

FILED

OCT 19 2009

OFFICE OF
WORKER'S 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>)	PETITIONERS' MOTION TO AMEND
<i>Situated,</i>)	PETITION FOR HEARING AND BRIEF IN
<i>Petitioners,</i>)	SUPPORT
v.)	
)	
<i>Montana State Fund,</i>)	
<i>Respondent/Insurer,</i>)	
and)	
)	
<i>Liberty Northwest Insurance</i>)	
<i>Company,</i>)	
<i>Intervenor.</i>)	

* * * * *

MOTION

Petitioners move the court to allow Petitioners to amend the Petition for Hearing to include a request for penalties and attorney fees for the insurers' delay in identifying and paying claims.

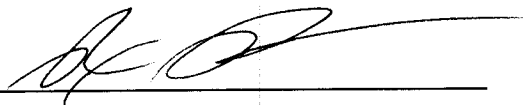
DOCKET ITEM NO. 606

BRIEF IN SUPPORT

Pursuant to the Court's Minute Entry and Order dated April 22, 2009, this is the deadline for motions. Petitioners contend that the insurers who have been notified of the claims in this action have a duty to identify and pay claimants the benefits to which they are entitled pursuant to the claims and orders in this action. Petitioners believe that the said insurers which have failed to identify and pay the entitled claimants are obligated, at this late date, to pay attorney fees and a penalty to most if not all the entitled claimants. The entitlement of many of these claimants has never been the subject of an argument by the insurers that the specific claimants are not entitled to benefits.

For the above reasons, Plaintiffs should be allowed to amend their Petition.

DATED this 19th day of October, 2009.



Rex Palmer
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October 19, 2009

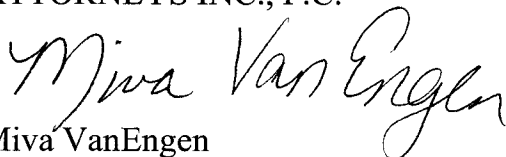
Clara Wilson, Clerk of Court
Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

Re: *Flynn/Miller* WCC No. 2000-0222

Dear Ms. Wilson:

Attached is a copy of PETITIONER'S MOTION TO AMEND PETITION FOR HEARING AND BRIEF IN SUPPORT dated October 19, 2009. This copy will replace the email-filed copy sent to you today.

Sincerely,
ATTORNEYS INC., P.C.



Miva VanEngen
Paralegal to Rex Palmer

Enclosure