

**FILED**

MAR 18 2009

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Rex Palmer  
ATTORNEYS INC., P.C.  
301 W Spruce  
Missoula, MT 59802  
(406) 728-4514  
ATTORNEYS FOR PETITIONERS

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

<i>Robert Flynn and</i>	)	WCC No. 2000-0222
	)	
<i>Carl Miller, Individually and on</i>	)	
<i>Behalf of Others Similarly</i>	)	<b>PETITIONERS' RESPONSE TO</b>
<i>Situated,</i>	)	<b>VARIOUS AFFIDAVITS</b>
<i>Petitioners,</i>	)	
v.	)	
	)	
<i>Montana State Fund,</i>	)	
<i>Respondent/Insurer,</i>	)	
and	)	
	)	
<i>Liberty Northwest Insurance</i>	)	
<i>Company,</i>	)	
<i>Intervenor.</i>	)	

\* \* \* \* \*

COME NOW Plaintiffs and provide their response to various of the Affidavits filed in this action.

Based on the allegations in the affidavits filed by the representatives of each of the respective Respondents, Petitioners have no objection to the dismissal without prejudice of the following insurers.

1. AMERICAN AMBASSADOR CASUALTY COMPANY [Motion filed June 10, 2005, WCC docket #184].
2. AMERICAN CENTENNIAL INSURANCE COMPANY [Letter filed May 26, 2005, WCC docket #160].
3. AMERICAN COMMERCE INSURANCE COMPANY [Letter filed Mar 16, 2005, WCC docket #142].
4. AMERICAN LIBERTY INSURANCE COMPANY [Letter filed August 1, 2005, WCC docket #340].
5. AMERICAN WEST INSURANCE COMPANY [Affidavit filed January 30, 2006, WCC docket #448].
6. AMERICASURE MUTUAL INSURANCE COMPANY [Affidavit filed January 9, 2007, WCC docket #561].
7. AXA RE AMERICA INSURANCE COMPANY [Letter filed May 16, 2005, WCC docket #143].
8. BANCINSURE, INC. [Affidavit filed July 8, 2005, WCC docket #314].
9. BENCHMARK INSURANCE COMPANY [Letter filed May 13, 2005, WCC docket #135].
10. CALIFORNIA INSURANCE COMPANY [Answer filed June 13, 2005, WCC docket #185].
11. CENTURION CASUALTY COMPANY OF CALIFORNIA INSURANCE COMPANY [Letter filed June 6, 2005, WCC docket #172].

12. CIM INSURANCE CORPORATION [Letter filed June 29, 2005, WCC docket #287].
13. CLEARWATER INSURANCE COMPANY [Letter filed May 19, 2005, WCC docket #147].
14. CLEARWATER SELECT INSURANCE COMPANY [Letter filed May 19, 2005, WCC docket #147].
15. CONVERIUM INSURANCE (NORTH AMERICA) INC. [Letter filed May 27, 2005, WCC docket #163].
16. CONVERIUM REINSURANCE (NORTH AMERICA) INC. [Letter filed May 27, 2005, WCC docket #163].
17. COUNTRY MUTUAL INSURANCE COMPANY [Letter filed June 1, 2005, WCC docket #167].
18. COUNTRY CASUALTY INSURANCE COMPANY [Letter filed June 1, 2005, WCC docket #167].
19. COUNTRY PREFERRED INSURANCE COMPANY [Letter filed June 1, 2005, WCC docket #167].
20. DAIRLYLAND INSURANCE COMPANY [Motion filed June 16, 2005, WCC docket #193].
21. DANIELSON NATIONAL INSURANCE COMPANY [Request for Dismissal filed June 20, 2005, WCC docket #237].
22. EVANSTON INSURANCE COMPANY. [Motion to Dismiss filed June 21, 2005, WCC docket #277].

23. FEDEX GROUND PACKAGING SYSTEM, INC. [Affidavit filed March 10, 2006, WCC docket #497].
24. GENERAL REINSURANCE CORP. [Motion to Dismiss filed June 21, 2005, WCC docket #277].
25. GENERAL SECURITY INS. CO. [Motion to Dismiss filed June 21, 2005, WCC docket #277].
26. GENESIS INSURANCE CO. [Motion to Dismiss filed June 21, 2005, WCC docket #277].
27. GRAY INSURANCE COMPANY [Letter filed May 19, 2005, WCC docket #148].
28. GUIDANT SPECIALTY MUTUAL INSURANCE COMPANY [Request for Dismissal filed June 20, 2005, WCC docket #241].
29. HARLEYSVILLE INSURANCE COMPANY [Letter filed June 3, 2005, WCC docket #169].
30. HOMESITE INSURANCE COMPANY [Letter filed June 6, 2005, WCC docket #171].
31. HUDSON INSURANCE COMPANY [Letter filed May 19, 2005, WCC docket #147].
32. INTEGON NATIONAL INSURANCE COMPANY [Motion filed July 29, 2005, WCC docket #335].
33. INTERMOUNTAIN ADMINISTRATORS, INC., [Letter filed May 18, 2005,

WCC docket #145].

34. LUMBER MUTUAL INSURANCE COMPANY [Affidavit filed December 19, 2005, WCC docket #399].
35. MEDICAL ASSURANCE CO., INC. [Letter filed May 19, 2005, WCC docket #151].
36. MIC GENERAL INSURANCE COMPANY [Motion filed July 29, 2005, WCC docket #335].
37. MIC PROPERTY & CASUALTY INSURANCE COMPANY [Motion filed July 29, 2005, WCC docket #335].
38. MIC PROPERTY & CASUALTY INSURANCE CORP. [Letter filed June 29, 2005, WCC docket #287].
39. MICHIGAN MILLERS MUTUAL INSURANCE COMPANY [Motion to Dismiss filed June 16, 2005, WCC docket #194].
40. MODERN SERVICE INSURANCE COMPANY [Letter filed June 10, 2005, WCC docket #181].
41. MOTORS INSURANCE COMPANY [Letter filed June 29, 2005, WCC docket #287].
42. NATIONAL GENERAL INSURANCE COMPANY [Motion filed July 29, 2005, WCC docket #335].
43. NATIONAL INDEMNITY COMPANY [Affidavit filed January 18, 2006, WCC docket #422].

44. NATIONAL INSURANCE ASSOCIATION [Motion filed June 10, 2005, WCC docket #184].
45. NORTH STAR REINSURANCE [Motion to Dismiss filed June 21, 2005, WCC docket #277].
46. ODYSSEY AMERICAN REINSURANCE CORP. [Letter filed May 19, 2005, WCC docket #147].
47. OVERSEAS PARTNERS [Letter filed May 19, 2005, WCC docket #147].
48. PENN STAR INSURANCE CO. [Motion to Dismiss filed June 21, 2005, WCC docket #277].
49. PREFERRED PROFESSIONAL INS. CO. [Response filed June 17, 2005, WCC docket #201].
50. PROFESSIONAL ADVOCATE INS. CO. [Letter filed May 16, 2005, WCC docket #140].
51. SAGAMORE INS. CO. [Motion to Dismiss filed June 20, 2005, WCC docket #250].
52. SOUTHERN INSURANCE COMPANY [Response filed June 29, 2005, WCC docket #291].
53. ULICO CASUALTY COMPANY [Letter filed May 16, 2005, WCC docket #144].
54. U.S. REINSURANCE [Letter filed May 19, 2005, WCC docket #147].

55. UNITED STATES LIABILITY INSURANCE COMPANY [Affidavit filed June 8, 2005, WCC docket #178].

DATED this 16<sup>th</sup> day of March, 2009.



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