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FILED

FEB 1 2 1996

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

JERRY PINYERD,) EDD N. 2.04.05990.4
Petitioner,) ERD No. 3-94-05880-4) WCC No. 9511-7441
vs.	CONSENT TO JUDGMENT
STATE FUND,	
Respondent/Insurer for) }
PRESTIGE TOYOTA,)
Employer.	

COME NOW the parties, and hereby consent to the following judgment being entered upon the minutes of the Court regarding the above referenced claim.

- 1. The State Fund [hereinafter Respondent] admits that Jerry Pinyerd [hereinafter Petitioner] is presently permanently totally disabled and has been since March of 1994. Under this Consent, Petitioner is entitled to cost-of living increases beginning July 1, 1996, pursuant to §39-71-702(5), MCA (1993). By consenting to this provision of the Judgment, Respondent reserves the right to periodically review Petitioner's claim (the parties contemplate annual review but, for good cause, the claim may be reviewed at any interval reasonable under the circumstances at the time of review). The Respondent is not precluded from again litigating the issue of permanent total disability if future review reveals changes in degree of injury under §39-71-739, MCA (1993) or Petitioner returns to work.
- 2. Petitioner consents to judgment being entered denying Petitioner any award of attorney fees and costs pursuant to §39-71-611, 612, or 614, MCA (1993).
 - 3. Petitioner consents to judgment being entered denying Petitioner an award

of the 20% penalty.

DATED this 12Th day of February, 1996.

STATE FUND

HALVERSON, SHEEHY & PLATH, P.C.

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Daniel	Т Т	W/harta	
Damer	J	MATINE .	,
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Attorney for Respondent

Attorney for Petitioner

ORDER

PLD Pursuant to the foregoing Consent to Judgment, and good cause appearing therefor, WORKERS' COMPENSATION JUDGE
WORKERS' COMPENSATION JUDGE
HELENA, MONTANHEREBY ORDERED that judgment be entered as stated in the foregoing

Consent to Judgment.

DATED this _____day of February, 1996.

(SEAL)

Workers' Compensationj Judge

Patrick R. Sheehy cc:

Daniel J. Whyte