

FILED

MAR 3 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Steven W. Jennings
Crowley, Haughey, Hanson,
Toole & Dietrich P.L.L.P.
P. O. Box 2529
Billings, MT 59103-2529
(406) 252-3441
Attorneys for Insurance Company:
American Alternative Insurance Corp.
American Re-Insurance Company
Centre Insurance Company
Clarendon National Insurance Company
Everest National Insurance Company
Market Insurance Company
Evanston Insurance Company
SCOR Reinsurance Company
General Security Insurance Company
General Security National Insurance Company
Penn Star Insurance Company
Fairfield Insurance Company
General Reinsurance Corp.
Genesis Insurance Company
North Star Reinsurance Corp.
XL Insurance America, Inc.
XL Insurance Company of New York
XL Reinsurance America
XL Specialty Insurance Company
Greenwich Insurance Company
American Guarantee & Liability Insurance Company
American Zurich Insurance Company
Assurance Company of America
Colonial American Casualty & Surety
Fidelity & Deposit Company of Maryland
Maryland Casualty Company
Northern Insurance Company of New York
Valiant Insurance Company
Zurich American Insurance Company
Zurich American Insurance Company of Illinois

DOCKET ITEM NO. 489

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,
Individually and on Behalf of Others
Similarly Situated,

Petitioners,

vs.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Intervenor.

WCC No. 2000-0222

**SIMULTANEOUS ANSWER BRIEF
REGARDING THE SETTLED,
CLOSED, FINAL, AND INACTIVE
ISSUE**

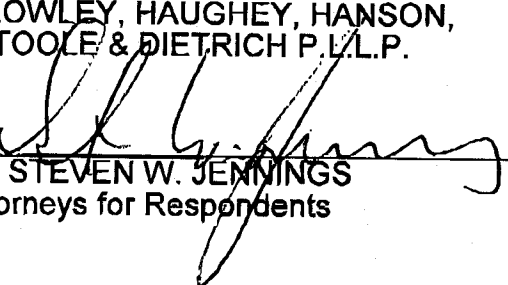
COMES NOW the above listed Respondents ("Respondents") and file this *Simultaneous Answer Brief Regarding the Settled, Closed, Final, and Inactive Issue.*

Respondents hereby join and adopt as their answer brief on the issue of settled, closed, final or inactive claims the arguments presented in Sections I-III of the Montana State Fund's Respondent's Reply to Petitioner's Brief Regarding Retroactivity (Docket Entry No. 475).

//
//
//
//
//
//
//
//
//
//
//

Dated this 5th day of March, 2006.

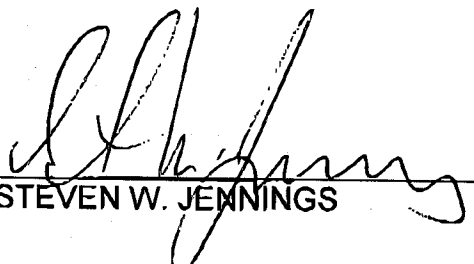
CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.

By: 
STEVEN W. JENNINGS
Attorneys for Respondents

CERTIFICATE OF SERVICE

I, STEVEN W. JENNINGS, one of the attorneys for the law firm of Crowley, Haughey, Hanson, Toole & Dietrich P.L.L.P., hereby certify that on the 5th day of March, 2006, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Mr. Rex Palmer
Attorneys Inc., PC
301 W. Spruce
Missoula, MT 59802


STEVEN W. JENNINGS

CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH P.L.L.P.

ATTORNEYS AT LAW

500 TRANSWESTERN PLAZA II • 490 NORTH 31ST STREET • BILLINGS, MONTANA 59101

P.O. Box 2529 • BILLINGS, MONTANA 59103-2529

TEL (406) 252-3441 • FAX (406) 252-5292

www.crowleylaw.com

STEPHEN M. BARRETT
COLBY L. BRANCH * #
KATY A. BRANDIS
ALAN C. BRYAN #
ASHLEY BURLISON
DAVID L. CHARLES
PAUL C. COLLINS
GARY M. CONNELLBY
RENEE L. COPPOCK
MARCIA J. DAVENPORT
JASON A. DELMUE
MICHAEL S. DOCKERY
JOHN B. DUDIS, JR.
JON T. DYRE #
MARY SCRIM DYRE
SCOTT A. FISK
BRUCE A. FREDRICKSON *
MICHAEL W. GREEN

ROBERT C. GRIFFIN
PETER F. HARRIN
SCOTT D. HAGEL
NATHAN S. HANBY
KEVIN F. HEANEY
KENNETH G. HEDGB *
JAMES R. HINTZ
BRIAN HOLLAND
LARRY A. HOLLE
STEVEN W. JENNINGS
DANIEL D. JOHNS
DARIN W. JOHNSON
JOEL L. KALEVA
ALLAN L. KARELL
KIBLY S. KEANE
PETER M. KIRWAN
WILLIAM D. LAMDIS III
MICHAEL J. LANSING #

KENNETH K. LAY
JOHN R. LEE *
JARED M. LE FEVRE
STEVEN J. LEHMAN
JULIE A. LICHT
DENISE D. LINFORD #
JASON P. LOBLE
CHRIS MANGON, JR.
WILLIAM J. MATTIX
JOE C. MAYNARD, JR.
JOHN H. MAYNARD
JOSEPH P. MAZUREK
IAN MCINTOSH
DANIEL N. MCLEAN
MATTHEW F. MCLEAN #
ROBERT G. MICHELOTTI, JR.
STEVEN R. MILCH
KIMBERLY S. MORE

DONALD R. MURRAY, JR.
KRISTIN L. OMVIO
JEFFERY J. OVBIN #
SHANE D. PETERSON *
HERBERT L. PIERCE III
FRED C. RATHERT *
STEVEN P. RUFFATTO
GINA S. SHERMAN
SCOTT M. SHINGLETON
JAMES P. SITES
GARTH H. SUE *
LEONARD H. SMITH
CHRISTOPHER C. VOICHT #
DAVID M. WAGNER
NEIL G. WESTERSEN
DRYAN P. WILSON
RONALD B. YOUNG

RETIRED
JAMES M. HAUGHEY
BRUCE R. TOOLE

OF COUNSEL
GEOFFREY C. DALTHORP
JOHN M. DIETRICH
DAVID L. JOHNSON
GARRETT F. KRIEG
ARTHUR F. LAMEY, JR.
LOUIS R. MOORE *
MYLES J. THOMAS
FRED E. WHISENAND *

OFFICES
100 NORTH PARK AVENUE
SUITE 300, P.O. BOX 797
HELENA, MT 59624-0797
PHONE (406) 449-165

111 EAST BROADWAY
P.O. BOX 1206
WILLISTON, ND 58802-1206
PHONE (701) 572-2200

431 FIRST AVENUE WEST
P.O. BOX 759
KALISPELL, MT 59002-0759
PHONE (406) 752-6644

45 DISCOVERY DRIVE
SUITE 200, P.O. BOX 10969
BOZEMAN, MT 59719-0969
PHONE (406) 556-1430

700 S W HIGGINS
SUITE 200
MISSOULA, MT 59803
PHONE (406) 829-2732

Attorneys are licensed in Montana unless otherwise noted; * also licensed in North Dakota, # also licensed in Wyoming, - not licensed in Montana

March 3, 2006

VIA FAX & U.S. MAIL:

Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

RE: *Robert Flynn and Carl Miller vs. Montana State Fund, et al.*
WCC No. 2000-0222

Dear Clerk:

On behalf of our clients, please file the enclosed Simultaneous Answer Brief Regarding the Settled, Closed, Final, and Inactive Issue, date stamp the extra copy of the cover page and return in the envelope provided.

Thank you in advance for your assistance with this matter.

Sincerely yours,

CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.

Myrna Henschel, PLS

Myrna Henschel, Certified PLS
Legal Secretary to Steven W. Jennings

mlh

Enclosures

c (w/encl.): Mr. Rex Palmer