

FILED

MAR 6 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Rex Palmer
ATTORNEYS INC., P.C.
301 W Spruce
Missoula, MT 59802
(406) 728-4514
ATTORNEYS FOR PLAINTIFF

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

<i>Robert Flynn and</i>)	WCC No. 2000-0222
)	
<i>Carl Miller, Individually and on</i>)	
<i>Behalf of Others Similarly</i>)	
<i>Situated,</i>)	
<i>Petitioners,</i>)	PETITIONERS' REPLY BRIEF RE:
<i>v.</i>)	RELIANCE INSURANCE COMPANY
)	IN LIQUIDATION
<i>Montana State Fund,</i>)	
<i>Respondent/Insurer,</i>)	
)	
<i>and</i>)	
)	
<i>Liberty Northwest Insurance</i>)	
<i>Company,</i>)	
<i>Intervenor.</i>)	
)	


* * * * *

Petitioners do not dispute that Reliance Insurance Company may be properly dismissed from this action. This dismissal should be **without prejudice** so that Reliance is still subject to Court order should that be

DOCKET ITEM NO. 490

necessary to assure transfer of claims affected by this litigation, as Reliance has promised it would do.

DATED in Missoula, Montana, this 3rd day of March, 2006.

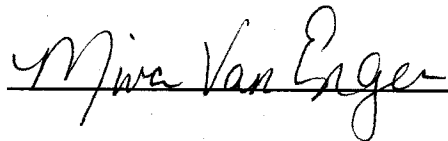


Rex Palmer
ATTORNEYS INC., P.C.
301 W Spruce
Missoula, MT 59802
(406) 728-4514
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March 2006, a true and correct copy of the foregoing was served upon the following by U.S. mail, hand-delivery, Federal Express, facsimile or email:

Kelly Wills	<input checked="" type="checkbox"/>	U.S. Mail
Garlington, Lohn & Robinson	<input type="checkbox"/>	Hand Delivered
PO Box 7909	<input type="checkbox"/>	Federal Express
Missoula, MT 59807	<input type="checkbox"/>	Facsimile
	<input type="checkbox"/>	Email



ATTORNEYS INC., P.C.
A Professional Corporation

REX PALMER
Lawyer

301 W Spruce • Missoula, MT 59802
(406) 728-4514 • Fax (406) 728-5601 • attorneysinc@montana.com • www.montana.com/attorney

March 3, 2006

Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

Re: *Flynn/Miller v. State Fund*

Dear Pat:

Enclosed please find the original PETITIONERS' REPLY BRIEF RE: RELIANCE INSURANCE COMPANY dated March 3, 2006.

If you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,
ATTORNEYS INC., P.C.



Rex Palmer

RP:mve
Enclosure

cc: Kelly Wills