IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1994 MTWCC 104A

WCC No. 9405-7054

KELLY REINHARDT

Petitioner

vs.

STATE COMPENSATION INSURANCE FUND

Respondent/Insurer for

BILLINGS HOSPITALITY ASSOCIATES, INCORPORATED

Employer.

ORDER DENYING PETITION FOR NEW TRIAL

Due to a lapse of communication among counsel and the Court, the Court issued its decision in the above matter before respondent had an opportunity to submit its reply brief. The respondent has therefore filed a petition for new trial and requested that the Court reconsider its decision in light of the arguments it intended to make in its reply brief. The reply brief accompanied the petition.

Since this case was submitted on stipulated facts, the issues are legal ones. The Court has now reviewed and considered respondent's additional arguments. It concludes that its original decision was correct. The petition for new trial is therefore **denied** and this matter certified as final for purposes of appeal.

Dated in Helena, Montana, this 9th day of December, 1994.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Gary Overfelt
Mr. Laurence A. Hubbard