

IN THE WORKERS' COMPENSATION COURT
OF THE STATE OF MONTANA

FILED

WCC No. 2000-0222

JUN - 6 2005

ROBERT FLYNN
And
CARL MILLER, individually and on behalf of others

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Petitioners,

vs.

MONTANA STATE FUND;
ZENITH INSURANCE COMPANY, et al

Respondents/Insurers

RESPONSE OF ZENITH INSURANCE COMPANY

1. Zenith Insurance Company ("Zenith") was licensed to transact workers' compensation in the State of Montana on May 19, 1997.
2. Since 1997 Zenith has not incurred any workers' compensation claims in the State of Montana that would be subject to the Petitioner's alleged common fund claims.
3. Zenith is not, therefore, a member of the claimed common fund, and is not subject to the alleged attorney fee lien, or the costs of this litigation.
4. Attached hereto is a listing of all claims incurred by Zenith since 1997.

There were no social security disability benefits associated with any of these

claims.

DATED: June 3, 2005



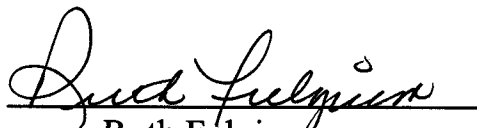
Diane Heidenreich, Esq.
Attorney for Respondent
Zenith Insurance Company
21255 Califa Street
Woodland Hills, CA 91367
(818) 594-5328

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2005, I filed the original Answer on the Workers' Compensation Court, and a true and correct copy of said Answer on the attorney for Petitioner by United States Postal Express Mail, as follows:

Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

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



Ruth Fulginiti