

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1997 MTWC 34A

WCC No. 9703-7718

VELLEDA BATES

Petitioner

vs.

RANGER INSURANCE COMPANY

Respondent/Insurer for

WESTERN CARE NURSING HOME

Employer.

JUDGMENT

The parties have entered into a stipulation for settlement and judgment in this matter. The Court has received the written stipulation signed by both parties, wherein they have agreed that the claimant suffered an industrial injury arising out of and in the course of her employment on October 6, 1982, and the insurer, Ranger Insurance Company, accepted liability for her claim.

They have further entered into the following settlement agreement, which the Court approves and adopts as a final judgment in this matter and the other matters mentioned in the stipulation.

IT IS HEREBY ORDERED AND ADJUDGED that:

1. The lump sum in the amount of eighty-nine thousand, eight hundred seventy-eight dollars and 50/100 (\$89,878.50) which was paid to the claimant for the purchase of a home is approved by the Court.
2. The insurer shall pay thirty seven thousand, five hundred dollars (\$37,500.00) to settle claimant's claim for attorney's fees and costs related to her lump-sum request for the purchase of a home. This amount also compromises the claimant's claim for attorney's fees and costs regarding to controversies regarding the amount of benefits due to the claimant. As such, the settlement amount compromises the pending appeal before the Montana Supreme Court, No. 98-266, an appeal of the claimant's petition filed as Department of Labor and Industry No. 2-83-02441-2, which sought attorney's fees and

costs relating to two prior petitions filed with the Workers' Compensation Court of the State of Montana, numbered WCC No. 8904-5320 and WCC No. 8810-4931.

3. This judgment is certified as final.

DATED in Helena, Montana this 30th day of July, 1998.

(SEAL)

/s/ Mike McCarter

JUDGE

c: Mr. Andrew J. Utick

Mr. Jason G. Dykstra