipulations:

E. Issues to be Determined by the Court:

(a)

F. Contested Issues of Fact:

1. Petitioner's Contentions:

(a) [Include all contentions which provide the basis for any claim of unreasonableness on the part of the insurer.]

2. Respondent's Contentions:

(a) _____

G. Exhibits: See attached Exhibit grid with any objections stated.

H. Witnesses:

Petitioner's Witnesses:

NAME/ADDRESS/
OCCUPATION

SUBJECT MATTER OF TESTIMONY

a. _____ Petitioner will testify as to _____.

b. _____ Respondent's insurance adjuster will testify as to _____.

c. All witnesses identified by Respondent are incorporated by reference herein.

d. All witnesses divulged during discovery.

e. All necessary rebuttal and/or impeachment witnesses.

Respondent's Witnesses:

NAME/ADDRESS
OCCUPATION

SUBJECT MATTER OF TESTIMONY

- a. _____ All facts relevant to Petitioner's claim.
- b. _____ Adjustment and handling of the claim.
- c. _____ Petitioner's alleged injury.
- d. _____ Petitioner's alleged application for employment with _____.
- e. _____ Petitioner's employability/earning capacity.
- f. All witnesses identified by Petitioner in his/her Petition for Hearing are incorporated by reference herein.
- g. All witnesses divulged during discovery.
- h. All necessary rebuttal and/or impeachment witnesses.

I. Unusual Legal or Evidentiary Issues: _____

J. Length of Trial: Counsel for Petitioner and Respondent estimate the length of trial will be ___ hour(s).

K. Intent to File Trial Briefs and/or Proposed Findings of Fact and Conclusions of Law: Counsel for Petitioner _____ to file _____. Counsel for Respondent _____ to file _____. These documents shall be filed no later than [the Wednesday preceding the trial, if a one-day trial, or the Monday preceding the trial, if more than a one-day trial].

L. Depositions: Depositions have been taken of _____ and a video deposition of _____ is scheduled for _____. Records depositions have been taken of _____.

M. Trial Date: The trial date of this matter will commence on the _____ day of _____, 20__, at _____ o'clock, __.m., in _____, Montana.

¶ 2 IT IS ORDERED that this Pretrial Order shall supersede all other pleadings and govern the course of the trial of this cause unless modified by the Court to prevent manifest injustice.

DATED in Helena, Montana, this ____ day of _____, 20__.

JUDGE

APPROVED AS TO FORM AND CONTENT:

Attorney for Petitioner

Attorney for Respondent

WCC No.
EXHIBIT SHEET
TRIAL DATE:

Ex #	Admit (Y/N)ⁱ	Description of Exhibit	Objection Yes/No	Specific Objection	Who offered the Exhibit
1					

i. Yes, No.