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**FILED**

**JUN 16 2005**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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.

WCC No. 2000-0222

MOTION TO DISMISS AND  
SUPPORTING BRIEF

**MOTION TO DISMISS**

COMES NOW Dairyland Insurance Company and moves the Court for an order dismissing, with prejudice, Dairyland Insurance Company from the above-entitled action.

**BRIEF**

Although licensed to do so, Dairyland Insurance Company did not write workers' compensation coverage in the State of Montana during the time period indicated in the *Summons* and therefore requests that it be dismissed with prejudice from this proceeding. Counsel for Petitioners, Rex Palmer, could not be contacted. However, his office advises that he takes no position with respect to opposing or stipulating to this motion, but defers to the Court's decision.

Dated this 16<sup>th</sup> day of June, 2005.


CROWLEY, HAUGHEY, HANSON,  
TOOLE & DIETRICH P.L.L.P.  
Attorneys for Dairyland Insurance Company

By:   
STEVEN W. JENNINGS

**CERTIFICATE OF SERVICE**

I, STEVEN W. JENNINGS, one of the attorneys for the law firm of Crowley, Haughey, Hanson, Toole & Dietrich P.L.L.P., hereby certify that on the 16<sup>th</sup> day of June, 2005, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Mr. Rex Palmer  
Attorneys Inc., PC  
301 W. Spruce  
Missoula, MT 59802

  
STEVEN W. JENNINGS