

DISCLAIMER

The "Greg Kemp" involved in the following workers' compensation matter is in no way associated with the Greg Kemp who is currently residing in Hawaii.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1998 MTWCC 30

WCC No. 9711-7866

GREG KEMP

Petitioner

vs.

CIGNA PROPERTY & CASUALTY

Respondent/Insurer for

WOLSEY MANAGEMENT, INCORPORATED/

FAMILIAN NORTHWEST

Employer.

CONTEMPT ORDER

Summary: During trial four months prior, claimant admitted he had lied in some answers under oath. The Court issued a show cause order regarding whether claimant should be held in contempt.

Held: Deceit by a party in a court proceeding constitutes contempt. Taking into consideration that claimant acknowledged his misconduct, the Court orders a fine of \$200 payable to the Workers' Compensation Court in four monthly installments of \$50 each.

Topics:

Contempt. Claimant admitted lying under oath. Deceit by a party in court proceeding constitutes contempt of the court's authority. § 3-1-501(d), MCA. Pederson v. Nordahl, 261 Mont. 284, 289, 862 P.2d 411, 415 (1993). While

finding claimant in contempt, the Court considers that he has admitted his misconduct. Claimant could have been sentenced to 5 days in jail and a \$500 fine. He is ordered to pay a fine of \$200 to the WCC in four monthly installments of \$50 each.

Witnesses: Credibility. Claimant admitted lying under oath. Deceit by a party in court proceeding constitutes contempt of the court's authority. § 3-1-501(d), MCA. *Pederson v. Nordahl*, 261 Mont. 284, 289, 862 P.2d 411, 415 (1993). While finding claimant in contempt, the Court considers that he has admitted his misconduct. Claimant could have been sentenced to 5 days in jail and a \$500 fine. He is ordered to pay a fine of \$200 to the WCC in four monthly installments of \$50 each.

¶1 During the trial of this matter, which was held in Missoula on January 20, 1998, the claimant admitted during cross-examination that he had lied in some of the answers he gave under oath. Following trial, the Court issued a show cause order as to why claimant should not be held in contempt.

¶2 Deceit by a party in a court proceeding constitutes contempt of the court's authority. § 3-1-501(d), MCA; *Pedersen v. Nordahl*, 261 Mont. 284, 289, 862 P.2d 411, 415 (1993).

¶3 The show cause hearing was held in Missoula on April 13, 1998. Claimant appeared without counsel and apologized to the Court.

¶4 While finding claimant in contempt, the disposition of this case takes into consideration that claimant admitted his misconduct. Claimant could have been sentenced to 5 days in jail and a \$500 fine. § 3-1-519, MCA.

¶5 IT IS HEREBY ORDERED that claimant is in contempt of Court and shall pay a fine in the sum of \$200 to the Workers' Compensation Court, payable in 4 monthly installments of \$50 each commencing May 15, 1998.

DATED in Helena, Montana, this 16th day of April, 1998.

(SEAL)

\s\ Mike McCarter
JUDGE

c: Mr. Kenneth H. Grenfell - Courtesy Copy
Mr. Greg Kemp - Certified Mail
Mr. Leo S. Ward