



199 West Pine Street  
P.O. Box 7909  
Missoula, Montana 59807-7909  
(406) 523-2500  
Fax (406) 523-2595  
www.garlington.com

David C. Berkoff  
J. Michael Bouchee  
Stephen R. Brown  
Gary B. Chumrau  
Randall J. Colbert  
Lawrence F. Daly  
Kathleen L. DeSoto  
Candace C. Fetscher  
Lucy T. France  
Gary L. Graham  
Charles E. Hansberry  
Gregory L. Hanson  
Malin Stearns Johnson  
William Evan Jones  
Maureen H. Lennon  
Bradley J. Luck  
Robert C. Lukes  
Alan F. McCormick  
Charles E. McNeil  
Anita Harper Poe  
Shane N. Reely  
Larry E. Riley  
Susan P. Roy  
Robert E. Sheridan  
Peter J. Stokstad  
Kevin A. Twidwell  
William T. Wagner  
Kelly M. Wills

A. Craig Eddy, MD, JD  
Of Counsel - Health Law

J. C. Garlington  
1908 - 1995

Sherman V. Lohn  
(Retired)

R. H. "Ty" Robinson  
(Retired)

FILED

JUL 20 2006

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

July 18, 2006

Ms. Jackie Bockman  
Workers' Compensation Court  
P.O. Box 537  
Helena, MT 59624

RE: Common Fund - Republic Western Insurance

Dear Jackie:

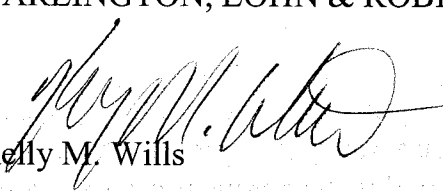
On July 11, 2006, we forwarded the Court an Affidavit in connection with the *Flynn* common fund litigation on behalf of Republic Western Insurance Company. We subsequently learned that a Motion to Dismiss and Supporting Affidavit had previously been filed with the Court on May 16, 2006 by Bryce R. Floch with Hammer, Hewitt & Jacobs, PLLC. Consequently, we ask that you please withdraw the Affidavit which was filed in the *Flynn* common fund case with the Court on July 12, 2006 on behalf of Republic Western Insurance Company.

We have advised common fund counsel, Rex Palmer, of our plans to withdraw the Affidavit.

Please give me a call if you have any questions. Otherwise, thank you for your assistance with this matter.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP

  
Kelly M. Wills

KMW:rm

c: Rex Palmer, Esq.

Ms. Sandy Mayernik

DOCKET ITEM NO. 533