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April 13, 2005

FILED

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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

The Honorable Mike McCarter
Workers' Compensation Court
1625 11th Avenue
Helena, MT 59601

Re: Flynn v. Montana State Fund, WCC No. 2000-0222

Dear Judge McCarter:

We have reviewed the proposed Summons you circulated on April 5, 2005 as well as the subsequent email exchanges regarding the addition of the term "occupational diseases" into Paragraph 5 and the inclusion of a final paragraph discussing the binding impact the proceedings will have on all carriers. We have no suggested revisions or additions to the proposed Summons.

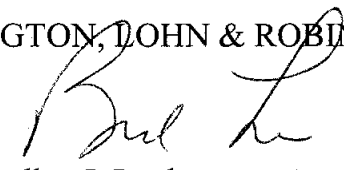
With respect to the dates contained in Paragraph 5, for purposes of prospective implementation, Mr. Palmer and the State Fund used the date of the Montana Supreme Court's decision (December 5, 2002) rather than the date of this Court's post-remand decision (August 5, 2003). It appears to us that the date of the Montana Supreme Court's decision is a more appropriate date to use for purposes of determining prospectivity.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP

By


Bradley J. Luck

BJL:sec

c: Rex L. Palmer, Esq.
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