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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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February 13, 2006

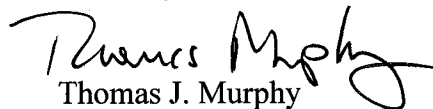
Honorable James Shea
Workers Compensation Court
P O Box 537
Helena, MT 59624-0357

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

Dear Judge Shea:

I object to attorney Brad Luck's suggestion, dated 2/6/06, wherein he asked the Workers' Compensation Court to advance lower court briefs from the Flynn case to the Montana Supreme Court. Apparently, Mr. Luck wants the Supreme Court to consider the Flynn briefs before the Supreme Court decides Stavenjord II (argued 10/26/05). In his abnormal request, Mr. Luck seeks to circumvent several procedural protections. Specifically, it is not proper for Mr. Luck to ask this Court to help him put additional issues (or briefs) before the Supreme Court in Stavenjord II, when Mr. Luck did not raise those issues in the Stavenjord II cross-appeal. Please refuse Mr. Luck's request, and do not forward the Flynn briefs to the Supreme Court until the Flynn issue is ripe for consideration. Thank you.

Sincerely,


Thomas J. Murphy

TJM/ljp

cc: Brad Luck
Rex Palmer
Larry Jones
Nancy Butler (Claim no. 3-93-20753-5)
James Hunt

DOCKET ITEM NO. 462