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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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**IN THE WORKERS' COMPENSATION COURT
OF THE STATE OF MONTANA**

ROBERT FLYNN and CARL MILLER,)
Individually and on Behalf of Others Similarly)
Situated,)
)
Petitioners,)
)
v.)
)
MONTANA STATE FUND,)
)
Respondent/Insurer,)
)
and)
)
LIBERTY NORTHWEST INSURANCE)
CORPORATION,)
)
Respondent/Insurer.)

WCC No. 2000-0222

**JOINDER IN MONTANA STATE
FUND'S REPLY TO
PETITIONERS' BRIEF
REGARDING RETROACTIVITY**

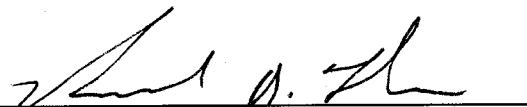
DOCKET ITEM NO. 480

COME NOW Respondents Ace American Insurance Co., Ace Fire Underwriters Insurance Co., Ace Indemnity Insurance Co., Ace Property & Casualty Insurance Co., Bankers' Standard Fire & Marine, Bankers' Standard Insurance Company, Century Indemnity Co., Insurance Co. of North America, Indemnity Insurance Co. of North America, and Pacific Employers Insurance Co. and pursuant to this Court's briefing schedule hereby give notice to this Court that they are joining in Montana State Fund's Reply to Petitioners' Brief Regarding Retroactivity. These Respondents/Insurers hereby adopt and incorporate by reference the substantive arguments in the Reply Brief submitted by Montana State Fund in regard to the class of workers' compensation cases that are "final," "closed," and/or "inactive" for purposes of retroactive effect of judicial decisions.

DATED this 24th day of February, 2006.

POORE, ROTH & ROBINSON, P.C.

By



Ronald A. Thuesen
1341 Harrison Avenue
P.O. Box 2000
Butte, Montana 59702

2. **JOINDER IN MONTANA STATE FUND'S REPLY TO PETITIONERS' BRIEF REGARDING
RETROACTIVITY**

CERTIFICATE OF SERVICE BY MAILING


This is to certify that on the 24th day of February, 2006, the foregoing attached **JOINDER IN MONTANA STATE FUND'S REPLY TO PETITIONERS' BRIEF REGARDING RETROACTIVITY** was duly served upon the following attorneys of record, by depositing a true copy thereof in the United States mails, postpaid, addressed as follows, to-wit:

Rex Palmer
ATTORNEYS INC., P.C.
301 W. Spruce
Missoula, Montana 59802

Attorneys for Petitioners

POORE, ROTH & ROBINSON, P.C.

By



Ronald A. Thuesen

3. **JOINDER IN MONTANA STATE FUND'S REPLY TO PETITIONERS' BRIEF REGARDING RETROACTIVITY**

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February 24, 2006, 2006

Patricia J. Kessner
Montana Workers Compensation Court
1625 11th Avenue
P. O. Box 537
Helena, Montana 59624

Re: Flynn v. ACE Insurance et al.
WCC No. 9907-8274R1

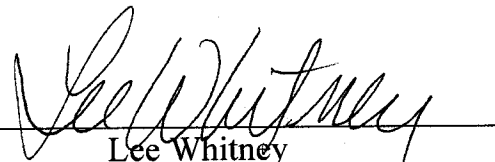
Dear Ms. Kessner:

Enclosed for filing in the above-referenced matter is the original Joinder in Montana State Fund's Reply Brief Regarding Retroactivity. Please acknowledge receipt and filing of these documents by signing and returning the enclosed copy in the return envelope. Thank you for your courtesy and attention.

With best regards,

POORE, ROTH & ROBINSON, P.C.

By


Lee Whitney
Secretary

Enclosures