IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2004 MTWCC 49A

WCC No. 2003-0908

CHRISTOPHER SANDRU

Petitioner

vs.

ROCHDALE INSURANCE COMPANY

Respondent/Insurer.

ORDER DENYING MOTION FOR RECONSIDERATION

¶1 Petitioner moves for reconsideration of this Court's entry of summary judgment. The motion is without merit.

¶2 Initially, the motion reargues the facts. There is nothing new and the arguments were considered and rejected in the Court's original decision.

¶3 The motion further challenges the constitutionality of the Court's application of the statute governing tips. That challenge was not raised in the petition. Judgment has already been entered and it is too late to raise it now.

¶4 Finally, petitioner argues that he was denied his request for an emergency trial. His request did not show exigent circumstances warranting an expedited proceeding. Moreover, his request is moot since the insurer is entitled to judgment as a matter of law.

¶5 Based on the foregoing, the motion is **denied**.

DATED in Helena, Montana, this 6th day of July, 2004.

(SEAL)

\s\ Mike McCarter
JUDGE

c: Mr. Charles W. Schuyler
Mr. Steven W. Jennings
Mr. Mike McGrath (Courtesy Copy)
Submitted: June 28, 2004