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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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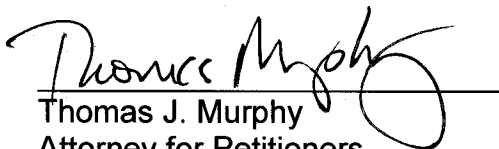
IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,)	
Petitioner,)	
)	WCC No. 2002-0676
vs.)	
)	Petitioner's Objection to Dismissal
)	of Midwest Employers Casualty
MONTANA STATE FUND)	
Respondent/Insurer)	

COMES NOW the petitioner, Dale Reesor ("Reesor"), pursuant to the Court's Order dated 12/6/05 (Docket #324), to object to the dismissal of Midwest Employers Casualty Company.

Reesor reviewed the two affidavits submitted by Midwest Employers Casualty Company (Docket # 317 and #346). The affidavits requested dismissal based on the representation that the insurer did not have any relevant claims. As permitted by the Court, Reesor sent discovery requests to Midwest Employers Casualty Company on 1/26/06. Reesor essentially asked the insurer how it determined that it did not have any relevant claims. On 3/14/06, Midwest Employers Casualty Company provided partial unverified responses, but it did not adequately answer Reesor's discovery requests (Responses attached as Exhibit A). Therefore, Reesor objects to the dismissal of Midwest Employers Casualty Company.

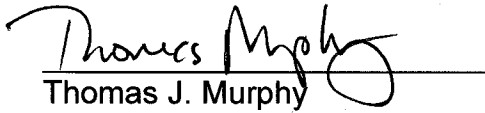
DATED this 12th day of April, 2006.


Thomas J. Murphy
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of April, 2006, a copy of the foregoing was served by mailing a true and correct copy of said document via first class mail to the attorneys at the address listed below:

Thomas M. Welsch
Poore, Roth & Robinson, PC
P O Box 2000
Butte, MT 59702
Attorney for Midwest Employers Casualty Company


Thomas J. Murphy

Thomas M. Welsch, Esq.
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Attorneys for Berkley Regional Insurance Company
Continental Western Insurance Company
Union Insurance Company
American West Insurance Company
Midwest Employers Casualty Company
StarNet Insurance Company

IN THE WORKERS' COMPENSATION COURT

STATE OF MONTANA

DALE REESOR,)	WCC No. 2002-0676
)	
Petitioner,)	MIDWEST EMPLOYERS CASUALTY
)	COMPANY'S RESPONSES TO
-vs-)	PETITIONER'S DISCOVERY
)	REQUESTS
MONTANA STATE FUND,)	
)	
Respondent/Insurer.)	
)	
)	
)	

COMES NOW Midwest Employers Casualty Company and responds to Petitioner's Discovery Requests to Midwest Employers Casualty Co.

INTERROGATORY NO. 1: Please identify all workers compensation policies issued in Montana by each of the insurers listed above between 7/1/1987 and 12/22/2004, by stating the following for each policy:

- A. The name of the company insured;
- B. The length of time insured; and,
- C. The policy number.

ANSWER: Midwest Employers Casualty Company has two computer systems. The policies shown with a state abbreviation are from the old system, WINS; the policies with "EWC" are under the new system, PowerComp. Some of these policyholders have been with Midwest Employers Casualty Company for many years. The policy number was a constant with each renewal. The policies are written for annual terms. The first 7 insureds are Montana based. The last 6 insureds are not headquartered in Montana but have an exposure there.

Montana Based

Insured Name	Policy Number	Effective Date
MONTANA ASSOCIATION OF COUNTIES	3693-SO-MT	1-Oct-2002
	EWC005235	1-Oct-2003
		1-Oct-2004
MONTANA HOSPITAL ASSOCIATION	4324-SA-MT	1-Jan-1992
		1-Jan-1993
		1-Jan-1994
		1-Jan-1995
		1-Jan-1996
		1-Jan-1997
		1-Jan-1998
		1-Jan-1999
		1-Jan-2000
		1-Jan-2001
		1-Jan-2002
		1-Jan-2003
	EWC005513	1-Jan-2004
		1-Jan-2005
MUS WORKERS' COMPENSATION	5073-SO-MT	7-Jan-2003
MISSOULA COUNTY	2049-SO-MT	1-Apr-1997
		1-Apr-1998
		1-Apr-1999
		1-Apr-2000
		1-Apr-2001
		1-Apr-2002
		1-Apr-2003
	EWC006234	1-Apr-2004

2. MIDWEST EMPLOYERS CASUALTY COMPANY'S RESPONSES TO PETITIONER'S DISCOVERY REQUESTS

Insured Name	Policy Number	Effective Date
		1-Apr-2005
F H STOLTZE LAND & LUMBER	EWC007093	17-Nov-2004
HORIZON HEALTHCARE	1197-SA-MT	1-Feb-1992
		1-Jun-1993
THE WAVERLY GROUP, INC.	4101-SA-MT	8-May-1990
		8-May-1991

Not Headquartered in Montana

Insured Name	Policy Number	Effective Date
MINERICH, INC.	0647-SO-KY	15-Feb-90
		15-Feb-91
CENTRA	0718-SRCMI	1-Jun-90
	0718-SRCMI	21-Feb-91
J. H. KELLY, INC.	0906-SA-WA	1-Jan-92
		1-Jan-93
		1-Jan-94
ROSAUER'S SUPERMARKETS, INC.	1974-SO-ID	27-Jul-96
		27-Jul-97
WAGGONERS TRUCKING	2951-SO-GA	10-Nov-01
GEORGIA PACIFIC CORPORATION	4851-SO-GA	1-Apr-97
		1-Apr-98

INTERROGATORY NO. 2: For all workers compensation benefits paid in Montana between 7/1/1987 and 12/22/2004, please state the following:

- A. List the type of benefit paid (TTD, PPD., Impairment, TPD, PTB, or TRB);
- B. State the total amount of all payments in each claim;
- C. State the date of injury; and
- D. State the date of birth of the claimant.

ANSWER: Midwest Employers Casualty Co. does not have access to this level of detail on claims made. It is an excess carrier, providing only indemnity to its insureds for moneys those insureds pay above their respective self-insured retention. It is irrelevant to Midwest Employers Casualty Co. whether the underlying payment was a type of indemnity obligation or a medical payment. Midwest Employers Casualty Co. has reimbursed only one customer for a Montana loss. That was an MECC File # 98C00918, DOL 3/21/98, DOB 6/19/55.

INTERROGATORY NO. 3: Please identify the number of claims filed in Montana, which involved injured workers aged 65 or older (either at the time of injury or

3. MIDWEST EMPLOYERS CASUALTY COMPANY'S RESPONSES TO PETITIONER'S DISCOVERY REQUESTS

at the time of maximum medical improvement) under all policies issued by each of the insurers listed above between 7/1/1987 and 12/22/2004.

ANSWER: Midwest Employers Casualty Co. does not have access to this level of detail on claims made. As an excess carrier it takes an interest only in files having an exposure into its layer of coverage. In answer to Interrogatory No. 2, Midwest Employers Casualty Co. identified the only file that got into its layer of coverage. The claimant on that file is only 50 years old at present.

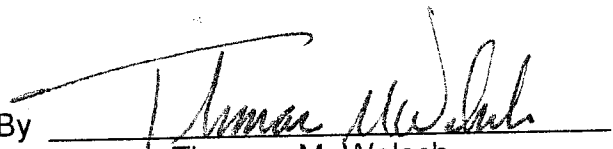
INTERROGATORY NO. 4: Please describe the procedure that each insurer listed above used to determine that it had no relevant Reesor claims in Montana.

ANSWER: The Vice President of Claims for Midwest Employers Casualty Co. reviewed the loss runs produced by Midwest's data processing system identifying all policyholders and claims in Montana during the relevant time period. That claim report was analyzed to identify any files where a reimbursement was made, or where Midwest Employers Casualty Co. had established a reserve in anticipation of reimbursement. One such file was identified and reviewed by the Vice President, who found that it did not fall within the terms of the Summons.

DATED this 14th day of March, 2006.

POORE, ROTH & ROBINSON, P.C.

By



Thomas M. Welsch

Attorneys for Midwest Employers Casualty
Company
1341 Harrison Avenue
P.O. Box 2000
Butte, Montana 59702

VERIFICATION

STATE OF _____)
: ss.
County of _____)

_____, being first duly sworn upon his/her oath,
deposes and says:

That he/she is the _____ of Midwest Employers Casualty
Company; that he/she has read Midwest Employers Casualty Company's Responses to
Petitioner's Discovery Requests; that he/she knows the contents thereof; and that the
statements set forth therein are true and correct to the best of his/her knowledge and
belief.

Subscribed and sworn to before me this ____ day of _____, 2006.

(signature)

(print name)

Notary Public for the State of _____

Residing at _____

My Commission Expires: _____