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FILED

NOV - 5 2003

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

KELLY WILD,

Petitioner,

vs.

MONTANA STATE WORKERS'
COMPENSATION,

Respondent.

WCC NO. 2001-0286

WCC NO. 2001-0294

**STIPULATION REGARDING
PROSPECTIVE CLAIMS**

COME NOW the parties, by and through counsel, and hereby stipulate as to the dates to use for prospectively implementing *Wild v. Montana State Fund*, 2003 MT 115, 315 Mont. 425, 68 P.3d 855 and *Mathews v. Liberty Northwest Ins. Corp.*, 2003 MT 116, 315 Mont. 441, 68 P.3d 865. For prospective implementation purposes, the parties agree that a claimant's entitlement date for an occupational disease shall be the date a claimant's occupational disease is first diagnosed as work-related. Therefore, all claims arising out of occupational diseases which were first diagnosed as work-related on or after April 29,

10-16-02

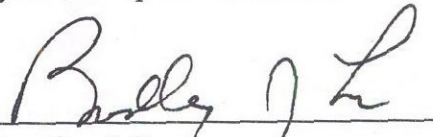
2003, the date of the Montana Supreme Court's decisions in *Wild* and *Mathews*, are considered prospective claims. The parties also agree that a claimant's entitlement date for an injury claim shall be the date the injury occurred. Therefore, all claims arising out of injuries which occurred on or after April 29, 2003, are considered prospective claims. Common fund fees are not payable on prospective claims.

DATED this 31 day of ~~September~~^{Oct}, 2003.

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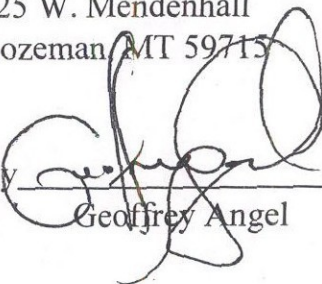
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Attorneys for Respondent/Insurer.

By 
Bradley J. Luck

DATED this _____ day of September, 2003.

ANGEL LAW FIRM
125 W. Mendenhall
Bozeman, MT 59715

By 
Geoffrey Angel

DATED this 16 day of ~~September~~ ^{October}, 2003.

JONES & GARBER
700 SW Higgins Avenue, Suite 108
Missoula, MT 59803

By [Signature]
Larry Jones

DATED this 30 day of September, 2003.

HUNT & MOLLOY
310 Broadway Avenue
Helena, MT 59601

By [Signature]
Jim Hunt

DATED this _____ day of September, 2003.

FOUST LAW OFFICE
2135 Charlotte Street, Suite 1A
Bozeman, MT 59715

By [Signature]
Lucas J. Foust



APPROVED as to form and content and SO ORDERED on this 5th day of November, 2003.

[Signature]
Hon. Mike McCarter
Workers' Compensation Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that I served the attached Stipulation Regarding Prospective Claims upon the persons whose names appear below.

WCC No. 2001-0286 and WCC No. 2001-0294

Mr. Bradley J. Luck
Attorney at Law
P.O. Box 7909
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Mr. Geoffrey C. Angel
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Mr. Larry W. Jones
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Mr. James G. Hunt
Attorney at Law
310 Broadway
Helena, MT 59601

Mr. Lucas J. Foust
Attorney at Law
2135 Charlotte St., Suite IA
Bozeman, MT 59718

by depositing a true copy thereof in the United States mails postpaid, addressed to each
as listed above.

DATED in Helena, Montana, this 5th day of November, 2003.

PATRICIA J. KESSNER
Clerk of Court

By: Clara Wilson
Deputy Clerk of Court

FILED

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HELENA, MONTANA