

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1993 MTWCC 8A

WCC No. 9308-6867

**IN RE THE MATTER OF ATTORNEY FEES PAID
REGARDING THE CLAIM OF SHARON YOUNG**

Petitioner

vs.

FRANK C. RICHTER

Respondent.

SUPPLEMENTARY ORDER CONCERNING MOTION FOR SUMMARY JUDGMENT

On October 8, 1993, the Court issued a combined Order which, among other things, denied respondent's motion for summary judgment. That denial was based on the lack of sworn evidence in the form of affidavits, depositions, or answers to written discovery. However, subsequent to issuing the Order, the Court learned that it had overlooked an affidavit of Frank C. Richter which had been forwarded with the motion. The Court then held a conference call with both counsel. During the conference call counsel agreed that additional discovery may be needed and have therefore agreed that consideration of the motion for summary judgment should be postponed until further notice to the Court. In light of the agreement of counsel, it is unnecessary for the Court to reconsider its previous Order.

IT IS THEREFORE ORDERED that respondent may renew his motion for summary judgment at any time by notifying the Court and opposing counsel of his intent to do so. At that time the respondent may submit any additional affidavits or written discovery he wishes the Court to consider. Upon giving such notice, the petitioner will have two weeks in which to reply.

DATED in Helena, Montana, the 19th day of October, 1993.

(SEAL)

/s/ Mike McCarter

JUDGE

c: Mr. Charles G. Adams
Mr. Loren H. Torkelson