

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1999 MTWCC 60A

WCC No. 9810-8078

WAYNE V. KELLY

Petitioner

vs.

STATE COMPENSATION INSURANCE FUND

Respondent/Insurer for

BELT PUBLIC SCHOOLS

Employer.

FINAL JUDGMENT

Topic:

Settlements: Stipulated Judgment. Where parties entered into a Stipulation for Entry of Final Judgment setting forth reasonable resolution of case, WCC entered Final Judgment in accordance with stipulation, allowing resolution of the case without the filing of a petition through the DOL.

¶1 The parties have entered into a Stipulation for Entry of Final Judgment in this matter. The Stipulation was filed with this Court on April 20, 2000.

¶2 Accordingly, judgment is hereby entered in accordance with the Stipulation, a copy of which is attached.

¶3 IT IS HEREBY ORDERED that this Final Judgment and the Order Granting Partial Summary Judgment, filed September 9, 1999, are certified as final for purposes of appeal.

DATED in Helena, Montana, this 26th day of April, 2000.

(SEAL)

/s/ Mike McCarter

JUDGE

c: Ms. Antonia P. Marra

Mr. William O. Bronson

Attachment: Copy of Stipulation for Entry of Final Judgment

Ms. Antonia P. Marra

BELL & MARRA, PLLC

Suite 303, Liberty Center

#9 Third Street North

Great Falls, MT 59401

Telephone: (406) 727-5101

Attorneys for Petitioner

William O. Bronson OFFICE OF

JAMES, GRAY, BRONSON & SWANBERG, P.C.

Wendt Building

615 2nd Avenue North

P O. Box 2885

Great Falls, MT 59403-2885

Telephone: (406) 454-5709

Attorneys for Respondent/Insurer

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WAYNE V. KELLY

WCC No. 9810-8078

Petitioner

vs.

STATE COMPENSATION INSURANCE FUND,

Respondent/Insurer for

BELT PUBLIC SCHOOLS,

Employer.

STIPULATION FOR ENTRY OF FINAL JUDGMENT

Petitioner and Respondent/Insurer, by and through their respective counsel of record, stipulate and agree that final judgment on the issues pending before this Court in Cause No. WCC 9810-8078 may be entered as follows:

(1) Petitioner and Respondent/Insurer have stipulated and agreed that Petitioner's claim for alleged underpayment of permanent partial disability (PPD) benefits in connection with his 1987 injury, may be compromised and dismissed in exchange for Respondent/Insurer paying Petitioner the sum of NINE-HUNDRED DOLLARS (\$900.00) new money. The parties further stipulate and agree that payment of this sum will extinguish all liability Respondent/Insurer has for PPD benefits in connection with the 1987 injury.

(2) Respondent/Insurer agrees to pay the outstanding bill for Dr. Stone.

(3) Respondent/Insurer has agreed to pay medical expenses reasonably related to Petitioner's 1986 and 1987 injuries, including those treatments which have been provided for or administered by the Department of Veterans Affairs (VA).

Respondent/Insurer understands that VA may have inquired of Petitioner as to certain bills it felt were the responsibility of the Respondent/Insurer. Petitioner has agreed to provide Respondent/Insurer with any statements received by him from the VA in connection with care and treatment. Respondent/Insurer has agreed that it will negotiate or deal directly with the VA as to how and when payment should occur.

The parties further stipulate and agree that there is no situation or circumstance in which Petitioner would be reimbursed directly, as these expenses and any reimbursement for them will be dealt with directly between the Respondent/Insurer and the VA.

(4) Petitioner reserves all rights to appeal the grant of partial summary judgment to Respondent/Insurer by order of this Court dated September 9, 1999.

(5) Any other issues raised by the Petition are considered compromised and should be dismissed as part of the agreements set forth above.

(6) The parties further stipulate and agree that the Court may enter final judgment in accordance with this Stipulation.

DATED: April 17, 2000

\s\ Antonia P. Marra

For the Petitioner

DATED: January 28, 2000

\s\ William O. Bronson

For the Respondent/Insurer