

Murphy Law Firm
619 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 Lee Gilbert, Paralegal

June 16, 2005

Judge Mike McCarter
Workers Compensation Court
P O Box 537
Helena, Mt 59624-0357

FILED

JUN 17 2005

**OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA**

RE: Reesor v. State Fund
WCC No. 2002-0676

Dear Judge McCarter:

Several insurance companies in Reesor request dismissal because those companies never sold workers' compensation insurance in Montana. Since those companies made their representations directly to the Court, I view them as motions for dismissal. Obviously, the Court has the authority to bring a company back into the Reesor case if it is discovered that the company misled the Court. Therefore, to provide the Court with a clear record of the representations made, I attach a copy of each of the letters/motions that were submitted by the insurance companies listed below.

Based on the statements contained in the attached documentation, and in reliance on the truthfulness of their motions, I submit that the Court should dismiss the following companies without prejudice:

Alamance Insurance Company
American Agricultural Insurance Company (AAIC)
American Ambassador Casualty Company
American Centennial Insurance Company (ACIC)
American Physicians Assurance Corporation
Insurance Corporation of American
AmGuard Insurance Company
Bristol West Insurance Company
Brotherhood Mutual Insurance Company

Judge Mike McCarter
Reesor v. State Fund
WCC No. 2002-0676
Page Two

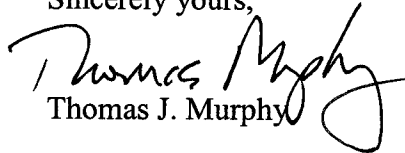
Centurion Casualty Company
Converium Insurance (North America) Inc.
Converium Reinsurance (North America) Inc.
Country Casualty Insurance Company
Country Mutual Insurance Company
Country Preferred Insurance Company
Danielson National Insurance Company
EastGuard Insurance Company
Economy Fire & Casualty Insurance Company
Economy Preferred Insurance Company
Economy Premier Assurance Company
Evergreen National Indemnity Company
First Financial Insurance Company
First Professionals Insurance Company
Guidant Specialty Mutual Insurance Co. n/k/a GuideOne Specialty Mutual
Insurance Company
Homesite Insurance Company
Lumber Mutual Insurance Company
Lyndon Property Insurance Company
Majestic Insurance Company
Medical Assurance Company, Inc.
Metropolitan Property and Casualty Insurance Company
Metropolitan Casualty Insurance Company
Metropolitan General Insurance Company
Metropolitan Direct Insurance Company
Modern Service Insurance Company
National Insurance Association
NorGuard Insurance Company
North American Elite Insurance Company
Penn-Star Insurance Company
Professionals Advocate Insurance Company
Sagamore Insurance Company
Southern Insurance Company
Swiss Reinsurance American Corporation
Triad Guaranty Insurance Corporation
Triton Insurance Company
Ulico Casualty Company
United National Casualty
United States Liability Ins. Co
York Insurance Co.
Zenith Insurance Company

Judge Mike McCarter
Reesor v. State Fund
WCC No. 2002-0676
Page Three

With the delivery of this document, I ask the Court to set a status conference. Most of the significant insurers have appeared, so I submit that the parties could address evidentiary issues and set a briefing schedule. The State Fund has submitted a proposed stipulation of fact to me, but I have asked them to state their proposal in the form of an affidavit.

If possible, I ask the Court to schedule a Reesor status conference on July 14, 2005. There are a large number of attorneys traveling to Helena for the Schmill conference, so it would be economical if the Court could address the Reesor issues after the Schmill conference. Thank you.

Sincerely yours,


Thomas J. Murphy

TJM/ljp

enc: Insurer Letters & Pleadings (36)
cc. Each Insurer (listed above) w/out enc.
Brad Luck w/out enc.
Larry Jones w/out enc.
Leo Ward w/out enc.
Maxon Davis w/out enc.
Oliver Goe w/out enc.
Diane Heidenreich w/out enc.

Worker's Compensation Court of the State of Montana
In the matter of: Dale Ressor v. Montana State Fund
WCC No. 2002-0676

**AFFIDAVIT
OF
ALAMANCE INSURANCE COMPANY**

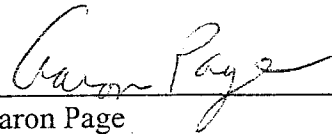
STATE OF NORTH CAROLINA:

SS: BURLINGTON

COUNTY OF ALAMANCE

The undersigned, being duly sworn, deposes and says:


1. My name is Aaron Page.
2. I am the Compliance Director of Alamance Insurance Company ("AIC"), which is an insurance company licensed as an admitted insurer in the state of Montana.
3. I am over the age of eighteen and believe in and understand the meaning and obligation of an oath.
4. To the best of my knowledge, information and belief, and based upon the results of an inquiry to search the companies records, AIC has not underwritten workers compensation insurance, nor has paid any benefits, in the state of Montana for the period 1987 through to the present date.



Aaron Page
Compliance Director

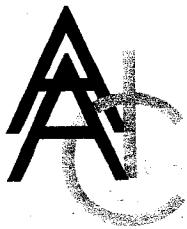
Date: May 27, 2005

Subscribed and sworn to before me this 27 day of May, 2005.



Notary Public

My commission expires: July 2, 2006



MAY 2 - 2005

1501 E. Woodfield Road
Suite 300W
Schaumburg, IL 60173-5422
Phone: 847.969.2900
Fax: 847.969.2752
www.aaic.com

American Agricultural Insurance Company

Providing reinsurance since 1948

April 28, 2005

The Honorable Judge Michael McCarter
Workers' Compensation Court
P.O. Box 537
1625 11th Avenue
Helena, Montana 59624-0537

Re: Reesor v. Montana State Fund
WCC No. 2002-0676

Dear Judge McCarter:

I am an attorney with American Agricultural Insurance Company (AAIC).

AAIC has been named in a summons in this case.

Pursuant to my April 27, 2005 discussion with, and instructions from, Mr. Murphy, I am writing to advise this Honorable Court that AAIC is a reinsurer. AAIC is not a primary insurer. AAIC is not a self insured for purposes of this summons. AAIC has never sold primary workers compensation policies in the State of Montana or in any State.

In light of these facts, AAIC respectfully requests this Honorable Court to relieve it of any obligation to respond in any way, other than this letter, to the summons issued to AAIC in this case.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Mark M. Christerson".

Mark M. Christerson

MMC/ts

Cc: Thomas J. Murphy, Esq. ✓

JUN 13 2005

Larry W. Jones
Law Office of Jones & Garber
An Insurance Company Law Division
700 SW Higgins Avenue, Suite 108
Missoula, MT 59803-1489
(406) 543-2420
(406) 829-3436 (FAX)
Attorney for the Liberty Mutual Insurance Group

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

| | | |
|---------------------|---|-----------------------------|
| DALE REESOR, |) | WCC No. 2002-0676 |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | MOTION TO DISMISS |
| |) | AMERICAN AMBASSADOR |
| MONTANA STATE FUND, |) | CASUALTY CO. AND |
| |) | NATIONAL INS. ASSOC. |
| Respondent/Insurer. |) | AND SUPPORTING BRIEF |
| |) | |


MOTION

COME NOW American Ambassador Casualty Company and National Insurance Association pursuant to ARM 24.5.329 and moves the Court for an order dismissing with prejudice American Ambassador Casualty Company and National Insurance Association as possible insurers for the reasons set forth below.

BRIEF

American Ambassador Casualty Company and National Insurance Association are member companies of the Liberty Mutual Insurance Group. Neither American Ambassador Casualty Company nor National Insurance Association have ever written workers' compensation coverage in the State of Montana and therefore request they be dismissed with prejudice from this proceeding.

DATED this 10th day of June, 2005.



 Larry W. Jones
 Attorney for Liberty Mutual Insurance Group

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2005, I served the original of the foregoing MOTION TO DISMISS AMERICAN AMBASSADOR CASUALTY CO. AND NATIONAL INS. ASSOC. AND SUPPORTING BRIEF, first-class mail, postage prepaid, on the following:

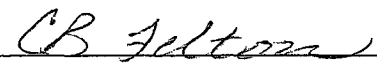
Ms. Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624-0537

and a copy of the same to the following:

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

Bradley J. Luck
Garlington, Lohn & Robinson, PLLP
P. O. Box 7909
Missoula, MT 59807-7909

Thomas E. Martello
Legal Counsel
Montana State Fund
P. O. Box 4759
Helena, MT 59604-4759



Cindy Brown Felton

AMERICAN CENTENNIAL
INSURANCE COMPANY

CERTIFIED MAIL 7004 2510 0003 1215 9510
RETURN RECEIPT REQUESTED

MAY 26 2005

May 23, 2005

Workers Compensation Court
1625 11th Avenue
Helena, Montana 59624-0537

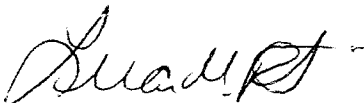
Re: Dale Reesor vs. Montana State Fund

Dear Sir or Madam:

I am writing on behalf of American Centennial Insurance Company ("ACIC") to acknowledge receipt of the Summons and Notice of Attorney Fee Lien in connection with the case encaptioned Dale Reesor vs. Montana State Fund WCC No. 2002-0676 and provide ACIC's response thereto. Please be advised that ACIC has not written any Workers Compensation business in the state of Montana and therefore, has no claims or policies to which this matter would apply.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Luann M. Petrellis
Senior Vice President

LMP/lh
[reesor52305]

cc: Richard Hussnatter

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

MAY 23 2005

DYKEMA GOSSETT PLLC

124 W. Allegan Street, Suite 800
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

Lori McAllister

Direct Dial: (517) 374-9150

Email: LMCALLISTER@DYKEMA.COM

May 20, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Re: Dale Reesor v. Montana State Fund
WCC No. 2002-0676

Dear Sir/Madam:

I am writing this letter in response to the Order dated April 22, 2005 in the above-referenced matter on behalf of our clients American Physicians Assurance Corporation and Insurance Corporation of America. Although both companies were authorized to write business in the State of Montana prior to December 31, 2004, neither company in fact issued any workers' compensation policies to any person or entity in the State. American Physicians Assurance Corporation voluntarily surrendered its certificate of authority to operate in Montana effective April 18, 2005, and Insurance Corporation of America is in the process of surrendering its certificate of authority. As a result, the companies have not received any claims for benefits under Montana's workers' compensation laws.

If you require any further information, please let me know.

Sincerely,

DYKEMA GOSSETT PLLC



Lori McAllister

LMSI:kks

cc: Thomas J. Murphy



June 1, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Reesor v. Montana State Fund, 2004 MT 370

AmGUARD Insurance Company

AmGUARD Insurance Company did not issue any Workers' Compensation policies in the state of Montana and therefore did not pay any benefits to claimants injured on or after July 1, 1987, and prior to December 22, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Dulin", is written over a faint, larger version of the same signature.

Michael J. Dulin
General Counsel

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Am**GUARD** • Nor**GUARD** • East**GUARD**

Home Office: 16 South River Street • P.O. Box A-H • Wilkes-Barre, Pennsylvania 18703-0020
570-825-9900 • 800-673-2465 • FAX 570-823-5930 • www.guard.com



MAY 31 2005

George G. O'Brien
Chief Legal Officer

May 25, 2005

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624

Re: Dale Reesor v. Montana State Fund, WCC No. 2002-0676

Dear Sir or Madam:

I am writing on behalf of Bristol West Insurance Company ("Bristol West"), an affiliate of Bristol West Holdings, Inc. Bristol West has been named as a party in the above-referenced action. Bristol West should not be a party in this action because Bristol West has never written any insurance in Montana, including without limitation workers' compensation insurance. In October 1999, Bristol West (under the name Reliant Insurance Company) became licensed to write insurance in Montana, but it has never done so.

I spoke with Clara, a Deputy in the Clerk's office, who was very helpful and informed me to write this letter. Since Bristol West clearly does not belong in this case, I would like to avoid the expense of hiring Montana counsel to file a motion. I respectfully request that Bristol West be dismissed as a party to this action.

I understand from Clara that a default will not be taken while this request is being considered. If I need to do anything more, by copy of this letter I request that Mr. Murphy contact me.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "George G. O'Brien".

George G. O'Brien

GGO'B/mh

cc: Thomas J. Murphy, Esquire



Brotherhood MutualSM
Insurance Company

MAY 2 - 2005

6400 Brotherhood Way

P.O. Box 2227

Fort Wayne, IN 46801-2227

260.482.8668

mallison@brotherhoodmutual.com

www.brotherhoodmutual.com

Michael J. Allison, JD, CPCU
Chief Counsel and Corporate Secretary

April 27, 2005

Workers' Compensation Court
PO BOX 537
Helena, MT 59624-0537

Subject: Dale Reesor v. Montana State Fund; WCC No. 2002-0676

To the Montana Workers' Compensation Court:

Our Company, Brotherhood Mutual Insurance Company, is licensed to write workers' compensation insurance in the state of Montana, but we have never issued any workers' compensation policies in the state. Accordingly, the Reesor v. Montana State Fund lawsuit would appear to have no application to our company, and we do not believe a written answer to the petitioner's request will be required. Should either the court or the petitioner's counsel disagree with this position, please advise our company. Unless we are notified otherwise, we will assume that, in light of the fact that our company has written no workers' compensation policies in the state, we will be no need for any formal response from our company.

Sincerely,

Michael J. Allison, JD, CPCU,
Vice President and Chief Counsel,
Brotherhood Mutual Insurance Company
PO BOX 2227
Fort Wayne, IN 46801-2227

CC: Mr. Thomas J. Murphy
Murphy Law Firm
PO BOX 3226
Great Falls, MT 59403-3226

Law Offices

MOULTON, BELLINGHAM, LONGO & MATHER, P.C.

BRENT R. CROMLEY
GERALD B. MURPHY
K. KENT KOOLEN
GREGORY G. MURPHY
W. A. FORSYTHE
DOUG JAMES
BRAD H. ANDERSON
THOMAS E. SMITH
JOHN T. JONES
HARLAN B. KROGH
DUNCAN A. PEETE
NANCY BENNETT

SUITE 1900, SHERATON PLAZA
27 NORTH 27TH STREET
P. O. BOX 2559

BILLINGS, MONTANA 59103-2559

Telephone (406) 248-7731

Fax (406) 248-7889

www.moultonlawfirm.com

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GERRY P. FAGAN
VICKI L. McDONALD
MICHELE L. JENSEN
MICHAEL E. BEGLEY
WILLIAM O. RYAN, JR.
JEFF G. SORENSON
JESSICA T. KOBOS

FREDRIC D. MOULTON
[1912-1989]

W. S. MATHER
[1922-1998]

WM. H. BELLINGHAM
[1920-2002]

BERNARD E. LONGO
OF COUNSEL

June 2, 2005

Honorable Mike McCarter
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: *Dale Reesor v. Montana State Fund*
WCC No. 2002-0676

Dear Judge McCarter:

I am writing on behalf my client Centurion Casualty Company, and I am responding on their behalf to the Summons issued in the above-captioned case.

While Centurion is licensed to write casualty insurance in Montana, it does not now write, and has never in the past written, workers' compensation insurance in the state of Montana.

I trust this is an adequate response to the Summons issued in your Court. Should you wish or need anything further from Centurion, please contact the undersigned.

Thank you for your consideration in this matter.

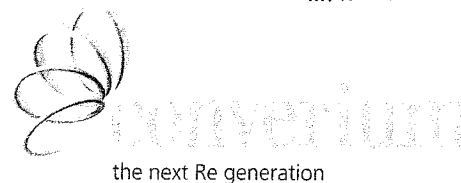
Sincerely,


W. ANDERSON FORSYTHE

WAF:dlb

cc: Mr. Thomas J. Murphy

MAY 27 2005



Vincent S. Nadile
Vice President &
Assistant General Counsel

VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED

May 24, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

**Re: Dale Reesor vs. Montana State Fund
WCC No. 2002-0676**

Dear Honorable Court:

I am in-house counsel for Converium Reinsurance (North America) Inc. ("CRNA") and its wholly owned subsidiary, Converium Insurance (North America) Inc. ("CINA"). This answer is being filed with you on behalf of both CRNA and CINA in connection with the above-referenced case.

Please be advised that while both CRNA and CINA are licensed to write workers' compensation insurance coverages in Montana, neither company has ever written any such policies at any time. Accordingly, the companies do not have, and never did have, any claimants under any employers' liability or workers' compensation policies issued in Montana. The proceedings and ultimate determinations in the instant case are, therefore, not ones that will impact either CRNA or CINA.

Should you require anything further from either company, please do not hesitate to contact me in writing at the above address. Thank you.

Sincerely,

Vincent S. Nadile
Vice President & Assistant General Counsel

**Converium Reinsurance
(North America) Inc.**

One Canterbury Green
Stamford, CT
06901

Phone 203 965 8800

Fax 203 965 8804

<http://www.converium.com>

Direct Phone 212 898 5076

Direct Fax 203 965 8868

vincent.nadile@converium.com

cc: (via Certified Mail / Return Receipt Requested)

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

Office of the General Counsel

Paul M. Harmon
General Counsel

May 25, 2005

The Honorable Mike McCarter
 Montana Worker's Compensation Court
 P.O. Box 537
 Helena, MT 59624-0537

Chad G. Allen
 Andrew S. Bender
 Brian G. Cahill
 Theresa M. Cameron
 Carol G. Crissman
 Virginia L. Eves
 Laura A. Harmon
 James M. Jacobs
 Joshua R. Johnson
 Matthew T. Jontry
 John R. Novack
 Linda B. Potts
 Jerry W. Quick
 Barbara Kay Stille
 David B. Stumpf
 Jennifer L. Vance
 Kathy Smith Whitman

RE: Reesor v. Montana State Fund
 Montana Worker's Compensation Court Case No. 2002-0676

Your Honor:

This Office is counsel for the following companies ("Companies") named in the Summons and Notice of Attorney Lien that was issued in connection with the above-captioned matter:

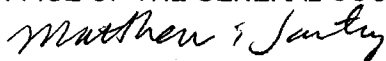
- COUNTRY Mutual Insurance Company
- COUNTRY Casualty Insurance Company
- COUNTRY Preferred Insurance Company

These Companies are currently licensed to do business in Montana as property/casualty insurers. However, none of the Companies have ever written worker's compensation coverage in Montana. Therefore, these Companies will not be filing formal answers in this matter.

If additional information is needed or if the Companies are required to take further action, please do not hesitate to contact me.

Sincerely,

OFFICE OF THE GENERAL COUNSEL



Matthew T. Jontry

cc: Thomas J. Murphy, Esq.
 P.O. Box 3226
 Great Falls, MT 59403-3226

ILLINOIS AGRICULTURAL ASSOCIATION® and AFFILIATED COMPANIES
1701 Towanda Avenue/P. O. Box 2901/Bloomington, Illinois 61702-2901
Telephone: 309/557-2542 To call writer direct: 309/557-2223
Internet E-Mail: mjontry@ilfb.org
Fax: 309/557-2211

Agricultural Support Association • AgriVisor® Services, Inc. • Cotton States Investment Company • Cotton States Life Insurance Company • Cotton States Marketing Resources, Inc. • Cotton States Mutual Insurance Company • Cotton States Service Company • CSI Brokerage Services, Inc. • CC Services, Inc. • COUNTRY Capital Management Company • COUNTRY Casualty Insurance Company® • COUNTRY Investors Life Assurance Company® • COUNTRY Life Insurance Company® • COUNTRY® Mutual Funds Trust • COUNTRY Mutual Insurance Company® • COUNTRY Preferred Insurance Company® • COUNTRY Trust Bank® • East Side Jersey Dairy, Inc. • Holyoke Mutual Insurance Company in Salem • Holyoke Square, Inc. • IAA Credit Union • IAA Foundation • Ice Cream Specialties, Inc. • Illinois Agricultural Auditing Association • Illinois Agricultural Holding Co. • Illinois Agricultural Service Company • Middlesex Mutual Assurance Company • Midfield Corporation • Modern Service Insurance Company • MSI Preferred Insurance Company • MSI Preferred Services, Inc. • Mutual Service Casualty Insurance Company • Mutual Service Life Insurance Company • PFD Supply Corporation • Prairie Farms Dairy, Inc. • Shield Insurance Company

JUN - 7 2005

Leo S. Ward
BROWNING, KALECZYC, BERRY & HOVEN, P.C.
139 N. Last Chance Gulch
P.O. Box 1697
Helena, MT 59624-1697
Phone: (406) 443-6820
Fax: (406) 443-6895

ATTORNEYS FOR Danielson National Insurance Co.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

| | | |
|---------------------|---|---------------------------------|
| DALE REESOR, |) | WCC No. 2002-0676 |
| |) | |
| Petitioner, |) | |
| v. |) | NOTICE OF APPEARANCE AND |
| |) | REQUEST FOR DISMISSAL |
| MONTANA STATE FUND, |) | |
| |) | |
| Respondent/Insurer. |) | |
| |) | |

Danielson National Insurance Co. hereby appears and requests dismissal from this action because it has written no worker's compensation insurance coverage in Montana at any time.

DATED this 6th day of June, 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

BY: Leo S. Ward
Leo S. Ward

ATTORNEYS FOR Danielson National Insurance Co.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Thomas Murphy
Murphy Law Firm
P.O. Box 3226
619 Second Ave South
Great Falls, MT 59403-3226


BROWNING, KALECZYK, BERRY & HOVEN, P.C.

JUN - 6 2005



June 1, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Reesor v. Montana State Fund, 2004 MT 370

EastGUARD Insurance Company

EastGUARD Insurance Company did not issue any Workers' Compensation policies in the state of Montana and therefore did not pay any benefits to claimants injured on or after July 1, 1987, and prior to December 22, 2004.

Sincerely,

Michael J. Dulin
General Counsel

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Am**GUARD** • Nor**GUARD** • East**GUARD**

Home Office: 16 South River Street • P.O. Box A-H • Wilkes-Barre, Pennsylvania 18703-0020
570-825-9900 • 800-673-2465 • FAX 570-823-5930 • www.guard.com



MAY 31 2005

May 27, 2005

Workers Compensation Court
State of Montana
P. O. Box 537
Helena, MT 59624-0537

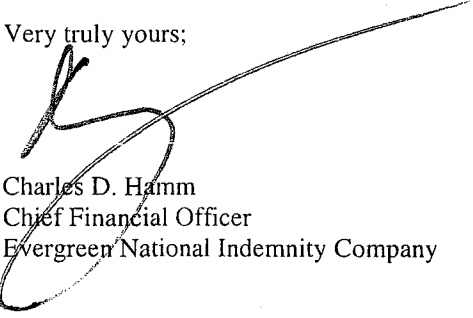
RE: *Dale Reesor, Petitioner vs. Montana State Fund, Respondent/Insurer*
Petitioner's Notice of Common Fund Attorney Fee Lien, Case No. WCC No. 2002-0676

We acknowledge receipt of the above-referenced Notice.

Evergreen National Indemnity Company is licensed in the State of Montana, however, it has never written any Workers Compensation Insurance in the State of Montana. We have conducted an exhaustive search of our Workers Compensation database and no claims have arisen in the State of Montana as a result of our writing Workers Compensation insurance in any other state.

Accordingly, Evergreen National Indemnity Company cannot have any liability for any attorney's liens and believe a written answer to the petitioner's request should not be required. Should either the court or the petitioner's counsel disagree with this position, please advise our company. Unless we are notified otherwise, we will assume that, since we have not had workers compensation policies in the state, there will be no need for any formal response from our company.

Very truly yours;



Charles D. Hamm
Chief Financial Officer
Evergreen National Indemnity Company

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

Worker's Compensation Court of the State of Montana
In the matter of: Dale Ressor v. Montana State Fund
WCC No. 2002-0676

**AFFIDAVIT
OF
FIRST FINANCIAL INSURANCE COMPANY**

STATE OF NORTH CAROLINA:

SS: BURLINGTON

COUNTY OF ALAMANCE:

The undersigned, being duly sworn, deposes and says:

1. My name is Aaron Page.
2. I am the Compliance Director of First Financial Insurance Company ("FFIC"), which is an insurance company licensed as an admitted insurer in the state of Montana.
3. I am over the age of eighteen and believe in and understand the meaning and obligation of an oath.
4. To the best of my knowledge, information and belief, and based upon the results of an inquiry to search the companies records, FFIC has not underwritten workers compensation insurance, nor has paid any benefits, in the state of Montana for the period 1987 through to the present date.

Aaron Page

Aaron Page
Compliance Director

Date: *May 27, 2005*

Subscribed and sworn to before me this 27 day of May, 2005.

Patricia W Ross

Notary Public

My commission expires: *July 2, 2006*



MAY 16 2005

Insurance Solutions for Healthcare Providers

Robert L. Wortelboer, Esquire
General Counsel & Vice President

May 11, 2005

Via Regular U.S. Mail

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

A handwritten signature in black ink that reads "Reesor". The signature is written in a cursive style and is underlined with a single horizontal line.

**Re: Robert Flynn, v. Montana State Fund
WCC No. 2000-0222**

To Whom It May Concern:

We are in receipt of the Summons and Notice of Attorney Fee Lien in regard to the above entitled case. Please be advised that First Professionals Insurance Company, Inc. while licensed to write workers compensation insurance in the State of Montana has never actually engaged in writing this business in this State. As a result, are participation in the above entitled matter is moot. Please note this fact in your records. If you have any questions, please call me at (904) 354-5910 Ext. 3281.

Sincerely,

A handwritten signature in black ink that appears to read "Robert L. Wortelboer, Jr.". The signature is written in a cursive style and is underlined with a single horizontal line.

Robert L. Wortelboer, Jr.
General Counsel & Vice President

Cc: Mr. Thomas J. Murphy

Leo S. Ward
BROWNING, KALECZYC, BERRY & HOVEN, P.C.
139 N. Last Chance Gulch
P.O. Box 1697
Helena, MT 59624-1697
Phone: (406) 443-6820
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ATTORNEYS FOR Guidant Specialty Mutual Insurance Co.
n/k/a GuideOne Specialty Mutual Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

| | | |
|---------------------|---|---------------------------------|
| DALE REESOR, |) | WCC No. 2002-0676 |
| |) | |
| Petitioner, |) | |
| v. |) | NOTICE OF APPEARANCE AND |
| |) | REQUEST FOR DISMISSAL |
| MONTANA STATE FUND, |) | |
| |) | |
| Respondent/Insurer. |) | |
| |) | |

Guidant Specialty Mutual Insurance Co., n/k/a GuideOne Specialty Mutual Insurance Company hereby appears and requests dismissal from this action because it has written no worker's compensation insurance coverage in Montana at any time.

DATED this 6th day of June, 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

BY: *Leo S. Ward*
Leo S. Ward

ATTORNEYS FOR Guidant Specialty Mutual
Insurance Co. n/k/a GuideOne Specialty Mutual
Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Thomas Murphy
Murphy Law Firm
P.O. Box 3226
619 Second Ave South
Great Falls, MT 59403-3226



BROWNING, KALECZYC, BERRY & HOVEN, P.C.

JUN - 7 2005

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June 3, 2005

Melissa Brill
Direct Phone 212.908.1257
Direct Fax 866.825.3144
mbrill@cozen.com

VIA FEDERAL EXPRESS

Honorable Mike McCarter
Montana Workers Compensation Court
PO Box 537
Helena, Montana 59624-0537

Re: Dale Reesor v. Montana State Fund
WCC Number: 2002-0676

Dear Judge McCarter:

We represent Homesite Insurance Company, which was named in the Summons and Notice of Attorney Fee Lien in the above-referenced matter. Please be advised that Homesite Insurance Company does not write, and has not written, workers compensation insurance in Montana. Therefore, it is our understanding that Homesite Insurance Company need not file an Answer in this matter.

If this understanding is incorrect, or if you need further information, please feel free to contact me.

Respectfully,

COZEN O'CONNOR

A handwritten signature in black ink, appearing to read "M. Brill", is written over the typed name.

By: Melissa Brill

MB

Honorable Mike McCarter

June 3, 2005

Page 2

cc: Thomas J. Murphy, Esq. (via Federal Express)
Murphy Law Firm
PO Box 3226
Great Falls, Montana 59403-3226

Asset Protection Division
One Chesterfield Place
14755 North Outer Forty Road, Suite 400
St. Louis, MO 63017
636-536-5600 / 800-951-6060



June 9, 2005

VIA FACSIMILE & CERTIFIED MAIL

The Honorable Mike McCarter
Worker's Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Catherine E. Satterlee, et al v. Lumberman's Mutual Casualty Company
WCC No. 2003-0840

Dale Reesor v. Montana State Fund
WCC No. 2002-0676

Dear Judge McCarter:

Lyndon Property Insurance Company ("Lyndon") has received summons in the above-referenced cases. Although a response was due June 6, 2005 in the Reesor case, plaintiff's attorney has generously agreed to allow us to file a late response.

Please be advised that although Lyndon is authorized to write casualty insurance in Montana, it has never written workers' compensation insurance in Montana. Enclosed is an affidavit from Dale Koester, Assistant Vice President/Surety Bond Manager of Lyndon, that further explains Lyndon's position. For this reason, we respectfully request that Lyndon be dismissed from the above-referenced lawsuits.

Should you need further information, please contact me at (800) 950-6060, ext. 5667. Thank you.

Sincerely,

Laura L. Foster, J.D.
Assistant Vice President, Director of Licensing,
Contracting and Litigation Support

LLF/maa

cc: Thomas J. Murphy, Esq. (via facsimile)

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA
WCC No. 2003-0840

AFFIDAVIT IN SUPPORT OF REQUEST TO DISMISS
LYNDON PROPERTY INSURANCE COMPANY

In Re:

Catherine E. Sattcree, et al., Petitioners

vs.

Lumberman's Mutual Casualty Company, et al., Respondents/Insurers

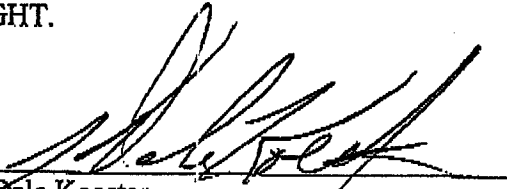
Comes the Affiant, J. Dale Koester, and after having been first duly sworn, states
as follows:

1. I hold the position of Assistant Vice President/Surety Bond Manager of Lyndon Property Insurance Company (hereinafter, "Lyndon").
2. Lyndon is a property & casualty insurance company, chartered in 1978 in the State of Missouri.
3. Lyndon received its Certificate of Authority to conduct business in Montana on August 7, 1980.
4. Lyndon has never written Workers' Compensation Insurance in Montana.
5. Upon application from Stone Container Corporation, on June 19, 2002 Lyndon issued a Workers' Compensation Self Insurer's Bond in support of Stone Container Corporation's qualification as a Self Insurer of its workers' compensation risks, Compensation Plan No. 1, in Montana.
6. In issuing the aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation, Lyndon was functioning as Surety, but not as an Insurer.
7. Surety for a bond in support of a Self Insurer under Compensation Plan No. 1 does not meet the definition of an "Insurer" as set forth in Montana Code Annotated 2003, 39-71-116(14), therefore Lyndon cannot be construed as an Insurer by reason of its obligation of suretyship.

8. The aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation was replaced by an Irrevocable Letter of Credit on June 30, 2004, and the Bond was exonerated and released as of that date.

9. Lyndon has no further liability under the Workers' Compensation Self Insurer's Bond formerly issued on behalf of Stone Container Corporation, and Lyndon has never issued any other workers compensation self insurer's bonds in Montana.

FURTHER AFFIANT SAYETH NAUGHT.



J. Dale Koester
Assistant Vice President/Surety Bond Manager
For Lyndon Property Insurance Company

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me by J. Dale Koester this the 9th day of June, 2005.

My Commission expires: March 28, 2008

Brenda R. Biesboer
NOTARY PUBLIC

