

**FILED****JUN - 3 2005**OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANASENT VIA FACSIMILE NO. 406-444-7798
AND REGULAR MAIL

June 3, 2005

The Honorable Mike McCarter
Workers' Compensation Court of the State of Montana
P.O. Box 537
Helena, Montana 59624-0537

Re: WCC No. 2000-0222: Robert Flynn and Carl Miller, et al. v. Montana State Fund

Dear Judge McCarter:

SeaBright Insurance Company ("SeaBright") has received the Summons in the above captioned case. We understand that SeaBright was named in the Summons because it is listed by the Montana Department of Labor and Industry as an insurer providing workers' compensation insurance coverage in the State of Montana on or after July 1, 1974.

SeaBright states in response to the Summons that the Company has not written workers' compensation insurance policies in the State of Montana. Originally incorporated in 1986 as Heart of America Fire & Casualty, to the best of our knowledge, the Company wrote surety business before it was placed in rehabilitation by the Missouri Department of Insurance in 1993. In a stock purchase agreement dated November 23, 1994, the Company was purchased by Universal Bonding Insurance Company as a clean shell, with no liabilities. It continued to remain inactive until it was sold to Lumbermens Mutual Casualty Company in 1999 and renamed Kemper Employers Insurance Company. The Company's first workers' compensation business appears to have been written in 2000 when it purchased the renewal rights to certain California- only policies originally written by Superior National. The Company's 2000, 2001, and 2002 NAIC Annual Statements Schedules T- Exhibit of Premiums Written- all report no premiums written in Montana.

Please note that the Company was purchased by SeaBright Insurance Holdings, Inc. on September 30, 2003 and was renamed SeaBright Insurance Company. Late in 2003, the Company began writing workers' compensation in states outside of California, but it has not written any business in Montana, as evidenced by its 2003 and 2004 NAIC Annual Statements Schedules T and its Quarterly Financial Report as of March 31, 2005.

SeaBright respectfully requests to be dismissed from WCC No. 2000-0222 and further responses related to WCC No. 2000-0222. From review of available corporate records, and to the best of our knowledge, the Company has not written workers' compensation insurance

in Montana from its 1986 incorporation to its latest published March 31, 2005 Quarterly Financial Report.

Sincerely,



D. Drue Wax
General Counsel

cc: Rex Palmer
ATTORNEYS INC., P.C.
301 W. Spruce
Missoula, MT 59802

Bradley J. Luck
Garlington, Lohn & Robinson
199 W. Pine
Missoula, MT 59807-7909

Larry Jones
Liberty Northwest
700 SW Higgins Avenue, Suite 108
Missoula, MT 59803-1489