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**FILED**

OCT 19 2006

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

**IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA**

**WCC No. 2000-0222**

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**ROBERT FLYNN AND and CARL MILLER,  
Individually and on Behalf of Others Similarly Situated,**

**Petitioners,**

**vs.**

**MONTANA STATE FUND,**

**Respondent/Insurer,**

**and**

**LIBERTY NORTHWEST INSURANCE CORP.,**

**Intervenor.**

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**MOTION TO STAY AND WAIVER OF SUPERSEDEAS BOND  
AND SUPPORTING BRIEF**

**MOTION**

COMES NOW the above-named Intervenor pursuant to ARM 24.5.346 and Mont. R. App. P.7(a)(b), and moves the Court for an order staying the enforcement of this Court's decision in Flynn/Miller v. State Fund and Liberty Northwest Insurance Corp., WCC No. 2006 MTWCC 31, ORDER DETERMINING STATUS OF FINAL SETTLED, CLOSED AND INACTIVE CLAIMS filed September 29, 2006 for the reasons set forth with particularity below.

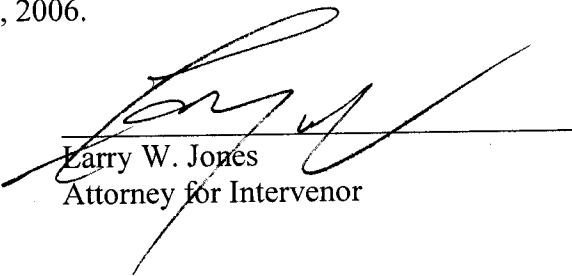
DOCKET ITEM NO. 546

BRIEF

The attorney for Flynn and Miller has generously agreed by stipulation to a stay and the waiver of the supersedeas bond on appeal.

For the reasons stated above, Liberty requests the Court to enter an order staying its decision in the instant case and waiving the supersedeas bond.

DATED this 19<sup>th</sup> day of October, 2006.



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Larry W. Jones  
Attorney for Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on the 19<sup>th</sup> day October, 2006, I served the original of the foregoing MOTION TO STAY AND WAIVER OF SUPERSEDEAS BOND AND SUPPORTING BRIEF, by facsimile and first-class mail, postage prepaid, on the following:

Ms. Clara Wilson (406) 444-7798  
Clerk of Court  
Workers' Compensation Court  
PO Box 537  
Helena, MT 59624-0537

And a copy of the same to the following:

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Staci M. Wisherd, Legal Secretary