

# Fentress v. Westin, Inc.

**Case Number**

S-19-0128

**Case Audio**

Download Audio

**Call Date**

October 4, 2019

**Case Time**

9:00 AM

**Court Number**

WCC

**Case Location**

Lincoln

**Court Type**

District Court

**Case Summary**

S-19-0128 Suzy Fentress f/k/a Suzy Schlik (Appellee/Cross-Appellant) v. Westin Inc. (Appellant)

Workers? Compensation Court, Judge J. Michael Fitzgerald

Attorneys: Brynne Holsten Puhl (Atwood, Holsten, Brown, Deaver & Spier, for Appellee/Cross-Appellant) ? Robert Kinney-Walker (Law Office of James Nubel, for Appellant)

Workers? Compensation Court: Benefits

Proceedings Below: Following an initial award of temporary benefits to Appellee, Appellant filed a motion to terminate temporary indemnity benefits and a motion to determine maximum medical improvement (MMI) and permanency. Following a hearing but before the parties briefed the matter, the trial court rejected Appellant?s attempt to withdraw its motions. It went on to determine that MMI had not been attained and awarded temporary total disability (TTD) benefits, past and future medical expenses, and attorney?s fees.

Issues: Appellant assigns that the trial court erred in 1) ruling on motions that Appellant had withdrawn; 2) admitting recordings of Appellee?s consultation with her physician; 3) changing the Rule 50 physician without notice to Appellant; 4) awarding running TTD benefits without evidence of work restrictions; 5) failing to analyze whether Appellee suffered an independent intervening event; and 6) awarding attorney fees with no supporting analysis.

**Schedule Code**

SC

---