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FILED

JUN 22 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF
THE STATE OF MONTANA

.....

EULA MAE HIATT,

Petitioner,

-vs-

MONTANA SCHOOLS GROUP
INSURANCE AUTHORITY,

Respondent/Insurer.

MONTANA STATE FUND,

Intervenor.

.....

WCC NO. 2001-0278

OPENING BRIEF OF
LUMBER MUTUAL
INSURANCE COMPANY

Comes now Lumber Mutual Insurance Company ("Lumber Mutual") and files its opening brief in this matter. Lumber Mutual does not fall within the scope of the common fund attorney fee lien attempted to be asserted in this matter. Lumber Mutual did not issue any workers' compensation policies nor did it pay any workers' compensation claims in Montana during the time period in issue. Therefore, Lumber Mutual takes no position on the two threshold issues discussed in the Court's Order stemming from the May 11, 2005, conference.

DATED this 20th day of June, 2005.

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

By James A. Donahue
JAMES A. DONAHUE
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Great Falls, Montana 59403-2103
Attorneys for Lumber Mutual Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the following by mail, hand delivery, Federal Express, facsimile transmission or electronic transmission, as indicated:

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this 20th day of June, 2005.

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

By James A. Donahue
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FILE NO. 6064

June 20, 2005

Workers' Compensation Court
1625 11th Avenue
PO Box 537
Helena MT 596240-0537

Re: *Hiett v. Missoula County Public Schools, et al.*
Workers' Compensation Court No. 2001-0278

Gentlemen:

Please file the enclosed Opening Brief of Lumber Mutual Insurance Company in the above-entitled matter.

Very truly yours,

DAVIS, HATLEY, HAFFEMAN & TIGHE P.C.

By


James A. Donahue

JAD:aab
Enclosure