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Attorneys for:

1. General Reinsurance Corp.
2. North Star Reinsurance Corp.
3. Genesis Insurance Company
4. General Security Insurance Company
5. SCOR Reinsurance Company
6. Evanston Insurance Company
7. Penn Star Insurance Company

FILED

JUN 21 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

COMES NOW General Reinsurance Corp.; North Star Reinsurance Corp.; Genesis Insurance Company; General Security Insurance Company; SCOR Reinsurance Company; Evanston Insurance Company; and Penn Star Insurance Company ("The Listed Insurers") and responding through their attorneys CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH P.L.L.P., to the *Summons and Notice of Attorney Fee Lien*, dated April 22, 2005, respectfully move to dismiss each of them from the above entitled action for the reasons that follow:

1. The Listed Insurers have not written any workers' compensation insurance policies for Montana employers on or after July 1, 1974.

DOCKET ITEM NO. 277

2. In response to the *Summons and Notice of Attorney Fee Lien*, The Listed Insurers conducted a diligent investigation and review of their reasonably available claim records. The Listed Insurers have no record of receiving or covering a workers' compensation insurance claim from a claimant in the State of Montana from July 1, 1974 to the present.

3. Because no claimants have any claim to recovery against The Listed Insurers in this action, The Listed Insurers should be dismissed with prejudice from this action.

4. Counsel for Petitioner, Rex Palmer, has been contacted and does not object to any Motion to Dismiss any insurer who did not write workers' compensation policies in Montana during the relevant period.

WHEREFORE, The Listed Insurers pray that this Court enter an order:

- (A) Dismissing each of The Listed Insurers with prejudice; and
- (B) Awarding such other relief as the Court may deem just and proper.

Dated: June 20, 2005

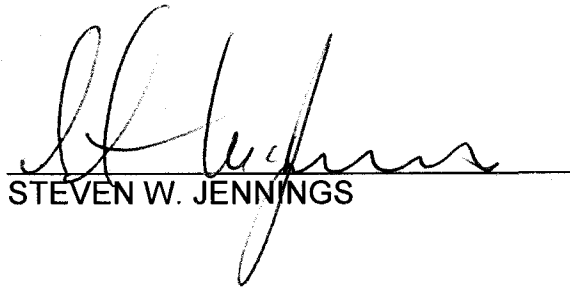
By: 

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Insurance Company; and Penn Star
Insurance Company

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 20th 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