

IN THE IOWA DISTRICT COURT
IN AND FOR POLK COUNTY

FILED

JUN 20 2019

CASE NO: CVCV057120 WORKERS COMPENSATION

HAGERTY BROTHERS COMPANY and
THE CINCINNATI INSURANCE
COMPANIES,

Petitioner,

v.

RICHARD BRETT THURSTON,
LESLIE THURSTON (surviving
spouse),

and AMBER LOUISE WILHELM
(surviving minor child),

Respondent.

ORDER:

Ruling on Petition
for Judicial Review

This matter came before the Court on the Petitioner Haggerty Brothers Company's (Petitioner) Petition for Judicial Review. Petitioner appeared telephonically and was represented by attorney Richard Johnson. Respondent, Leslie Thurston (Respondent), also appeared telephonically, but was not represented by counsel.

This Petition was filed on October 8, 2018. Respondent joined the Petition and asked the District Court to reverse the Workers' Compensation Commissioner's ruling, which denied the compromise settlement between the parties. The hearing before the Deputy Workers' Compensation Commissioner was held on September 7, 2018. Those proceedings were not recorded or otherwise reported. Consequently, the Court accepts Petitioner's Statement of the Evidence or Proceedings (filed January 8, 2019). The only brief filed in this matter was filed on behalf of Petitioner, which Respondent joined on January 8, 2019.

Having heard the argument of counsel, after considering the parties' written arguments, and given *highly* unusual posture and facts of this case, the Court finds that substantial evidence exists to support the terms of the settlement. As such, the petition for judicial review should be and is hereby GRANTED.

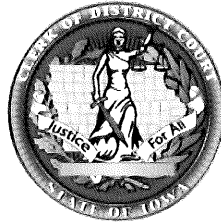
ORDER

IT IS THEREFORE ORDERED, the decision Workers' Compensation Commissioner, should be and is hereby REVERSED.

IT IS FURTHER ORDERED that the compromise settlement between the parties should be and is hereby APPROVED.

IT IS FURTHER ORDERED that costs shall be assessed to Petitioner.

So Ordered.



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WORKERS COMPENSATION

State of Iowa Courts

Type: OTHER ORDER

Case Number CVCV057120
Case Title HAGERTY BROTHERS ET AL VS RICHARD B HURSTON ET AL

So Ordered

A handwritten signature in black ink, appearing to read "David Porter", written over a horizontal line.

David Porter, District Court Judge,
Fifth Judicial District of Iowa