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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

**MOUNTAIN WEST FARM BUREAU
MUTUAL INSURANCE COMPANY'S
RESPONSE TO COURT'S MAY 4,
2005, ORDER**

Mountain West Farm Bureau Mutual Insurance Company ("Mountain West"), by and through its attorneys, Nelson & Dahle, P.C., respectfully submits the following response to the Court's May 4, 2005 order.

Mountain West no longer sells workers' compensation insurance.

Mountain West continues to service only a handful of old claims.

Mountain West presently does not know if it ever effectuated an offset on benefits because of social security benefits. Mountain West will be required to search its workers' compensation files by hand in order to acquire this information. This review cannot be accomplished by June 20, 2005.

Mountain West will notify the Court of the date on which it anticipates it can complete the records search by the end of July.

Because of the projected minimal, if any, exposure, Mountain West will not dispute the entitlement of claimants, as contemplated under Paragraph 4 of the Order. However, Mountain West believes that the Court's May 4, 2005, Order operates with the effect of a retroactive alteration of benefits after the expiration of the workers' compensation policy contract. Such action unconstitutionally impairs the obligation of contract by imposing law and contract interpretation on an expired contract when such laws were not in existence at the inception of the contract, in violation of both the U.S. and state Constitutions. The law that applies to a contract is the law in existence at the inception of the contract. Styles v. Byrne, 89 Mont. 243, 296 P. 577 (1931).

Mountain West is presently unaware of any information responsive to paragraph 5a, but is searching for any such information.

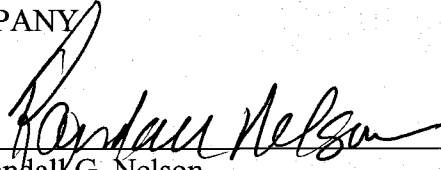
Mountain West is presently unaware of any information responsive to paragraph 5b, but is searching for any such information.

Mountain West proposes to attempt to identify any information responsive to the Court's Order by a hand search of each imaged copy of the preserved claims files by company personnel.

Respectfully submitted on behalf of Mountain West.

DATED this 25 day of May, 2005.

NELSON & DAHLE, P.C.
ATTORNEYS FOR MOUNTAIN WEST
FARM BUREAU MUTUAL INSURANCE
COMPANY

By: 
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