

FILED

AUG 4 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

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NATIONAL INSURANCE COMPANY and
GENERAL SECURITY NATIONAL
INSURANCE COMPANY as Attorney-in-Fact
for GENERAL SECURITY INSURANCE
COMPANY

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 Security National Insurance Company ("GSNIC"),
responding through its attorneys CROWLEY, HAUGHEY, HANSON, TOOLE &
DIETRICH P.L.L.P. to the *Summons* dated May 4, 2005, respectfully moves to dismiss
GSNIC from the above-entitled action for the reasons that follow:

1. GSNIC has not written any workers' compensation insurance policies for
Montana employers on or after July 1, 1974.

2. In response to the *Summons and Notice of Attorney Fee Lien*, GSNIC
conducted a diligent investigation and review of its reasonably available claim records.
GSNIC has no record of receiving or covering a workers' compensation insurance claim

DOCKET ITEM NO. 350

against it or General Security Insurance Company¹ from a claimant in the State of Montana from July 1, 1974 to the present.

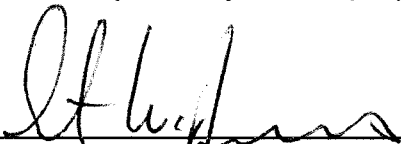
3. Because no claimants have any claim to recovery against GSNIC in this action, GSNIC should be dismissed with prejudice from this action.

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, GSNIC prays that this Court enter an order:

- (A) Dismissing GSNIC with prejudice; and
- (B) Awarding such other relief as the Court may deem just and proper.

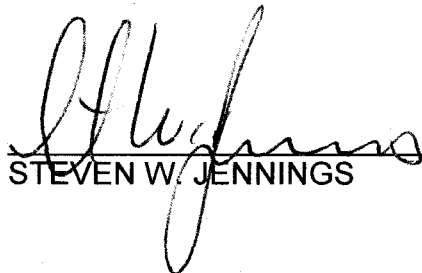
Dated: August 3, 2005

By: 
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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 3rd day of August, 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

¹ GSNIC is the Attorney-in-Fact for General Security Insurance Company. General Security Insurance Company was included among those respondents that filed a motion to dismiss on June 21, 2005 (Document # 277 on the Court's *Flynn* Website).