IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 9701-7692

JEANNE WARD

Petitioner

vs.

PLUM CREEK MANUFACTURING

Respondent/Insurer/Employer.

ORDER STAYING PROCEEDINGS

The Court held a telephone conference today with Mr. J. David Slovak, attorney for petitioner, and Mr. Todd A. Hammer, attorney for respondent, concerning the status of this case. Respondent has moved to dismiss petitioner's request for a lump sum, alleging that the matter of a lump sum was never mediated. Also at issue is whether the prior mediation resulted in a binding agreement concerning the wage-loss benefits due the petitioner.

Mr. Slovak indicated his willingness to go back through mediation to specifically mediate the lump sum issue. After discussion, counsel and the Court agreed that this matter should be stayed until that mediation is complete and the parties have had an opportunity to engage in further settlement negotiations. If the further mediation does not resolve all issues, then at that time the stay will be lifted and both parties will be provided an opportunity to set forth facts and law concerning the wage-loss issue and any other issue arising from the previous mediation.

I encourage counsel to attempt to settle this matter as it appears to me that any misunderstanding arising out of the first round of mediation may well be compounded and exacerbated by litigation.

All proceedings in this matter are stayed until completion of further mediation and until further order of this court.

SO ORDERED.

DATED in Helena, Montana, this 14th day of February, 1997.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. J. David Slovak
Mr. Todd A. Hammer