IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1999 MTWCC 2A

WCC No. 9708-7810

DAVID LEASTMAN

Petitioner

vs.

LIBERTY MUTUAL FIRE INSURANCE COMPANY

Respondent/Insurer for

CENEX

Employer.

ORDER NUNC PRO TUNC FOR ENTRY OF JUDGMENT
AND DISMISSAL WITH PREJUDICE

¶1 On January 6, 1999, the Court entered its Findings of Fact, Conclusions of Law and Judgment. On this 4th day of February, 1999, the parties notified the Court per a telephone call of Mr. Larry W. Jones, attorney for respondent, that to avoid an appeal by respondent and finally resolve this case they have entered into a final agreement for settlement which is to supercede this Court's original judgment. Thereafter, on this day, the Court received a signed Stipulation for Entry of Judgment which incorporates the agreement. Finding good cause, and consideration in the fact that an appeal will be avoided, the Court adopts the parties' Stipulation for Entry of Judgment and hereby orders, decrees and adjudges, nunc pro tunc, that the prior judgment of January 6, 1999, is void and that the petition in this matter is dismissed with prejudice upon the following terms, which shall constitute the Court's final judgment in this matter:

¶2 1. That Liberty did not unreasonable delay or refuse payment of any benefitsv to Leastman.

¶3 2. That Liberty will pay the amount of $53,300 on a disputed liability basis in full settlement of all of the claimant's claims related to his claim of injury on July 25, 1995, with medicals reserved.

¶4 3. That each party is responsible for his/its payment of attorney fees and costs to his/its attorney.

¶5 4. That this case shall be dismissed **with prejudice**.

DATED in Helena, Montana, this 4th day of February, 1999.

(SEAL)

\s\ Mike McCarter
JUDGE

c: Mr. Marvin L. Howe
Mr. Larry W. Jones