

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 09/09/2010
RUTH WILLINGHAM,
ACTING CLERK
BY: GH

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

SPECIAL FUND DIVISION,) No. 1 CA-IC 09-0053
)
Petitioner,)
) DEPARTMENT B
v.)
)
THE INDUSTRIAL COMMISSION OF) ICA Claim
ARIZONA,) No. 20061-670137
)
Respondent,) Carrier Claim
) No. 127-CB-CMP0538-A
VITO A. BUCCINO,)
)
Respondent Employee,)
) **DECISION ORDER**
CHAMPION ENTERPRISES,)
)
Respondent Employer,)
)
TRAVELERS PROPERTY CASUALTY CO.)
OF AMERICA,)
)
Respondent Carrier.)
_____)

The court, Presiding Judge Diane M. Johnsen and Judges Michael J. Brown and John C. Gemmill, participating, has considered the briefs and the record in this matter.

The court notes that Petitioner Special Fund Division acknowledges that the sole issue presented is the legal issue this court resolved in *Special Fund Div. v. McCarthy*, 224 Ariz.

No. 1 CA-IC 09-0053
ICA Claim No. 20061-670137
Carrier Claim No. 127-CV-CMP0538-A

29, 226 P.3d 398 (App. 2010). In its "Notice of Controlling Law," filed July 6, 2010, petitioner observes that the Arizona Supreme Court has denied its petition for review in *McCarthy* and concedes that our opinion in that matter is now final and controls the right to apportionment in this matter. Accordingly, and upon consideration,

IT IS ORDERED affirming the award and decision upon review.

/s/
DIANE M. JOHNSEN, Presiding Judge