

Bryce R. Floch
HAMMER, HEWITT & JACOBS, PLLC
Attorneys at Law
P.O. Box 7310
Kalispell, MT 59904-0310
Telephone: (406) 755-2225
Facsimile: (406) 755-5155
Email: brycefloch@attorneysmontana.com

Attorneys for Republic Western Insurance

FILED

OCT - 7 2009

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

<p>ROBERT FLYNN and CARL MILLER, Individually and on Behalf of Others Similarly Situated,</p> <p style="text-align: right;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>MONTANA STATE FUND</p> <p style="text-align: center;">Respondent/Insurer,</p> <p style="text-align: center;">and</p> <p>LIBERTY NORTHWEST INSURANCE CORPORATION,</p> <p style="text-align: center;">Intervenor.</p>	<p style="text-align: center;">WCC NO. 2000-0222</p> <p style="text-align: center;">REPUBLIC WESTERN INSURANCE'S RENEWED MOTION TO DISMISS</p>
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COMES NOW Republic Western Insurance Corporation ("RWIC"), by and through its attorneys of record, and hereby renews its April 4, 2006 motion to dismiss. After WRIC filed its April 4, 2006 motion to dismiss and supporting affidavit, Petitioners served discovery on WRIC as contemplated by the procedural rules of the common fund matters. On July 17, 2006 WRIC filed its verified responses to Petitioners' discovery requests. Since July 17, 2006 Petitioners have not submitted any additional discovery requests to WRIC, nor objected to the responses as provided. As such, WRIC moves this Court for dismissal from this matter for the reasons set forth herein and in its April 24, 2006 motion to dismiss and July 17, 2006 discovery responses.

DOCKET ITEM NO. _____

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DATED this 6th day of October, 2009.

HAMMER, HEWITT & JACOBS, PLLC




Bryce R. Floch
P.O. Box 7310
Kalispell, MT 59904-0310

CERTIFICATE OF SERVICE

This is to certify that I, Bryce R. Floch sent on this 6th day of October, 2009, the forgoing attached REPUBLIC WESTERN INSURANCE'S RENEWED MOTION TO DISMISS was duly serviced upon the following attorneys of record, by depositing a true copy thereof in the United States mail, postage paid, addressed as:

Rex Palmer
ATTORNEYS INC., P.C.
301 W Spruce
Missoula, MT 59802


Bryce R. Floch