IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2000 MTWCC 20A

WCC No. 9904-8200

TIM PATRICK,

Petitioner,

vs.

STATE COMPENSATION INSURANCE FUND,

Respondent/Insurer for

KYUS BROADCASTING,

Employer.

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

Summary: After decision by Workers' Compensation Court, parties agreed to settle their dispute, requesting entry of judgment by the Court consistent with their agreement.

Held: Prior judgment vacated nunc pro tunc and stipulated judgment entered consistent with parties' settlement.

Topics:

> **Judgment: Stipulated Judgments.** Where parties reach settlement after trial and decision by Workers' Compensation Court, the Court upon request will vacate the existing judgment and re-enter judgment consistent with the parties' agreement.

¶1 On April 4, 2000, the Court entered its findings of fact, conclusions of law and judgment. On this 8th of May, 2000, the parties notified the Court per a telephone conference call, 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 the 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 April 4, 2000, is void and that the petition for hearing 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 the State Fund did not unreasonably delay or refuse payment of any benefits to petitioner, Tim Patrick.

¶3 2. That the State fund will pay the amount of $45,654.48 on a disputed liability basis in full settlement of all of the petitioner's claims related to his claim of injury on January 31, 1998, 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 19th day of May, 2000.

(SEAL)

\s\ Mike McCarter
JUDGE

c: Mr. Marvin L. Howe
Mr. Greg E. Overturf