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Attorney for Respondent

**FILED**

**APR 18 2005**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, *et al.* )  
 )  
 Petitioners, )  
 )  
 vs. )  
 )  
 MONTANA STATE FUND, )  
 )  
 Respondent/Insurer, )  
 )  
 and )  
 )  
 JEREMY RUHD, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 LIBERTY NORTHWEST INSURANCE )  
 CORPORATION, )  
 )  
 Respondent/Insurer. )

WCC No. 9907-8274R1

**KMART'S NOTICE OF INITIAL  
APPEARANCE AND MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO THE SUMMONS**

Comes now, Kmart Corporation, by and through its counsel of record, Michael P. Heringer, Brown Law Firm, P.O. Drawer 849, Billings, MT., and hereby responds to the Court's Summons and Second Summons. Kmart is presently unable to provide the information requested in the Summons. Kmart believes that it will be able to provide the requested information, but the most significant problem it faces in obtaining the requested information is that its current third party administrator, Sedgwick Claims Management Service, Inc. took over for Kmart's prior third party administrator, Putnam & Associates, on June 1, 2004. Sedgwick therefore needs additional time to comply with the Summons so

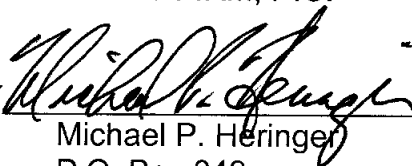
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that so that it can obtain the information requested by the Court. Kmart therefore requests that it be granted until May 16, 2005 to respond to the Summons.

Respectfully submitted this 18<sup>th</sup> day of April, 2005.

BROWN LAW FIRM, P.C.

BY



Michael P. Heringer

P.O. Box 849

Billings, MT 59103-0849

Attorney for Respondent Kmart


cc: Dot Scott

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was duly served on Montana's Workers' Compensation Court via facsimile and overnight express mail, postage prepaid, and addressed as follows this 18<sup>th</sup> day of April, 2005:

Ms. Patricia J. Kessner  
Clerk of Court  
Workers' Compensation Court  
1625 11<sup>TH</sup> Street  
Helena, MT 59624

BY



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Michael P. Heringer