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Attorneys for Respondent Teck Cominco
American Incorporated

FILED

SEP 11 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN and CARL MILLER, Individually and on Behalf of
Others Similarly Situated,

Petitioners,

v.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INSURANCE CORPORATION,

Intervenor.

**RESPONDENT TECK COMINCO AMERICAN INCORPORATED'S
RESPONSE TO THE COURT'S SUMMONS**

Respondent Teck Cominco American Incorporated submitted the Court's recommended affidavit requesting dismissal from the referenced litigation by reason of not having handled any applicable worker's compensation claims. Teck Cominco's affidavit was filed with the Court on May 8, 2006. WCC Docket No. 521. Ninety days are now passed and Teck Cominco respectfully requests the Court dismiss it from the subject litigation.

DOCKET ITEM NO. 536

DATED this 8th day of September 2006.

GOUGH, SHANAHAN, JOHNSON & WATERMAN



KD Feedback

Attorneys to Teck Cominco American Incorporated

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that on the 11th day of September 2006, a true and correct copy of the foregoing *Motion for Dismissal* was sent to the Court electronically and mailed, postage pre-paid, and addressed to the attention of the following:

Mr. Rex L. Palmer
Attorneys Inc., P.C.
301 W. Spruce
Missoula, Montana 59802



Kimberley McTyeire