



# Montana

## Department of Labor and Industry

### Office of Legal Services

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July 15, 2005

Patricia Kessner  
Clerk of the Workers' Compensation Court  
P.O. Box 537  
Helena, MT 59624-0537

**FILED**

**JUL 18 2005**

RE: *Flynn v. Montana State Fund*, WCC No. 2000-0222  
UEF responses in "common fund" cases

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Dear Ms. Kessner:

Following up on the Court's July 14, 2005, attorney conferences in the various "common fund" cases, this letter confirms that the Uninsured Employers' Fund ("the UEF") will be filing a formal response to the *Summons to Insurers and Self-Insurers* issued by the Court in the various common fund cases. As I represented to the Court, the UEF has started the file review process ordered by the *Summons* in those cases.

This letter also confirms that the formal responses of the UEF will include information about the UEF (including its unique history, status and role in Montana's workers' compensation system), special constraints and circumstances that affect the UEF, as well as information regarding what UEF claimants (if any) have been identified as being affected by the various common fund cases. The responses will also strive to identify the particular defenses that the UEF has or may have to the various claims, including any that are peculiar to the UEF's special status.

The UEF advises the Court that it intends to review non-current claim files in reverse chronological order, e.g., the most recent claims will be reviewed before older claims are reviewed. As will be more fully explained in the formal responses, the UEF anticipates that it might not be feasible for the UEF to research all of its old claims files in response to the several *Summons*. The UEF intends to seek Court input and direction before making any final decision to terminate its manual records review.

The UEF expects that it will be able to start filing the formal responses in early August, and that by that time it will have at least preliminary claims information in response to the *Summons* in the several cases. It is my understanding that such a general timetable is acceptable to the Court. If I am mistaken, however, please let me know and the UEF will

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file formal requests for a suitable extension of time in each of the cases where a *Summons* is pending.

Thank you very much. As always, if the Court has any questions or concerns, please do not hesitate to contact me at 444.0280 or via e-mail at [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Cadwallader', written over a large, light-colored circular scribble.

MARK CADWALLADER,  
DLI staff attorney  
Attorney for Uninsured Employers' Fund

MC:mc

c: Bernadette Rice, UEF  
Cathy Brown, UEF  
Brian Hopkins