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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 Grain Dealers Mutual Insurance Company ("Grain Dealers") 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 Grain Dealers from the above-entitled action for the reasons that follow:

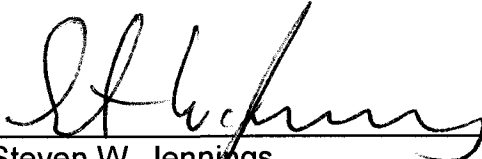
1. Grain Dealers has not fronted or issued workers' compensation insurance policies in the state of Montana since 1971.
2. Because no claimants have any claim to recovery against Grain Dealers in this action, Grain Dealers should be dismissed with prejudice from this action.
3. Counsel for Petitioners, Rex Palmer, has been contacted and does not object to any Motion to Dismiss of any insurer who did not write workers' compensation policies in Montana during the relevant period.

DOCKET ITEM NO. 275

WHEREFORE, Grain Dealers pray that this Court enter an order:

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

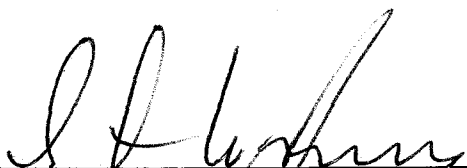
Dated: June 20, 2005

By: 
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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