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FILED

JUL - 7 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

ATTORNEYS FOR TRINITY UNIVERSAL INSURANCE CO. OF KANSAS AND
TRINITY UNIVERSAL INSURANCE CO.

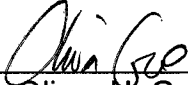
IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,)	WCC No. 2000-0222
Individually and on Behalf of Others)	
Similarly Situated,)	
)	TRINITY UNIVERSAL INSURANCE
Petitioners,)	COMPANY OF KANSAS AND TRINITY
v.)	UNIVERSAL INSURNACE
)	COMPANY'S MOTION TO DISMISS
MONTANA STATE FUND,)	AND SUPPORTING MEMORANDUM
)	
Respondent/Insurer)	
)	
And)	
)	
LIBERTY NORTHWEST INSURANCE)	
CORPORATION.)	

Trinity Universal Insurance Company of Kansas and Trinity Universal Insurance Company through their attorney of record Oliver H. Goe hereby move this Court to dismiss each of them from this case. The insurers have reviewed all claim files potentially affected by the common fund lien claimed by Petitioner and have identified no files to which the Flynn common fund lien would apply, even if this Court was to enforce it as requested by Petitioner. Thus, there is no factual or legal basis upon which to keep these insurers involved in these proceedings and they should be dismissed with prejudice.

DATED this 7th day of July, 2005.


BROWNING, KALECZYC, BERRY & HOVEN, P.C.

BY:  _____
Oliver H. Goe
Attorneys for Trinity Universal Insurance Co. of
Kansas and Trinity Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Rex Palmer
Attorneys Inc., P.C.
301 West Spruce
Missoula, MT 59802



BROWNING, KALECZYC, BERRY & HOVEN, P.C.