

STATE OF MINNESOTA

IN SUPREME COURT

A08-1258

A08-1260

Jason J. Rubertus,

Respondent (A08-1258),
Relator (A08-1260),

vs.

Schwan's, Inc., and
Liberty Mutual Insurance Company,

Relators (A08-1258),
Respondents (A08-1260),

and

D & G Excavating, Inc., and
SFM Mutual Insurance Company,

Respondents,

and

Buchholtz Construction, Inc., and
Acuity Mutual Insurance Company,

Respondents,

and

Blue Cross/Blue Shield of Minnesota,
and Lincoln, Lyon and Murray County
Human Services, and Minnesota
Department of Human Services,

Intervenors.

Luke M. Seifert, Laura A. Moehrle, Quinlivan & Hughes, P.A., St. Cloud, Minnesota, for relator Jason J. Rubertus.

Robin D. Simpson, Michael C. Gregerson, Aafedt, Forde, Gray, Monson & Hager, P.A., Minneapolis, Minnesota, for relators Schwan's, Inc., and Liberty Mutual Insurance Company.

Andrew W. Lynn, Lynn, Scharfenberg & Associates, Minneapolis, Minnesota, for respondents D & G Excavating, Inc., and SFM Mutual Insurance Company.

Thomas L. Cummings, Jardine, Logan & O'Brien, P.L.L.P., for respondents Buchholtz Construction, Inc., and Acuity Mutual Insurance Company.

Considered and decided by the court without oral argument.

ORDER

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

IT IS HEREBY ORDERED that these appeals are consolidated for purposes of consideration.

IT IS FURTHER ORDERED that the decision of the Workers' Compensation Court of Appeals filed July 1, 2008, be, and the same is, affirmed without opinion. *See Hoff v. Kempton*, 317 N.W.2d 361, 366 (Minn. 1982) (explaining that "[s]ummary affirmances have no precedential value because they do not commit the court to any particular point of view," doing no more than establishing the law of the case).

Employee is awarded \$1,200 in attorney fees (A08-1258).

Dated: October 29, 2008

BY THE COURT:

/s/

Alan C. Page
Associate Justice