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**FILED**

**JUN 29 2005**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Attorneys for Berkley Regional Insurance Company  
Continental Western Insurance Company  
Union Insurance Company  
American West Insurance Company  
Midwest Employers Casualty Company  
StarNet Insurance Company

IN THE WORKERS' COMPENSATION COURT

STATE OF MONTANA

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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. )

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WCC No. 2000-0222

**RESPONSE TO SUMMONS AND  
AMENDED NOTICE OF  
ATTORNEY'S LIEN**

COME NOW Respondents/Insurers Berkley Regional Insurance Company, Continental Western Insurance Company, Union Insurance Company, American West Insurance Company, Midwest Employers Casualty Company, and StarNet Insurance Company, by and through their counsel of record, and respond to the Summons and

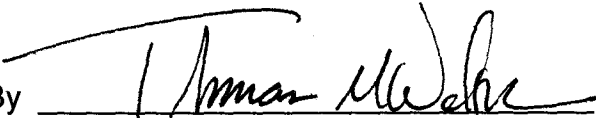
1. RESPONSE TO SUMMONS AND AMENDED NOTICE OF ATTORNEY'S LIEN

Amended Notice of Attorney's Lien, filed May 4, 2005, by stating that they have reviewed their respective files and determined that none of said Respondents/Insurers has paid a workers compensation claim in the State of Montana that is actually or potentially within the class of claims addressed in this litigation, as described in said Summons and Amended Notice of Attorney's Lien. The foregoing Respondents/Insurers, therefore, are not proper parties in this action and must be dismissed.

WHEREFORE, for the foregoing reasons, Respondents/Insurers Berkley Regional Insurance Company, Continental Western Insurance Company, Union Insurance Company, American West Insurance Company, Midwest Employers Casualty Company, and StarNet Insurance Company request that they be dismissed from this action forthwith.

DATED this 29<sup>th</sup> day of June, 2005.

POORE, ROTH & ROBINSON, P.C.

By   
Thomas M. Welsch

Attorneys for Berkley Regional Insurance  
Company, Continental Western  
Insurance Company, Union Insurance  
Company, American West Insurance  
Company, Midwest Employers Casualty  
Company, and StarNet Insurance  
Company

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ROBERT A. POORE  
URBAN L. ROTH

JAMES A. POORE, JR.  
(1916-2002)

June 29, 2005

**VIA FACSIMILE & U.S. MAIL**

Patricia J. Kessner  
Montana Workers Compensation Court  
1625 11th Avenue  
P. O. Box 537  
Helena, Montana 59624

Re: Catherine Satterlee v. Lumberman's Mutual Casualty Company, et al.  
WCC No. 2003-0840

Dale Reesor v. Montana State Fund  
WCC No. 2002-0676

Robert Flynn v. Continental Western Insurance, et al.  
WCC No. 2000-0222

Dear Ms. Kessner:

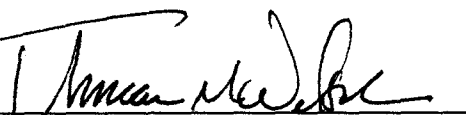
Enclosed for filing in the above-entitled matters are the Responses of Berkley Regional Insurance Company, Continental Western Insurance Company, Union Insurance Company, American West Insurance Company, Midwest Employers Casualty Company, and StarNet Insurance Company. Please acknowledge receipt and filing date of same by returning file-stamped copies in the postpaid envelope we have enclosed for your convenience.

Thank you for your cooperation.

Very truly yours,

POORE, ROTH & ROBINSON, P.C.

By



Thomas M. Welsch

TMW:pl  
Enclosures