

The Order of the Court is stated below:

Dated: July 08, 2021
10:53:22 AM

/s/ Thomas R. Lee
Associate Chief Justice



IN THE SUPREME COURT OF THE STATE OF UTAH

---00000---

JBS Carriers and American
Zurich Insurance Company,
Respondents,
v.
David Hickey,
Petitioner.

ORDER
Supreme Court Case No. 20210321-SC
Court of Appeals Case No. 20200226-
CA
Trial Court Case No. 16-0624

This matter is before the court upon a Petition for Writ of Certiorari, filed on May 10, 2021.

The Petition for Writ of Certiorari is granted as to the following issues:

1. Whether the Court of Appeals erred in reversing the Commission's determination that Petitioner had demonstrated an unusual or extraordinary exertion under the test set forth in Allen v. Industrial Commission, 729, P.2d 15 (Utah 1986), for employees who have a preexisting condition that contributed to an injury.
2. Whether the Court of Appeals erred in its evaluation of the administrative law judge's finding that Petitioner had a preexisting condition that contributed to his injury.

A briefing schedule will be established hereafter. The parties shall comply with the briefing schedule upon its issuance. Requests for extension are disfavored, but may be granted with good cause.

End of Order - Signature at the Top of the First Page