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October 19, 2004

Patricia J. Kessner  
Clerk of Court  
Workers' Compensation Court  
P. O. Box 537  
Helena, MT 59624-0537

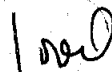
Re: Claimant: Keith L. Foster  
Employer: ASARCO  
Injury Date: 3/31/98  
Claim No: 1C008952

Dear Pat:

I am enclosing for filing another Brief in Support of Petition for Declaratory Ruling. An earlier brief was filed but mistakenly referenced Mr. Foster as permanently partially disabled at page 6 of that brief. That argument and reference has been deleted in the substitute brief per my discussions with the Respondent's Attorney, Tom Budewitz.

Mr. Budewitz will be sending the Court an e-mail concurring this brief may be substituted for the prior one. Please let me know if you have any questions. Thank you very much.

Very truly yours,



Todd A. Hammer

TAH: pw  
encl.

cc: Thomas A. Budewitz

*Original returned  
to Todd on  
10/26/04*