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MAR 8 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</i> and)	WCC No. 2000-0222
)	
<i>Carl Miller</i> , Individually and on)	
Behalf of Others Similarly)	PETITIONERS' RESPONSE TO
Situated,)	MAJESTIC INSURANCE COMPANY'S
Petitioners,)	AFFIDAVIT OF DONALD R. BELLINGER
v.)	
)	
<i>Montana State Fund</i> ,)	
Respondent/Insurer,)	
)	
and)	
)	
<i>Liberty Northwest Insurance</i>)	
<i>Company</i> ,)	
Intervenor.)	
)	

* * * * *

COME NOW Plaintiffs and provide their response to Majestic Insurance Company's Affidavit of Donald R. Bellinger.

DOCKET ITEM NO. 495

Majestic Insurance Company filed an Affidavit with the Court on December 5, 2005 (docket item number #387) requesting dismissal. The ninety-day discovery period has expired.

Based upon the AFFIDAVIT OF DONALD R. BELLINGER FOR AND ON BEHALF OF MAJESTIC INSURANCE COMPANY dated November 18, 2005, wherein they stated that "Majestic has never written workers' compensation insurance in the state of Montana" and "Majestic does not have any Montana workers' compensation claims" and "Majestic has no claimants meeting the Court's criteria in this matter as set forth in the summons", Petitioners have no objection to the dismissal of Majestic Insurance Company.

DATED this 7th day of March, 2006.



Rex Palmer
ATTORNEYS INC., P.C.
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PETITIONERS' RESPONSE TO MAJESTIC INSURANCE COMPANY'S
AFFIDAVIT OF DONALD R. BELLINGER

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CERTIFICATE OF SERVICE

I hereby certify that on the ^{7th} ~~14th~~ 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:

Kevin J. McGrath
Attorney at Law
3030 Bridgway, Suite 122
Sausalito, CA 94965

- U.S. Mail
- Hand Delivered
- Federal Express
- Facsimile
- Email

Mira VanEger

March 7, 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' RESPONSE TO MAJESTIC INSURANCE COMPANY'S AFFIDAVIT OF DONALD R. BELLINGER dated March 7, 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: Kevin J. McGrath