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Attorneys for Respondent/Insurer

**FILED**

**OCT 13 2006**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN,

and

CARL MILLER, Individually and on Behalf  
of Others Similarly Situated

Petitioners,

v.

MONTANA STATE FUND,

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE  
CORPORATION,

Intervenor.

WCC No. 2000-0222

**NOTICE OF APPEAL**

NOTICE is hereby given that above-named Respondent/Insurer Montana State Fund hereby appeals to the Supreme Court of the State of Montana from the Montana

DOCKET ITEM NO. 545

Workers' Compensation Court's Order Determining Status of Final, Settled, Closed and Inactive Claims, which was filed in this matter on September 29, 2006, and certified as final for purposes of appeal.

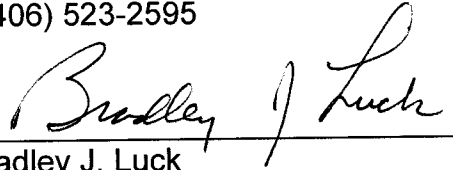
Respondent certifies that this appeal is subject to the mediation process required by Montana Rule of Appellate Procedure 54.

DATED this 16 day of October, 2006.

Attorneys for Respondent/Insurer:

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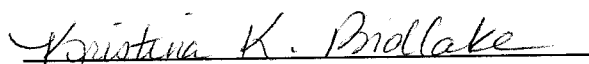
  
Bradley J. Luck

### CERTIFICATE OF MAILING

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Respondent, certify that on this 16<sup>th</sup> day of October, 2006, I mailed a copy of the foregoing **Notice of Appeal**, postage prepaid, to the following persons:

Mr. Rex L. Palmer  
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Kristina K. Bidlake