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**FILED**

**JUN 17 2005**

Attorneys for Navigators Insurance Group

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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ROBERT FLYNN,	)	WCC NO. 2000-0222
	)	
and	)	
	)	
CARL MILLER	)	
	)	
Petitioners,	)	
	)	
vs.	)	<b>NOTICE OF LIMITED</b>
	)	<b>APPEARANCE AND</b>
MONTANA STATE FUND,	)	<b>RESPONSE TO SUMMONS</b>
	)	
Respondent/Insurer	)	
	)	
and	)	
	)	
LIBERTY NORTHWEST INSURANCE	)	
CORPORATION,	)	
	)	
Intervenor.	)	

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COMES NOW, the undersigned, and notifies the Court and counsel for the parties of the Limited Appearance and Response of Daniel J. Whyte and the law firm of Keller, Reynolds, Drake, Johnson & Gillespie, P.C., in this matter on behalf of Navigators Insurance Group. This appearance is strictly limited to issues raised by this Court in its May 4, 2005 Summons.

1. Navigators Insurance has never written workers' compensation insurance on a direct basis in the state of Montana.

acb

2. Navigators Insurance has not offset workers' compensation benefits as a result of the receipt of Social Security benefits by a claimant.

3. Navigators Insurance finds that it does not have any potential exposure under this case, which is supported by the attached letter from Gail Kalter of Navigators Insurance Company.

WHEREFORE, Navigators Insurance respectfully requests that it be dismissed from this matter and from any further potential liability as a result of the above contentions.

DATED this 17<sup>th</sup> day of June, 2005.

KELLER, REYNOLDS, DRAKE,  
JOHNSON & GILLESPIE, P.C.



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Daniel J. Whyte  
50 South Last Chance Gulch  
P.O. Box 598  
Helena, MT 59624  
Attorney for Navigators Insurance Company



# The Navigators Group, Inc.

*"Insuring A World In Motion"*

June 15, 2005

Dan Whyte, Esq.  
Keller, Reynolds, Drake, Johnson & Gillespie  
50 South Last Chance Gulch  
Helena, MT 59601

Re: The Navigators Group, Inc. and Flynn/Miller

Dear Mr. Whyte:

Please be advised that the Navigators Insurance Company has never written workers' compensation insurance on a direct basis in the state of Montana.

Should you need additional information, please contact me at: 914-933-6058, email: [gkalter@navg.com](mailto:gkalter@navg.com).

Sincerely,

Gail L. Kalter

cc: Elliot S. Orol