

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

WCC No. 2000-0222

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Robert Flynn  
and  
Carl Miller, Individually and on Behalf of  
Others Similarly Situated

Petitioners

vs.

Montana State Fund  
Respondent/Insurer.

**FILED**

JAN 23 2006

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

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**LEGION INSURANCE COMPANY'S (IN LIQUIDATION) JOINDER IN  
BRIEF OF RELIANCE INSURANCE COMPANY (IN LIQUIDATION)  
SEEKING DISMISSAL FROM COMMON FUND ACTIONS**

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Legion Insurance Company (in Liquidation) ("Legion") hereby submits this brief in support of its request for dismissal from the above-entitled Common Fund Action.

**I. Procedural History**

On July 25, 2003, M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania, acting in her official capacity as Statutory Liquidator of Legion Insurance Company, obtained an order from the Pennsylvania Commonwealth Court placing Legion in liquidation (the "Legion Liquidation Order"). (A true and correct copy is attached hereto and made a part hereof as Exhibit 'A'). Legion was subsequently named and served with process as a party to the above-entitled action.

DOCKET ITEM NO. 426

On January 20, 2006 Reliance Insurance Company (In Liquidation) filed a brief in support of its dismissal as a named party in certain Common Fund Actions (the "Reliance Brief").

**II. Joinder in Brief seeking dismissal from Common Fund Actions.**

Legion hereby joins in the Reliance Brief and adopts the arguments, as if fully set forth herein, and set forth in Sections II and III (A) – (D). Legion further joins in Section III (E) of the Reliance Brief to the extent that Section is equalivent to the procedures set forth in the order issued by the Commonwealth Court of Pennsylvania on January 11, 2006 for the filing of Proof's of Claim and resolution of disputes arising out of Notices of Determination in the Legion liquidation proceedings. (A true and correct copy of the Commonwealth Court order of January 11, 2006 is attached hereto and made a part hereof as Exhibit 'B').

The Liquidator for Legion also has agreed that for any Proof's of Claim filed with the Legion estate in regard to the Common Fund Actions on or before May 1, 2006, good cause exists for the late filing and Legion will proceed to handle and evaluate them accordingly..

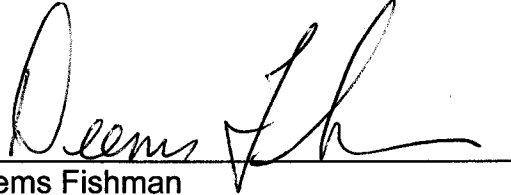
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In addition, Legion will provide the Court with summaries of its records that may, or do, identify any potential claimants in the Common Fund Actions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deems Fishman", written over a horizontal line.

Deems Fishman  
Assistant General Counsel  
Legion Insurance Company (In Liquidation)

**LEGION**  
**INSURANCE COMPANY**

(In Liquidation)

January 23, 2006

Jackie Bockman, Deputy Clerk  
Montana State Workers' Compensation Court  
P.O. Box 537  
Helena, Montana 59624-0537

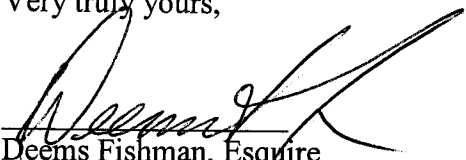
Re: Montana State Common Fund Actions

Dear Ms. Bockman:

I enclose the original signed copies of the briefs filed on behalf of Legion Insurance Company (In Liquidation or Villanova Insurance Company (In Liquidation)). I have also sent these same pleadings by email to your attention pursuant to your recent email.

If you have any questions, please feel free to call me at (215) 963-4335 or email me at [dfishman@legioninsurance.co](mailto:dfishman@legioninsurance.co).

Very truly yours,



Deems Fishman, Esquire  
Asst. General Counsel