

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1999 MTWCC 72A

WCC No. 9903-8175

KATHLEEN M. KING, Widow of Russell

King-Deceased Employee/Claimant, et al.

Petitioners

vs.

CREDIT GENERAL INSURANCE COMPANY

Respondent/Insurer for

TTC ILLINOIS, INCORPORATED and

SAMMONS TRUCKING

Employer.

ORDER CERTIFYING PRIOR DECISION AS FINAL

¶1 The Findings of Fact, Conclusions of Law and Judgment filed November 10, 1999, was not certified as final due to the outstanding constitutional challenge made by petitioners. At trial, the parties had agreed the constitutional challenge would be briefed and submitted only if the other issues were decided against claimant.

¶2 Following a decision in favor of respondent, Notice of the Constitutional Challenge was served upon the Montana Attorney General on November 10, 1999. On November 18, the Court received the Attorney General's Notice of Intent Not to Intervene regarding the issue raised. On December 9, an Order Setting Briefing Schedule on the constitutional challenge issued.

¶3 On December 30, 1999, the Court received petitioners' Notice Regarding Constitutional Issue, which states that petitioners have determined the findings of fact made by the Court do not give rise to the constitutional issue they originally contemplated.

¶4 Accordingly, the Findings of Fact, Conclusions of Law and Judgment filed November 10, 1999, is hereby certified as final for purposes of appeal pursuant to ARM 24.5.348.

DATED in Helena, Montana, this 6th day of January, 2000.

(SEAL)

\s\ Mike McCarter

JUDGE

c: Ms. Sydney E. McKenna

Mr. Robert E. Sheridan

Mr. Joseph P. Mazurek - Courtesy Copy

Date Submitted: August 30, 1999