

STATE OF MINNESOTA

IN SUPREME COURT

A08-2056

Bryan Martin,

Employee,

vs.

Morrison Trucking, Inc.,

Respondent,

and

Travelers Insurance Company,

Relator,

and

Special Claims Section, f/k/a
Special Compensation Fund,

Respondent.

Robert E. Kuderer, Stacey A. Molde, Johnson & Condon, P.A., Minneapolis, Minnesota,
for relator.

Thomas L. Cummings, Jardine, Logan & O'Brien, P.L.L.P., Lake Elmo, Minnesota,
for respondent Minnesota Trucking, Inc.

Lori Swanson, Attorney General, Rory H. Foley, Assistant Attorney General, St. Paul,
Minnesota, for respondent Special Claims Section.

Considered and decided by the court without oral argument.

ORDER

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the decision of the Workers' Compensation Court of Appeals filed October 29, 2008, be, and the same is, reversed and the matter is remanded for reconsideration in light of *Carlson v. Allstate Insurance Company*, 749 N.W.2d 41 (Minn. 2008).

Dated: May 27, 2009

BY THE COURT:

/s/

Lorie S. Gildea
Associate Justice

PAGE, J., took no part in the consideration or decision of this case.