

February 27, 2006

Bradley J. Luck
Garlington, Lohn & Robinson, PLLP
199 West Pine Street
P.O. Box 7909
Missoula, MT 59807-7909

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

Dear Mr. Luck:

I am responding to your request that this Court inquire of the Chief Justice whether the Montana Supreme Court may be interested in reviewing the retroactivity briefing just completed in *Flynn* in its consideration of the appeal in *Stavenjord*. Although I take no issue with the propriety of your request, I do not believe it would be proper for me to interject myself in such a fashion into a matter that has already been appealed from this Court.

Thank you for your inquiry.

Sincerely,
MONTANA WORKERS' COMPENSATION COURT

/s/ James Jeremiah Shea

James Jeremiah Shea
Judge

c: Mr. Rex L. Palmer
Mr. Larry Jones
Ms. Nancy Butler (Claim No. 3-93-20753-5)
Mr. James Hunt
Mr. Tom Murphy