

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1994 MTWCC 33

WCC No. 9305-6795

INDUSTRIAL INDEMNITY INSURANCE COMPANY

Petitioner/Insurer

vs.

ROBERTA RYAN

Respondent/Claimant/Cross-Petitioner.

ORDER REGARDING WITHHELD DOCUMENTS;
ORDER DENYING MOTION TO RECONSIDER

The Court has before it another in a long and never-ending series of motions filed by claimant. This latest motion requests the Court to reconsider its denial of claimant's previous request for an itemization of evidence. It appears from the motion and the insurer's response that some documents requested by claimant may have been withheld on grounds of privilege and/or the work product doctrine, although this is not entirely clear to the Court. Unfortunately, the formalities required for requests for production, ARM 24.5.324, have not been followed on account of claimant's pro se status.

The Court file contains abundant correspondence between the parties regarding documents provided to claimant, as well as claimant's various motions to compel. Cutting to the quick of this matter, the Court does not have the time to undertake a daily review of the items heretofore provided and/or to review the ever-flowing accusations of claimant against the insurer and the insurer's rebuttals. Of concern to the Court at this moment is whether documents requested by claimant have been withheld and, if so, whether they have been identified in accordance with ARM 24.5.324, as amended on April 1, 1994. The amended rule, which implements a prior Order of the Court in another case, requires a party withholding documents to identify each document withheld, along with the grounds of its objection. If this has already been done, the insurer shall furnish copies of its previous list of withheld documents to the Court and claimant. If it has not been done, then the Court HEREBY ORDERS respondent to **comply with ARM 24.5.324, as amended in April 1, 1994**, with respect to all documents which have been requested by claimant but withheld by the insurer.

If claimant then contends that she is entitled to any of the withheld documents, she must comply with the requirements of ARM 24.5.324(6) by filing a motion to compel. Claimant's motion for reconsideration is otherwise **denied**.

A copy of ARM 24.5.324, as amended, is attached to this order.

DATED in Helena, Montana, this 8th day of April, 1994.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Charles E. McNeil
Ms. Roberta C. Ryan - Certified
Enclosure