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Attorney for Wesco Insurance Company

FILED

JUL 11 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKER'S COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,
Individually and on behalf of others similarly
situated,

Petitioners,

vs.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INS.
CORPORATION,

Intervenor.

WCC No. 2000-0222

**MOTION TO DISMISS WESCO
INSURANCE COMPANY AND BRIEF IN
SUPPORT**

MOTION

COMES NOW, Wesco Insurance Company (herein Wesco) and moves this Court for an Order dismissing it with prejudice from the above entitled action. The basis for Wesco's motion is set forth in the accompanying brief below.

BRIEF

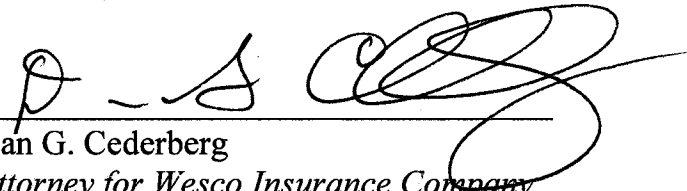
Wesco is a credit, property, and casualty company. Wesco has not written any worker's compensation policies within the State of Montana during the relevant time frame. Accordingly, Wesco is not a proper party to this action and should be dismissed

with prejudice.

DATED this 8th day of July, 2005.

CEDERBERG LAW OFFICES, PC
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Missoula, Montana 59807

By:

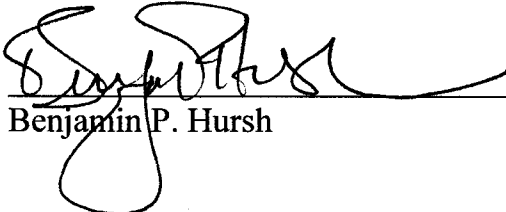


Dan G. Cederberg
Attorney for Wesco Insurance Company

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 8th day of July, 2005, I did mail a true and correct copy of the foregoing document, first class, postage prepaid to:

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



Benjamin P. Hursh

CEDERBERG LAW OFFICES, P.C.

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July 8, 2005

Patricia Kessner
Worker's Compensation Court
P.O. Box 537
Helena, MT 59624-0537

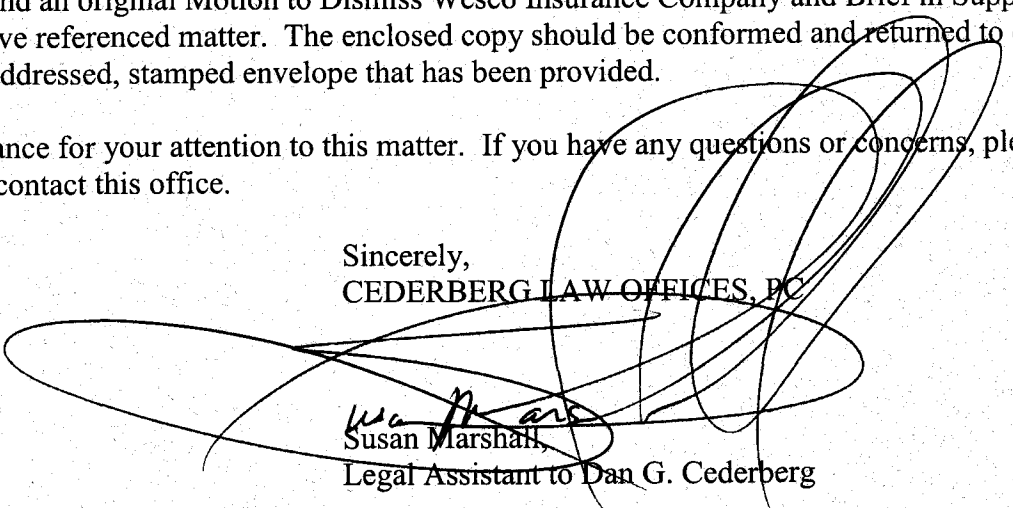
RE: WCC No. 2000-0222
Our File No. 3314

Dear Sir or Madam:

Enclosed please find an original Motion to Dismiss Wesco Insurance Company and Brief in Support to be filed in the above referenced matter. The enclosed copy should be conformed and returned to our office in the self-addressed, stamped envelope that has been provided.

Thank you in advance for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,
CEDERBERG LAW OFFICES, PC


Susan Marshall,
Legal Assistant to Dan G. Cederberg

/sem
encl.