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Attorneys for:

1. Hartford Financial Services Group, Inc.
2. Hartford Casualty Insurance Company
3. Hartford Insurance Company of the Midwest
4. Hartford Underwriters Insurance Company
5. Property & Casualty Insurance Company of Hartford
6. Sentinel Insurance Company LTD.
7. Trumbull Insurance Company Express, Inc.

FILED

JUN 20 2005

OFFICE OF
WORKER'S 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

COMES NOW Hartford Financial Services Group, Inc. and on behalf of its affiliated entities, Hartford Casualty Insurance Company, Hartford Insurance Company of the Midwest, Hartford Underwriters Insurance Company, Property & Casualty Insurance Company of Hartford, Sentinel Insurance Company LTD. and Trumbull Insurance Company, and moves this Court for an order dismissing them from the

above-entitled action. Hartford Financial Services Group, Inc. advises that it attempted to contact Petitioners' counsel regarding this motion and was advised by his office that Petitioner neither opposes nor stipulates to this motion but will defer to the Court's decision.

BRIEF

Hartford Financial Services Group, Inc. states that a review of its files and records reveals that the affiliated entities listed above have not taken a social security offset for any workers' compensation benefits paid or payable to Montana claimants and thus are not liable for any claims that meet the criteria set forth in the *Summons* dated May 4, 2005. The methodology that Hartford Financial Services Group, Inc. used to make this determination is as follows:

Two computer queries were performed in Hartford's database, which contains over 200,000,000 files. The first query was based upon Social Security offset transactions which are very rare in the database. This query returned no Montana claims in which a social security offset had been taken. Due the absence of any claims revealed by the first query, Hartford suspected that this query may have missed some claims that had been improperly coded as PPD claims (as opposed to PTD). Hartford then ran a second query using the computer code related to PPD claims. This query revealed fourteen Montana PPD claims. However, these claims were not underwritten by the affiliated entities listed above. Accordingly, Hartford Financial Services Group, Inc. has concluded that the affiliated entities listed above have no liability for *Flynn*-type benefits.

Hartford Financial Services Group, Inc. notes that in conducting its search of the database, it searched only those files which were open files. A full search of all 200,000,000 files in its data base would be quite extensive, time consuming, and maybe impossible due to the sheer volume of the data-base. Accordingly, in order to limit the search to a feasible volume Hartford proceeded under the assumption that closed files would not reveal *Flynn*-type claims because in the case of permanent total disability, a file would only be closed in the event of settlement or the claimant's death. Of course, in the case of settlement, the *Flynn* decision does not apply and in the case of death there would be no benefit due the claimant.

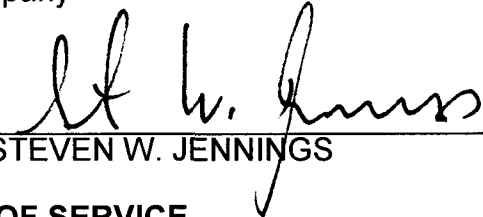
WHEREFORE, because it has in good faith and with due diligence searched its records and found no *Flynn*-type claimants, Hartford Financial Services Group, Inc. requests that this Court issue an order;

1. dismissing the above listed affiliated entities from the above-entitled action or, alternatively;

2. in the event the Court denies this motion, an order permitting Hartford Financial Services Group, Inc. to file a *Response* within 30 days of said denial.

Dated this 17th day of June, 2005.

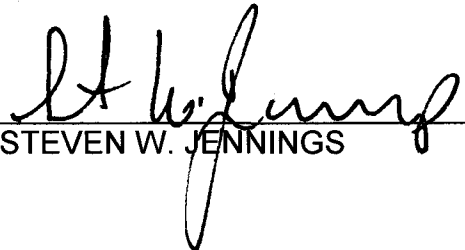
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Hartford Underwriters Insurance Company, Property
& Casualty Insurance Company of Hartford, Sentinel
Insurance Company LTD., and Trumbull Insurance
Company

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 17th 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