IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1996 MTWCC 25A

WCC No. 9508-7353

GLACIER PARK INCORPORATED/NATIONAL UNION FIRE INSURANCE COMPANY

Employer/Insurer/Petitioners

vs.

BRUCE PARKER

Claimant/Respondent.

ORDER DENYING MOTION TO AMEND

On February 7, 1996, the respondent filed Claimant's Motion to Amend Response to Petition. The amendment would add a request for attorney fees. Petitioner objects to the motion as untimely.

The petition in this matter was filed on August 7, 1995. The Court issued a Scheduling Order on August 9, 1995, requiring a response within 20 days and fixing December 1, 1995 as the deadline for the filing of pretrial motions, including motions to amend the pleadings. Not only did that date pass without a request for amendment but the parties on December 26, 1995, filed Parties' Joint Statement of Stipulated Facts and Exhibits as the predicate to the resolution of the issues raised in the petition. Opening briefs on the merits were filed by petitioner on February 1, 1996, and by respondent on February 2, 1996.

The claimant/respondent's motion to amend plainly comes too late. The deadline was clear. Respondent offers no excuse for his failure to heed it.

Therefore, Claimant's Motion to Amend Response to Petition is **denied**.

Dated in Helena, Montana, this 15th day of March, 1996.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Patrick G. Frank
Mr. Thomas J. Murphy
Submitted: February 20, 1996