

**FILED**

July 29 2005

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

Steven S. Carey, Esq.  
CAREY LAW FIRM  
225 West Broadway • P.O. Box 8659  
Missoula, MT 59807-8659  
Telephone: (406) 728-0011  
Attorneys for Indiana Lumberman's Mutual Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER

Petitioners,

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE  
CORPORATION

Intervenor.

WCC No. 2000-0222

**RESPONSE TO PETITIONER'S  
CLAIM FOR COMMON FUND  
ATTORNEY FEES**

COMES NOW, Indiana Lumberman's Mutual Insurance Company, by and through counsel of record, and responds to the Petition in the above-referenced matter. Respondent has used an electronic inquiry which revealed the names of all cases in which it insured injured workers for workers' compensation matters in the State of Montana. Of the twenty eight (28) cases, one (1) involved social security disability payments. A direct inquiry with the claimant revealed that no attorney was retained in order to obtain the benefits. The claimant paid no attorney fees or costs. Thus, Indiana Lumberman's has no cases in which the *Flynn* decision would apply based on the inquiry made.

DATED this 29<sup>th</sup> day of July, 2005.

CAREY LAW FIRM  
225 West Broadway • P.O. Box 8659  
Missoula, MT 59807-8659  
Telephone: (406) 728-0011  
Attorneys for Indiana Lumberman's  
Mutual Insurance Company

By: 

Steven S. Carey

DOCKET ITEM NO. 337