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Attorneys for Respondent

FILED

JUN 10 2004

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

KELLY WILD,

Petitioner,

v.

MONTANA STATE WORKERS'
COMPENSATION

Respondent.

WCC No. 2001-0286

PROGRESS REPORT

COME NOW the parties, pursuant to this Court's directive of June 2, 2004, and hereby advise the Court of the progress the parties have made since the filing of the last Status Report in February of 2004.

A. Joint Statement of Stipulated Facts

On March 11, 2004, Wild sent the State Fund his proposed changes to the factual stipulation. The State Fund had several meetings to review and discuss Wild's proposed changes. The State Fund agreed with some of the revisions, modified other revisions, and added some additional material into the factual stipulation. On May 25, 2004, the State Fund sent Wild's attorneys a 10-page letter identifying the revisions which were acceptable, outlining the revisions which were modified, and explaining the new additions. The detailed letter was accompanied by a revised factual stipulation which contained all the recent changes made to the stipulation. Wild's attorneys are still reviewing the changes the State Fund made to the most recent version of the factual stipulation.

B. Stipulation Regarding Prospective Claims

All the attorneys involved in this matter and in *Mathews v. Liberty Nw. Ins. Corp.*, WCC No. 2001-0294, agreed to revise the Stipulation Regarding Prospective Claims so that it includes a discussion of Senate Bill 450 and its prohibition of common fund fees on any claims occurring on or after April 21, 2003. The State Fund re-circulated a Revised Stipulation Regarding Prospective Claims to the attorneys for Wild, Mathews and Liberty on April 26, 2004. On May 28, 2004, the State Fund contacted Wild's attorneys to inquire about the status of the Revised Stipulation Regarding Prospective Claims. On June 2, 2004, the State Fund was informed that the revised stipulation is still awaiting signatures from two attorneys, who anticipate signing it soon. Once the fully executed revised stipulation is returned to the State Fund, it will file the revised stipulation, along with an *Unopposed Motion to Withdraw and Replace the Stipulation Regarding Prospective Claims, with Supporting Brief*. The Revised Stipulation Regarding Prospective Claims will apply to this matter and to *Mathews*.

The attorneys for Wild have reviewed the contents of this Progress Report, concur in its accuracy and consent to its filing.

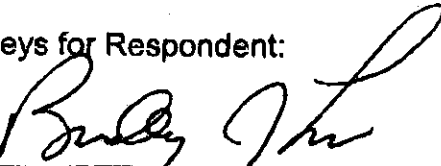
DATED this 10 day of June, 2004.

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By



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CERTIFICATE OF MAILING

The undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Respondent, hereby certifies that on this 10th day of June, 2004, she mailed a copy of the foregoing Progress Report, postage prepaid, to the following persons:

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