

FILED

SEP 28 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Murphy Law Firm
617 Second Avenue South
P.O. Box 3226
Great Falls, MT 59403-3226
Telephone (406) 452-2345
Fax (406) 452-2999

Thomas J. Murphy, Attorney
Charla K. Tadlock, Attorney

Lou Joi Poelman, Paralegal
Sandra Gilbert, Paralegal
Kristen Trask, Paralegal

September 27, 2005

Judge James Jeremiah Shea
Workers Compensation Court
P O Box 537
Helena, Mt 59624-0357

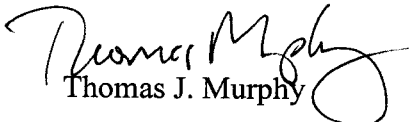
RE: Reesor v. State Fund
WCC No. 2002-0676
Dismissal of Allianz Global Risks US Insurance Co.

Dear Judge Shea:

The attorney for Allianz Global Risks US Insurance Co, Lloyd E. Williams, Jr., asked me to dismiss Allianz Insurance Company without prejudice. This request for dismissal was based on letters, dated 9/9/05 and 9/20/05, from Lloyd E. Williams, Jr. For the record, I attach copies of these letters for the Court's file. I also enclose the original Affidavit of Mike Davies, Allianz's workers compensation claims manager, dated 8/24/05, which further sets forth the facts surrounding this matter

Based on the statements that Allianz made, and in reliance on the truthfulness of those statements, I agree that the Court should dismiss Allianz Global Risks US Insurance Co. without prejudice. Thank you.

Sincerely yours,


Thomas J. Murphy

TJM/ljp
enc. Williams letter to Murphy -9 /9/05
Williams letter to Murphy - 9/20/05
Davies Affidavit - 8/24/05
cc. Lloyd E. Williams, Jr.

DOCKET ITEM NO. 310

SEP 12 2005

Williams Montgomery & John Ltd.

A Firm of Trial Lawyers

Lloyd E. Williams, Jr.
(312) 443-3212
Fax: (312) 630-8512
lew@willmont.com

September 9, 2005

Mr. Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-2345

Re: Dale Reesor v. Montana State Fund
WCC No. 2002-0676
Our file no.: 26762.00A103

Dr. Mr. Murphy:

I represent Allianz Global Risks US Insurance Co. which has been named as a party to the above referenced matter. It is my understanding that the action was filed to enforce a common fund attorneys' fee lien on certain benefits due workers' compensation claimants injured on or after July 1, 1987 and prior to December 22, 2004 and which were paid after December 22, 2004.

I have made inquiry to the Workers' Compensation Claim Manager at Allianz, Mike Davies, as to whether Allianz has ever written workers' compensation insurance in Montana, and if so, whether it has ever paid any claims for workers compensation benefits. After checking the company records, Mr. Davies has advised me that while Allianz has written workers' compensation insurance in Montana, it has never had a claim from any injured employee of a Montana insured of Allianz. Therefore, of course, it has never paid any benefits would could be the subject of a lien.

Accordingly, I have asked Mr. Davies to execute an affidavit to that effect, which he has done, and which I enclose. It is my hope that this will suffice for the purpose of having Allianz voluntarily dismissed with prejudice by you from the referenced matter. My preference would be that you make that motion with the court. If not, and if you register your written consent with me, I will make the motion with the court for dismissal with prejudice.

Williams Montgomery & John Ltd.

September 9, 2005

Page 2

I thank you in advance for your cooperation. If you need any further information, please call me.

Very truly yours,

WILLIAMS MONTGOMERY & JOHN LTD.


By: Lloyd E. Williams, Jr.

cc: Mr. Mike Davies

Document #: 694535

Williams Montgomery & John Ltd.
A Firm of Trial Lawyers

Lloyd E. Williams, Jr.
(312) 443-3212
Fax: (312) 630-8512
lew@willmont.com

September 20, 2005

SEP 23 2005

Mr. Thomas J. Murphy
Murphy Law Firm
P. O. Box 3226
Great Falls, Montana 59403-3226

Re: Reesor v. Montana State Fund
WCC No. 2002-0676
Our File: 26762.00A103
Your letter of September 14, 2005

Dear Mr. Murphy:

Allianz as named is just one company. It will agree to a dismissal without prejudice. As proposed, please prepare the necessary paper work.

Very truly yours,

WILLIAMS MONTGOMERY & JOHN LTD.

By:  Lloyd E. Williams, Jr.

Document #: 695330

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer

AFFIDAVIT

I, the undersigned, Mike Davies, am over the age of 18 and competent to testify to the matters set forth in this affidavit, and if called as a witness to do so, would testify as follows:

1. I am the Workers' Compensation Claim Manager for Allianz Global Risks US Insurance Co.
2. As a part of my duties as Workers' Compensation Claims Manager I have access to all of the records of Allianz Global Risks US Insurance Co. with respect to the policies it has written in the State of Montana and any claims made by any injured employees of an insured of Allianz Global Risks US Insurance Co. in Montana.
3. I am aware that Allianz Global Risks US Insurance Co. has been named as a party in the captioned proceeding to enforce a common fund attorneys fee lien on certain benefits due claimants injured on or after July 1, 1987 and prior to December 22, 2004 and which were paid after December 22, 2004.

4. I have searched the records of Allianz Global Risks US Insurance Co. and have determined that while it did write workers' compensation insurance policies for insureds in the State of Montana, it has never had a claim from any injured employee of a Montana insured of Allianz Global Risks US Insurance Co.

5. I am making this affidavit to support a request that Allianz Global Risks US Insurance Co. be dismissed with prejudice as a party in the captioned matter.

FURTHER THE AFFIANT SAYETH NOT

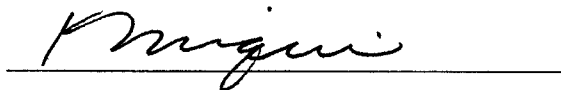


Mike Davies

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

Subscribed and sworn before me this

24th day of AUGUST 2005.



Notary Public

My Commission Expires NOV 24, 2006

