

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

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

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

ORDER GRANTING RESPONDENT INSURERS' REQUEST FOR DISMISSAL

**VACATED 11/15/12 PER ORDER GRANTING PETITIONERS' MOTION TO VACATE
ORDER OF DISMISSAL, DOCKET ITEM NO. 701**

¶ 1 As of the date of this Order, Petitioners have not responded to the Respondent Insurers'¹ Request for Dismissal.

¶ 2 Pursuant to ARM 24.5.316(4), failure of an adverse party to timely file an answer brief may be deemed an admission that the motion is well-taken. In light of Petitioners' failure to timely file an answer brief, Respondent Insurers' motion is **granted**.

¶ 3 Respondent Insurers are **DISMISSED WITHOUT PREJUDICE**.

¹ Request for Dismissal, Docket Item No. 677 [American Alternative Ins. Corp., American Re-Insurance Co., Bituminous Fire & Marine Ins. Co., Bituminous Casualty Corp., Old Republic Security Assurance Co., Centre Ins. Co., Clarendon National Ins. Co., Truck Ins. Exchange, Farmers Insurance Exchange, Federal Express Corporation, Great American Ins. Co., Great American Ins. Co. of NY, Great American Assurance Co., Great American Alliance Ins. Co., Great American Spirit Ins. Co., Republic Indemnity of America, Hartford Accident & Indemnity Co., Hartford Casualty Ins. Co., Hartford Ins. Co. of the Midwest, Hartford Underwriters Ins. Co., Property & Casualty Ins. Co. of Hartford, Sentinel Ins. Co. Ltd., Twin City Fire Ins. Co., Trumbull Ins. Co., Petroleum Casualty Co., Sentry Ins. Mutual Co., Sentry Select Ins. Co., Middlesex Ins. Co., PPG Industries, Inc., Connie Lee Ins. Co., Fairfield Ins. Co., Universal Underwriters Group, XL Ins. America, Inc., XL Ins. Co. of New York, XL Reinsurance America, XL Specialty Ins. Co., Greenwich Ins. Co., Evanston Ins. Co., Markel Ins. Co.]

DATED in Helena, Montana, this 10th day of July, 2012.

(SEAL)

/s/ JAMES JEREMIAH SHEA
JUDGE

c: Parties of Record via Website