

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2003 MTWCC 32A

WCC No. 2003-0755

LANDIS BJORGEN

Petitioner

vs.

MELOTZ TRUCKING, INCORPORATED

Uninsured Employer

UNINSURED EMPLOYERS' FUND

Respondent.

ORDER AMENDING JUDGMENT

¶1 The Uninsured Employers' Fund (UEF) has moved to amend the judgment in this case to add a provision requiring Melotz Trucking, Incorporated to indemnify and reimburse it for all benefits it is legally obligated to pay to the claimant. The request was set out in its response to the petition and in the Pretrial Order but overlooked by the Court. Finding good cause, the judgment is amended to add the following provision:

Pursuant to section 39-71-504(1)(b), MCA (2001), which provides that the Uninsured Employers' Fund "shall collect from an uninsured employer an amount equal to all benefits paid or to be paid from the fund to an injured employee of the uninsured employer," Melotz Trucking, Incorporated shall indemnify and pay the Uninsured Employers' Fund an amount equal to all compensation, medical, and other benefits paid to date to or for claimant, and shall continue to indemnify and reimburse the Uninsured Employers' Fund for all compensation, medical, and other benefits for which it becomes liable to pay in connection with the claimant's industrial accident.

¶2 The UEF and employer have also moved to amend the judgment to strike the award of costs. The motion is **denied**. Although the request for costs was not specifically set out in the Pretrial Order, costs are routinely granted any prevailing claimant. I have previously determined that under Court rule costs may be awarded against the UEF. *Pekus v. Uninsured Employers' Fund*, 2003 MTWCC 33.

¶3 This Order Amending Judgment, is certified as final for all purposes of appeal.

DATED in Helena, Montana, this 20th day of May, 2003.

(SEAL)

\s\ Mike McCarter

JUDGE

c: Mr. Steven S. Carey

Mr. Daniel B. McGregor

Mr. Mark Melotz

Submitted: May 9, 2003