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FILED

JUN 16 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

MOTION TO DISMISS

COMES NOW Michigan Millers Mutual Insurance Company and moves the Court for an order dismissing, with prejudice, Michigan Millers Mutual Insurance Company from the above-entitled action.

BRIEF

Although licensed to do so, Michigan Millers Mutual Insurance Company has never written workers' compensation coverage in the State of Montana and therefore requests that it be dismissed with prejudice from this proceeding. Counsel for Petitioners, Rex Palmer, could not be contacted. However, his office advises that he takes no position with respect to opposing or stipulating to this motion, but defers to the Court's decision.

Dated this 16th day of June, 2005.


CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.
Attorneys for Michigan Millers Mutual 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 16th 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