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**FILED**

AUG 17 2012

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

*Robert Flynn and Carl Miller,* ) WCC No. 2000-0222  
Individually and on Behalf of Others )  
Similarly Situated, )  
Petitioners, ) **PETITIONERS' OBJECTION TO**  
v. ) **DISMISSING CERTAIN INSURERS**  
)  
*Montana State Fund,* )  
Respondent/Insurer, )  
)  
and )  
)  
*Liberty Northwest Insurance* )  
*Company,* )  
Intervenor. )  
)

\* \* \* \* \*

COME NOW the Petitioners' by and through their attorney of record, and object to the dismissal of the following insurer:

**Everest National Insurance**

Petitioners object in part for the following reasons:

The insurer submitted an affidavit which is not in compliance with the form prescribed by the Court. Thereafter, Petitioners' submitted discovery requests to the

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insurer. The insurer's responses were largely unresponsive, over broad, ambiguous, conclusory and vague. The insurer's affidavit and discovery responses make further discovery a necessity before this insurer should reasonably be considered a candidate for dismissal from this action.

DATED this 17<sup>th</sup> day of August, 2012.



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