

**STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS**

**STANDING ORDER STAYING PROCEEDINGS AND SUSPENDING RULES AND  
TIME REQUIREMENTS IN OCCUPATIONAL DISEASE CASES**

Based upon a review of relevant information as identified below, the Chief Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. The 2011 Minnesota Legislature adopted amendments to Minn. Stat. § 176.305 (2010) pertaining to time limitations for conducting settlement conferences and hearings in workers' compensation cases and requiring the filing of pretrial statements in advance of settlement conferences.

2. An assessment of the legislative history suggests that the focus of the 2011 Legislature in amending Minn. Stat. § 176.305 may have been on non-occupational disease cases.

3. There have been many multiple party occupational disease cases filed which involve claims for monetary benefits such as wage loss, permanent partial disability, dependency, funeral and/or death benefits, and it is anticipated that many such cases will continue to be filed.

4. These multiple party occupational disease cases allege progressive and/or terminal medical conditions which may make the time limitations in Minn. Stat. § 176.305 impractical and counterproductive to judicial and administrative economy.

5. From the perspective of the employee/petitioner, in such cases there are also concurrent third party claims in most, if not all, of such cases often involving depositions, medical examinations and other proceedings that are often utilized in the workers' compensation case as well.

6. Historically there have been multiple requests and motions filed by counsel for the employees/petitioners as well as counsel for the employers/insurers and representatives of the Special Compensation Fund establishing good cause and requesting extensions of time in which to, among other matters, find and confirm insurance coverage, schedule and complete independent medical examinations, file answers, extend discovery, schedule depositions, identify and join additional parties.

7. The Office of Administrative Hearings has previously consulted with the Department of Labor and Industry, and petitioner and defense counsel bar members involved in handling multiple party occupational disease cases. The undersigned

concludes that in view of the complicated nature of these cases, the large number of parties involved, the progressive and/or terminal nature of the medical conditions typically involved, the limited number of physicians involved in such cases from both a petitioner and defense perspective, and the impracticality of having to petition for exemption from timeline requirements in each case, in the interest of fairness and efficacy the rules and time requirements should be suspended for this class of cases.

Based upon these Findings of Fact, the Chief Administrative Law Judge issues the following:

### **ORDER**

1. The rules and time requirements for scheduling settlement conferences and hearings in multiple party occupational disease cases involving claims for monetary benefits are hereby suspended until further Order of the Court without prejudice as to any rights, privileges, claims or defenses of any party or potential party and without the necessity of any party to request or file a motion for relief granted under this blanket Order.

2. Pretrial statements shall not be required in advance of settlement conferences but shall be required in advance of pretrial conferences and hearings.

3. The time limitation for conducting independent medical examinations shall be extended to 120 days after the date of the employee's deposition or 120 days after the date of a settlement conference that results in referral of the matter to a hearing, whichever occurs later. This provision shall not be construed as preventing the parties from conducting an independent medical examination at an earlier date.

4. Counsel shall notify the Office of Administrative Hearings when, in the judgment of counsel, the case is ready to proceed to a settlement conference. Notification shall be in writing and shall include a copy of the master service list and most recent demand letter. Settlement conferences shall be scheduled 1) within 120 days of OAH's receipt of notice from counsel or 2) when ordered by a workers' compensation judge.

5. Motions, with the exception of those for joinder of parties, dismissal of insurers for reason of coverage, and/or dismissal of the Claim Petition with written consent of counsel for the employee/petitioner, shall be held in abeyance until the occurrence of a settlement or pretrial conference.

Dated: January 16, 2018



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TAMMY L. PUST

Chief Judge

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