

FILED

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 PLATTE
Situated,)	RIVER INSURANCE COMPANY'S
Petitioners,)	MOTION TO DISMISS
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 Platte River Insurance Company's Motion to Dismiss.

DOCKET ITEM NO. 496

Platte River Insurance Company filed a Motion to Dismiss with a supporting affidavit with the Court on February 3, 2006 (docket item number #455) requesting dismissal.

Based on the allegations in its motion and supporting affidavits, Petitioners have no objection to the dismissal of Platte River Insurance Company.

DATED this 7th 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 17th 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:

Jacqueline T. Lenmark
Keller, Reynolds, Drake,
Johnson & Gillespie, PC
50 S Last Chance Gulch
PO Box 598
Helena, MT 59624

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



ATTORNEYS INC., P.C.

A Professional Corporation

REX PALMER

Lawyer

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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 PLATTE RIVER INSURANCE COMPANY'S MOTION TO DISMISS dated March 7, 2006.

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

Sincerely,
ATTORNEYS INC., P.C.

A handwritten signature in cursive script that reads "Rex Palmer, mve".

Rex Palmer

RP:mve
Enclosure

cc: Jacqueline T. Lenmark