**IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA**

**WCC No. 9612-7663**

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**GLEN KIPP**

**Petitioner**

**vs.**

**STATE COMPENSATION INSURANCE FUND**

**Respondent/Insurer for**

**WASHINGTON CONSTRUCTION/INDUSTRIAL CONSTRUCTION**

**Employer.**

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FINAL JUDGMENT

Pursuant to the Stipulation to Entry of Judgment executed by the parties, through their attorneys, and filed on March 17, 1997, IT IS HEREBY ORDERED that:

(1) Judgment is entered in favor of petitioner, Glen Kipp, and against the respondent, State Compensation Insurance Fund, in the sum of One Hundred Thirty Thousand ($130,000) dollars.

(2) This judgment resolves any and all claims the petitioner and any of his potential beneficiaries, including Bonnie Kipp, may have under either the Montana Workers' Compensation Act or the Montana Occupational Disease Act arising out of petitioner's claim for compensation dated July 18, 1995, alleging an injury to petitioner's lungs or any potential beneficiary's claim that may arise out of the same employment and exposure.

(3) This judgment does not affect any claim the respondent may have for indemnity or contribution from any other insurer which may be responsible for benefits arising out of the petitioner's lung condition.

(4) The parties shall bear their own attorney fees and costs.

IT IS FURTHER ORDERED that the trial scheduled to be heard during the week of May 19, 1997, in Butte, Montana, is **vacated**.

DATED in Helena, Montana, this 20th day of March, 1997.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. William P. Joyce
Mr. Charles G. Adams
Submitted: March 17, 1997