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Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

FILED

JUN 24 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

RE: *Robert Flynn and Carl Miller et al. Petitioners v. Montana State Fund*
Montana Workers' Compensation Court No.: 2000-0222

Dear Honorable Presiding Judge of the Workers' Compensation Court:

Republic Indemnity Company of America/Republic Indemnity Company of California by mailed notice has been advised of the pending matter identified above, which we are informed holds an insurer liable for one half of the attorney's fees incurred by a claimant in obtaining Social Security disability benefits, which are offset by the insurer against workers' compensation benefits.

At this time, Republic is not offsetting any workers' compensation benefits on workers' compensation claims. After diligent review, we cannot identify any such offsets and therefore have not withheld attorney's fees.

Republic disputes the entitlement of the claimant to additional workers' compensation benefits as to policies issued by Republic Indemnity Companies to such claimant's employers, if any.

Because Republic has made no offsets against Social Security benefits, we are unable to provide information requested in paragraph 5 and sub-parts thereof on the Summons issued May 4, 2005.

By making this response, Republic does not waive any of its rights to contest or appear in further proceedings the Workers' Compensation Court.

Very Truly Yours,



Laurel Thurston

LT/dh

DOCKET ITEM NO. 284