

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

ORDER PERMITTING AMICUS BRIEFS

¶1 In this case there are presently pending before the Court the following issues:

(1) Does the failure to request common fund attorney fees or class certification in the pre-remand proceedings bar post-remand requests for common fund fees or class certification.

(2) Is the Supreme Court decision in *Flynn* retroactive.

Because the answers to these questions may affect the proceedings in other pending cases, namely:

Schmill v. Liberty Northwest Ins. Corp., WCC No. 2001-0300

Ruhd v. Liberty Northwest Ins. Corp., WCC No. 2002-0222

Mathews v. Liberty Northwest Ins. Corp., WCC No. 2001-0286

Wild v. Montana State Fund, WCC No. 2001-0294

Miller v. Liberty Mutual Fire Ins. Co., WCC No. 2000-0174,

the Court grants leave to counsel in those cases, and any counsel wishing to do so, to file amicus curiae briefs with regard to those issues.

¶2 Amicus briefs shall be filed no later than July 11, 2003.

¶3 Copies of the briefs already filed in this case with respect to the issues may be viewed at the Court's WEB site, <https://courts.mt.gov/Courts/workers-comp/Home>. The briefs should be posted on the website early in the week of June 16, 2003.

DATED in Helena, Montana, this 10th day of June, 2003.

(SEAL)

\s\ Mike McCarter

JUDGE

c: Mr. Rex Palmer

Mr. Bradley J. Luck

Courtesy copies to:

Mr. James G. Hunt

Mr. Greg E. Overturf

Mr. Thomas E. Martello

Mr. Geoffrey C. Angel

Mr. Larry W. Jones

Mr. Lon J. Dale

Mr. Monte D. Beck

Mr. Stephen J. Roberts

Mr. Victor J. Halverson

Mr. Mark C. Cadwallade