

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

**FILED**

JUN 23 2005

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS

NOTICE

TO:

AMERICAN MUTUAL LIABILITY INS CO  
AMFAC INC  
ARCH INSURANCE COMPANY  
ATLANTIC INSURANCE COMPANY  
BEATRICE COMPANIES INC  
CALIFORNIA COMPENSATION INS CO  
CHEVRON CORP  
CIMARRON INSURANCE CO  
COMMERCIAL LOAN INS CORP  
CORE INSURANCE COMPANY  
EMPLOYERS CASUALTY COMPANY IN  
RECEIVERSHIP  
ERNST HOME CENTERS  
FIRST SOUTHERN INSURANCE CO  
FORT WAYNE HEALTH & CASUALTY INS  
CO  
FREMONT IND CO OF THE NORTHWEST  
FREMONT COMPENSATION INS CO  
INTERCONTINENTAL INSURANCE CO

LIBERTY INS UNDERWRITERS INC  
MILLERS NATIONAL INSURANCE CO  
MONTANA LOGGERS EXCHANGE  
MONTGOMERY WARD & CO INC  
NATIONAL COLONIAL INS, IN  
LIQUIDATION  
P I E NATIONWIDE INC  
PARTNER REINS CO OF NEW YORK  
PLUM CREEK TIMBER CO LP  
PLUM CREEK MGMT CO LP  
SIRIUS AMERICAN INS CO  
SKAGGS ALPHA BETA  
TEXAS EMPLOYERS INDEMNITY CO  
TRANSGUARD INS CO OF AMERICA INC  
UNION OIL COMPANY OF CA  
WESTERN EMPLOYERS INS CO  
WESTERN FRUIT EXPRESS CO

¶1 The enclosed Summons and Notice of Attorney Fee Lien is served pursuant to Rule 4D(1)(b) of the Montana Rules of Civil Procedure.

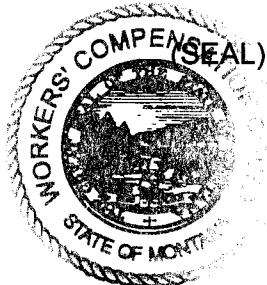
¶2 You may complete the acknowledgment part of this form and return one copy of the completed form to the sender within twenty days after the date it was mailed to you as shown below.

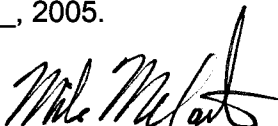
¶3 If you decide to complete and return this form, you must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

¶4 If you do not complete and return this form to the sender within twenty days after the date it was mailed to you as shown below, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a Summons in any other manner permitted by law.

¶5 If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the Summons within twenty days after the date of signature which you place on the acknowledgment below. If you fail to answer the Summons within the foregoing twenty-day period, judgment by default will be taken against you for the relief demanded in the Summons.

¶6 I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons will have been mailed on June 23, 2005.



  
 \_\_\_\_\_  
 JUDGE  
June 20, 2005  
 \_\_\_\_\_  
 Date of Signature

### ACKNOWLEDGMENT OF RECEIPT OF SUMMONS

I declare, under penalty of perjury, that I received a copy of the Summons and Notice of Attorney Fee Lien in the above-captioned matter at \_\_\_\_\_ (address).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Entity/Authority to Receive  
Service of Process

\_\_\_\_\_  
Date of Signature

c: Notice and Acknowledgment of Receipt of Summons e-mailed to Reesor Distribution List on June 29<sup>th</sup>, 2005

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

**FILED**

APR 22 2005

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

SUMMONS AND NOTICE OF ATTORNEY FEE LIEN

The State of Montana to the following Insurers and Self-Insureds:

BEATRICE COMPANIES INC  
MARKEL INSURANCE COMPANY  
AMERICAN COMMERCE INS CO  
ALLMERICA FINANCIAL ALLIANCE INS CO  
HANOVER INSURANCE CO  
LUMBER MUTUAL INSURANCE CO  
AMERICAN MUTUAL INS CO OF BOSTON  
AMERICAN MUTUAL LIABILITY INS CO  
ELECTRIC INSURANCE CO  
HARTFORD FIRE INSURANCE CO  
AMERICAN CENTRAL INS CO  
NORTHERN ASSURANCE CO OF AMERICA  
EMPLOYERS FIRE INSURANCE CO  
HOUSTON GENERAL INSURANCE CO  
CAMDEN FIRE INSURANCE ASSOCIATION  
ONE BEACON AMERICA INSURANCE CO  
TRADERS & GENERAL INS CO  
AMERICAN EMPLOYERS INSURANCE CO  
PENNSYLVANIA GENERAL INSURANCE CO  
ONE BEACON INSURANCE COMPANY  
LEXINGTON INSURANCE COMPANY  
HOMESITE INSURANCE COMPANY  
LIBERTY INSURANCE CORP  
LM PERSONAL INSURANCE COMPANY  
LM PROPERTY & CASUALTY INSURANCE CO  
WAUSAU BUSINESS INSURANCE CO  
LIBERTY MUTUAL FIRE INSURANCE CO  
LM INSURANCE CORPORATION  
FIRST LIBERTY INSURANCE CORPORATION  
LM GENERAL INSURANCE COMPANY

SEATON INSURANCE CO  
STONEWALL INSURANCE COMPANY  
METROPOLITAN DIRECT PROP & CAS INS  
METROPOLITAN GENERAL INS CO  
ECONOMY PREFERRED INS CO  
ECONOMY PREMIER ASSURANCE CO  
ECONOMY FIRE & CASUALTY CO  
PROVIDENCE WASHINGTON INS CO  
YORK INSURANCE COMPANY  
FACTORY MUTUAL INS CO  
INTERNATIONAL INSURANCE CO  
NORTH AMERICAN SPECIALTY INS CO  
NORTH AMERICAN ELITE INSURANCE  
ATLAS ASSURANCE CO OF AMERICA  
LIBERTY MUTUAL INSURANCE CO  
CORE INSURANCE COMPANY  
ALEA NORTH AMERICA INSURANCE COMPANY  
ODYSSEY AMERICA REINSURANCE CORP  
SENTINEL INSURANCE COMPANY LTD  
HARTFORD INS CO OF THE MIDWEST  
PROPERTY & CASUALTY INS CO OF HARTFORD  
HARTFORD CASUALTY INSURANCE CO  
HARTFORD UNDERWRITERS INS CO  
HARTFORD ACCIDENT & INDEMNITY CO  
AUTOMOBILE INS CO OF HARTFORD  
CHARTER OAK FIRE INSURANCE CO  
TRAVELERS INDEMNITY CO OF CT  
TRAVELERS CASUALTY INS COMPANY OF  
AMERICA  
TRAVELERS PROPERTY CASUALTY COMP OF

AMERICA  
FARMINGTON CASUALTY CO  
TRAVELERS IND CO OF AMERICA  
STANDARD FIRE INSURANCE CO  
TRAVELERS CAS & SURETY CO OF AMER  
TRAVELERS COMMERCIAL INS CO  
TRAVELERS CASUALTY CO OF CONN  
TRAVELERS COMMERCIAL CASUALTY CO  
TRAVELERS CASUALTY & SURETY CO  
PHOENIX INSURANCE CO  
TRAVELERS PROPERTY & CASUALTY INS CO  
TRAVELERS INSURANCE COMPANY  
GULF INSURANCE CO  
STARNET INSURANCE COMPANY  
CHARTWELL REINSURANCE COMPANY  
INSURANCE CORPORATION OF NEW YORK  
NORTH STAR REINSURANCE CORPORATION  
XL REINSURANCE AMERICA  
CLEARWATER INSURANCE COMPANY  
GREENWICH INSURANCE COMPANY  
GENERAL REINSURANCE CORP  
FAIRFIELD INSURANCE COMPANY  
GENESIS INSURANCE COMPANY  
MITSUI SUMITOMO INS CO OF AMERICA  
EXECUTIVE RISK INDEMNITY INC  
PACIFIC INDEMNITY CO  
FEDERAL INSURANCE CO  
GREAT NORTHERN INSURANCE CO  
QUADRANT INDEMNITY COMPANY  
CHUBB NATIONAL INS CO  
VIGILANT INSURANCE CO  
CHUBB INDEMNITY INS CO  
NATIONAL COLONIAL INS, IN LIQUIDATION  
ICM INSURANCE COMPANY  
EVEREST NATIONAL INS CO  
CENTENNIAL INSURANCE CO  
ARCH REINSURANCE COMPANY  
UNITED STATES FIRE INSURANCE CO  
NORTH RIVER INSURANCE CO  
CRUM AND FOSTER INDEMNITY COMPANY  
LUCENT TECHNOLOGIES INC  
AMERICAN REINSURANCE COMPANY  
AMERICAN ALTERNATIVE INS CORP  
HIGHLANDS INSURANCE CO  
WESCO INSURANCE COMPANY  
A T & T COMMUNICATIONS INC  
AXA CORPORATE SOLUTIONS INSURANCE CO  
CENTRE INSURANCE COMPANY  
MITSUI SUMITOMO INS USA INC

CONNIE LEE INSURANCE CO  
RAMPART INSURANCE COMPANY  
WESTERN CONTINENTAL INS CO  
AXA RE AMERICA INS CO  
CONVERIUM INSURANCE (NORTH AMERICA) INC  
QBE INSURANCE CORPORATION  
ATLANTIC MUTUAL INSURANCE CO  
CONVERIUM REINSURANCE (NORTH AMERICA)  
INC  
ATLANTIC SPECIALTY INSURANCE  
COMPANY  
FOLKSAMERICA REINSURANCE COMPANY  
LIBERTY INS UNDERWRITERS INC  
XL INS CO OF NEW YORK INC  
HUDSON INSURANCE COMPANY  
PUBLIC SERVICE MUTUAL INS CO  
GERLING AMERICA INSURANCE COMPANY  
QUANTA INDEMNITY COMPANY  
INSURANCE CORPORATION OF HANNOVER  
REDLAND INSURANCE COMPANY  
CLARENDON NATIONAL INS CO  
CITY INSURANCE CO  
HOME INSURANCE CO  
AMERICAN INTERNATIONAL PACIFIC INS CO  
SIRIUS AMERICAN INS CO  
ILLINOIS NATIONAL INSURANCE COMPANY  
GENERAL SECURITY NATIONAL INSURANCE  
COMPANY  
GENERAL SECURITY INSURANCE COMPANY  
NICHIDO FIRE & MARINE INS CO  
HOME INDEMNITY CO THE  
SCOR REINSURANCE COMPANY  
COMMERCE & INDUSTRY INSURANCE CO  
TECHNOLOGY INSURANCE CO INC  
CHURCH MUTUAL INSURANCE CO  
CONSTITUTION INSURANCE COMPANY  
NAVIGATORS INSURANCE COMPANY  
TOKIO MARINE & FIRE INSURANCE CO  
TRANS PACIFIC INSURANCE COMPANY  
NATIONAL UNION FIRE INS OF PITTSBURGH  
AMERICAN HOME ASSURANCE CO  
NEW HAMPSHIRE INSURANCE CO  
GRANITE STATE INSURANCE CO  
INSURANCE COMPANY OF STATE OF PA  
AIU INSURANCE CO  
BIRMINGHAM FIRE INS CO OF PA  
SOMPO JAPAN INSURANCE COMPANY OF  
AMERICA  
PARTNER REINS CO OF NEW YORK

SWISS REINSURANCE AMERICA CORP  
LANCER INSURANCE COMPANY  
NEWARK INSURANCE CO  
HEALTHCARE UNDERWRITERS MUT INS CO  
UNITED COMMUNITY INSURANCE CO  
FRONTIER INSURANCE COMPANY  
UTICA MUTUAL INSURANCE CO  
FEDEX GROUND PACKAGE SYSTEM INC  
P P G INDUSTRIES INC  
ROCKWOOD INSURANCE CO  
ROCKWOOD CASUALTY INSURANCE COMPANY  
OLD REPUBLIC INSURANCE CO  
PHICO INSURANCE CO  
PENNSYLVANIA CASUALTY COMPANY  
PENNSYLVANIA NATIONAL MUTUAL CASUALTY  
AMGUARD INSURANCE COMPANY  
EASTGUARD INSURANCE COMPANY  
NORGUARD INSURANCE COMPANY  
UNITED NATIONAL CASUALTY INSURANCE CO  
PENN STAR INSURANCE COMPANY  
UNITED STATES LIABILITY INS CO  
INSURANCE COMPANY OF NORTH AMERICA  
ACE FIRE UNDERWRITERS INS CO  
ACE INDEMNITY INSURANCE COMPANY  
PACIFIC EMPLOYERS INSURANCE CO  
BANKERS STANDARD FIRE & MARINE  
ACE PROPERTY & CASUALTY INS CO  
ACE AMERICAN INSURANCE COMPANY  
BANKERS STANDARD INSURANCE CO  
INDEMNITY INS CO OF NORTH AMERICA  
RELIANCE INSURANCE CO  
RELIANCE UNIVERSAL INS CO  
RELIANCE NATIONAL INSURANCE CO  
RELIANCE NATIONAL INDEMNITY CO  
RELIANCE DIRECT INS CO  
UNITED PACIFIC INSURANCE CO  
LEGION INSURANCE CO  
VILLANOVA INSURANCE COMPANY  
VILLANOVA INSURANCE COMPANY  
AMERICAN FUJI FIRE & MARINE INS CO  
OVERSEAS PARTNERS US REINSURANCE  
ACE AMERICAN REINSURANCE CO  
CENTURY INDEMNITY CO  
PENNSYLVANIA MANUFACTURERS ASSOC  
MANUFACTURES ALLIANCE INSURANCE CO  
PENNSYLVANIA MANUFACTURERS INDEMNITY  
COMPANY  
HARLEYSVILLE INSURANCE COMPANY  
AMERICAN INTERNATIONAL SPECIALTY LINES

INSURANCE  
AMERICAN CENTENNIAL INSURANCE CO  
ULICO CASUALTY COMPANY  
GOVERNMENT EMPLOYEES INS CO  
GEICO INDEMNITY COMPANY  
GEICO CASUALTY COMPANY  
PROFESSIONALS ADVOCATE INS CO  
EULER AMERICAN CREDIT INDEMNITY CO  
MONUMENTAL GENERAL CASUALTY CO  
ASSURANCE COMPANY OF AMERICA  
MARYLAND CASUALTY CO  
VALIANT INSURANCE COMPANY  
AMERICAN GENERAL CORP  
SEABOARD SURETY COMPANY  
RECIPROCAL OF AMERICA INS CO  
TRIAD GUARANTY INSURANCE COMPANY  
INTEGON NATIONAL INSURANCE COMPANY  
ALAMANCE INSURANCE COMPANY  
FIRST FINANCIAL INSURANCE COMPANY  
OCCIDENTAL FIRE & CASUALTY CO OF NC  
VEREX ASSURANCE INC  
GROCERS INSURANCE COMPANY  
SAFEGUARD INSURANCE COMPANY  
ORION INSURANCE COMPANY  
AMERICAN & FOREIGN INS CO  
SECURITY INS CO OF HARTFORD  
GUARANTY NATIONAL INSURANCE COMPANY  
AXIS REINSURANCE COMPANY  
FIRE & CASUALTY INS CO OF CONN  
GLOBE INDEMNITY CO  
PHOENIX ASSURANCE CO OF NEW YORK  
CONNECTICUT INDEMNITY CO  
EMPLOYEE BENEFITS INS CO  
ROYAL INDEMNITY COMPANY  
GUARANTEE INSURANCE CO  
AIG NATIONAL INSURANCE COMPANY  
ATLANTA INTERNATIONAL INS CO  
INTERNATIONAL INDEMNITY CO  
INDUSTRIAL UNDERWRITERS INS CO  
WESTCHESTER FIRE INSURANCE CO  
GEORGIA PACIFIC CORP  
AMERICAN SAFETY CASUALTY INS CO  
ATLANTA SPECIALTY INS CO  
FIRST PROFESSIONALS INSURANCE COMPANY  
INCORPORATE  
P I E NATIONWIDE INC  
FIDELITY NATIONAL PROPERTY AND CASUALTY  
INS CO  
RYDER SYSTEMS INC

SECURITY NATIONAL INS CO  
LUMBERMENS UNDERWRITING ALLIANCE  
FIRST SOUTHERN INSURANCE CO  
TEXAS EMPLOYERS INDEMNITY CO  
THE INSURANCE COMPANY  
SERVICE INSURANCE COMPANY  
HORIZON CMS HEALTHCARE CORP  
SHELBY CASUALTY INS CO  
MEDICAL ASSURANCE CO INC  
CATERPILLAR INSURANCE COMPANY  
PERMANENT GENERAL ASSURANCE CORP  
MERASTAR INSURANCE CO  
FEDERAL EXPRESS CORP  
WAVERLEY MONTANA INC  
AMERICAN HARDWARE MUTUAL INS CO  
NATIONWIDE MUTUAL FIRE INSURANCE CO  
NATIONWIDE PROPERTY & CASUALTY INS CO  
CREDIT GENERAL INSURANCE CO  
ST PAUL FIRE & MARINE INS CO  
CONTINENTAL CASUALTY CO  
CHAMPION INTERNATIONAL CORP  
BORDEN CHEMICAL INC  
EVERGREEN NATIONAL INDEMNITY  
ROCHDALE INSURANCE COMPANY  
BRISTOL WEST INSURANCE COMPANY  
PROGRESSIVE CASUALTY INS CO  
NATIONAL CONTINENTAL INSURANCE CO  
NATIONAL INTERSTATE INS CO  
WEST AMERICAN INSURANCE COMPANY  
OHIO SECURITY INSURANCE COMPANY  
AVOMARK INS CO  
AMERICAN FIRE & CASUALTY COMPANY  
OHIO CASUALTY INSURANCE COMPANY  
COMPASS INSURANCE COMPANY  
NORTHWESTERN NATIONAL INS CO OF MIL  
GREAT AMERICAN INS CO OF NEW YORK  
GREAT AMERICAN ALLIANCE INS CO  
GREAT AMERICAN INSURANCE CO  
WORLDWIDE INSURANCE COMPANY  
GREAT AMERICAN SPIRIT INSURANCE CO  
GREAT AMERICAN ASSURANCE CO  
CINCINNATI INSURANCE COMPANY  
CINCINNATI CASUALTY COMPANY  
CINCINNATI INDEMNITY COMPANY  
PROTECTIVE INSURANCE CO  
SAGAMORE INSURANCE COMPANY  
IGF INSURANCE COMPANY  
GRAIN DEALERS MUTUAL INSURANCE CO  
NATIONAL INSURANCE ASSOCIATION

INDIANA LUMBERMENS MUTUAL INS CO  
BROTHERHOOD MUTUAL INS CO  
FORT WAYNE HEALTH & CASUALTY INS CO  
YOSEMITE INSURANCE COMPANY  
STAR INSURANCE CO  
WILLIAMSBURG NATIONAL INS CO  
K MART CORP  
NATIONAL GENERAL INS CO  
MIC GENERAL INS CORP  
MIC PROPERTY & CASUALTY INS CORP  
MOTORS INSURANCE CORPORATION  
CIM INSURANCE CORPORATION  
HOLCIM (US) INC  
INTREPID INSURANCE COMPANY  
AMERISURE MUTUAL INSURANCE CO  
DAIMLER CHRYSLER INSURANCE COMPANY  
FRANKENMUTH MUTUAL INS CO  
INSURANCE CORPORATION OF AMERICA  
AMERICAN PHYSICIANS ASSURANCE CORP  
ACCIDENT FUND INSURANCE COMPANY OF  
AMERICA  
MICHIGAN MILLERS MUTUAL INSURANCE CO  
GUIDANT SPECIALTY MUTUAL INS CO  
GUIDEONE MUTUAL INS CO  
WESTERN AGRICULTURAL INS CO  
EMCASCO INSURANCE COMPANY  
AMERICAN LIBERTY INSURANCE CO  
DAKOTA FIRE INSURANCE COMPANY  
ALLIED MUTUAL INSURANCE CO  
CONTINENTAL WESTERN INS CO  
HOMELAND CENTRAL INSURANCE CO  
BERKLEY REGIONAL INSURANCE COMPANY  
UNION INS CO OF PROVIDENCE  
CENTURION CASUALTY COMPANY  
NATIONWIDE AGRIBUSINESS INS CO  
FARMLAND MUTUAL INSURANCE CO  
AMCO INSURANCE COMPANY  
ALLIED PROPERTY & CASUALTY INS COMPANY  
DEPOSITORS INSURANCE COMPANY  
PHARMACIST MUTUAL INSURANCE COMPANY  
ACCEPTANCE INDEMNITY INS CO  
IOWA MUTUAL INSURANCE CO  
FIREMANS FUND INS CO OF WISCONSIN  
NORTHWESTERN NATIONAL CASUALTY CO  
NN INSURANCE COMPANY  
ST PAUL GUARDIAN INSURANCE CO  
ST PAUL MERCURY INSURANCE CO  
ST PAUL MEDICAL LIABILITY INS CO  
UNITED WISCONSIN INS CO

COMMERCIAL LOAN INS CORP  
LAURIER INDEMNITY COMPANY INCORPORATED  
REGENT INSURANCE CO  
GENERAL CASUALTY CO OF WISCONSIN  
WINTERTHUR INTERNATIONAL AMERICA INS CO  
CUMIS INSURANCE SOCIETY INC  
PLATTE RIVER INSURANCE COMPANY  
NATIONWIDE INS CO OF AMERICA  
AMERICAN FAMILY MUTUAL INSURANCE CO  
AMERICAN STANDARD INSURANCE COMPANY  
OF WISCONSIN  
DAIRYLAND INSURANCE COMPANY  
SENTRY INSURANCE MUTUAL CO  
MIDDLESEX INSURANCE COMPANY  
SENTRY SELECT INSURANCE COMPANY  
FEDERATED SERVICE INSURANCE CO  
FEDERATED MUTUAL INSURANCE CO  
FIDELITY & GUARANTY INS UNDERWRITERS  
ATHENA ASSURANCE CO  
ST PAUL PROTECTIVE INSURANCE COMPANY  
DISCOVER PROPERTY & CASUALTY INS CO  
UNITED STATES FIDELITY & GUARANTY CO  
FIDELITY & GUARANTY INS CO  
NORTHBROOK INDEMNITY CO  
STOLTZE CONNER LUMBER CO  
F H STOLTZE LAND & LUMBER CO  
NORTHLAND CASUALTY COMPANY  
NORTHLAND INSURANCE COMPANY  
MODERN SERVICE INSURANCE COMPANY  
CHS INC  
TARGET CORP  
NORTHWESTERN CORPORATION  
NORTHWESTERN ENERGY L L C  
DAKOTA TRUCK UNDERWRITERS  
AMERICAN WEST INSURANCE CO  
STILLWATER MINING CO  
VALOR INSURANCE COMPANY INC  
WAGGONERS TRUCKING THE  
HOLY ROSARY HOSPITAL  
MONTANA HEALTH NETWORK WC INS TRUST  
WESTERN ENERGY CO  
PEABODY COAL CO  
BENEFIS HEALTH CARE  
ST THOMAS CHILD & FAMILY CNTR  
COLUMBUS HOSPITAL CORP  
MONTANA ELECTRIC & TELEPHONE POOL  
MONTANA CONTRACTOR COMP FUND  
UNIVERSITY OF GREAT FALLS  
SCIF HORSERACING

COMBINED BENEFITS INS CO  
MACO WORKERS COMP TRUST  
MONTANA SCHOOLS GROUP INS AUTHORITY  
MONTANA STATE FUND  
MHA WORKERS COMP TRUST  
MONTANA MUNICIPAL INS AUTHORITY  
MUS SELF-FUNDED WORK COMP PROGRAM  
CONSOLIDATED FREIGHTWAYS CORP  
MONTANA RESOURCES  
ENTECH INC  
MONTANA POWER CO  
TOWN PUMP INC  
GOLDEN SUNLIGHT MINES INC  
MISSOULA COUNTY WC GROUP INS AUTHORITY  
MISSOULA COUNTY  
STAN WATKINS TRUCKING INC  
WATKINS & SHEPARD TRUCKING INC  
MONTANA LOGGERS EXCHANGE  
ST JOSEPH HOSPITAL CORP  
NORTHWEST HEALTHCARE CORP  
PLUM CREEK TIMBER CO INC  
HARCO NATIONAL INSURANCE CO  
ALLSTATE INSURANCE CO  
WESTERN DIVERSIFIED CASUALTY INS  
EVANSTON INSURANCE COMPANY  
AMERICAN CONTINENTAL INSURANCE CO  
VIRGINIA SURETY COMPANY INCORPORATED  
AMERICAN PROTECTION INSURANCE CO  
AMERICAN MOTORISTS INSURANCE CO  
SPECIALTY NATIONAL INS CO  
NABISCO INC  
AMERICAN AMBASSADOR CASUALTY CO  
COLONIAL PENN FRANKLIN INS CO  
AMERICAN AGRICULTURAL INS COMPANY  
XL SPECIALTY INSURANCE COMPANY  
FORUM INSURANCE CO  
WESTERN FRUIT EXPRESS CO  
COLONIAL AMERICAN CASUALTY & SURETY  
NORTHERN INS CO OF NEW YORK  
AMERICAN ZURICH INSURANCE CO  
ZURICH AMERICAN INSURANCE CO  
ZURICH AMERICAN INS CO OF ILLINOIS  
AMERICAN GUARANTEE & LIABILITY INS CO  
FIDELITY & DEPOSIT CO OF MARYLAND  
HERITAGE CASUALTY INSURANCE COMPANY  
MILLERS NATIONAL INSURANCE CO  
TRANSGUARD INS CO OF AMERICA INC  
ROYAL INS CO OF AMERICA  
NATIONAL SURETY CORP

WARNER INSURANCE COMPANY  
UNION TANK CAR CO  
COREGIS INSURANCE COMPANY  
INTERCONTINENTAL INSURANCE CO  
SEABRIGHT INSURANCE COMPANY  
COMMERCIAL INS CO OF NEWARK NJ  
CONTINENTAL INSURANCE CO  
FIREMENS INS CO OF NEWARK NJ  
VALLEY FORGE INSURANCE CO  
TRANSCONTINENTAL INSURANCE CO  
NIAGARA FIRE INSURANCE CO  
FIDELITY & CASUALTY CO OF NEW YORK  
NATIONAL FIRE INS CO OF HARTFORD  
BOSTON OLD COLONY INS CO  
AMERICAN CASUALTY CO OF READING PA  
GLENS FALLS INSURANCE CO  
KANSAS CITY FIRE & MARINE INS CO  
CONTINENTAL NATIONAL INDEMNITY  
BITUMINOUS FIRE & MARINE INS CO  
BITUMINOUS CASUALTY CORP  
LEXON INSURANCE COMPANY  
RLI INDEMNITY CO  
COUNTRY MUTUAL INS CO  
COUNTRY PREFERRED INS CO  
COUNTRY CASUALTY INS CO  
STATE FARM GENERAL INS CO  
MILLERS FIRST INSURANCE COMPANY  
FLORISTS MUTUAL INSURANCE CO  
MIDWEST EMPLOYERS CASUALTY CO  
LYNDON PROPERTY INSURANCE COMPANY  
VANLINER INSURANCE CO  
SMURFIT STONE CONTAINER ENTERPRISES INC  
SAFETY FIRST INSURANCE COMPANY  
SAFETY NATIONAL CASUALTY CORP  
TRAVELERS INDEMNITY CO  
STATE FARM MUTUAL AUTOMOBILE INS CO  
AMERICAN DRUG STORES INC  
SHELL WESTERN E & P  
STATE FARM FIRE & CASUALTY CO  
NATIONWIDE MUTUAL INSURANCE CO  
INTERNATIONAL PAPER CO  
MONTGOMERY WARD & CO INC  
ST PATRICK HOSPITAL AND HEALTH SCIENCES  
CENTER  
FLYING J INC  
METROPOLITAN PROP & CAS INS CO  
CONTINENTAL BAKING CO  
ARCH INSURANCE COMPANY  
CASUALTY RECIPROCAL EXCHANGE

ARMED FORCES INSURANCE EXCHANGE  
WESTPORT INSURANCE CORP  
EMPLOYERS REINSURANCE CORP  
BENCHMARK INSURANCE COMPANY  
ASH GROVE CEMENT CO  
UNIVERSAL UNDERWRITERS INS CO  
FEDERATED RURAL ELECTRIC INS EXCHANGE  
SISTERS OF CHARITY OF LEAVENWORTH  
HEALTH SYSTEM  
CIMARRON INSURANCE CO  
CONAGRA FOODS INC  
CALIFORNIA INSURANCE COMPANY  
PREFERRED PROFESSIONAL INSURANCE  
COMPANY  
NATIONAL INDEMNITY COMPANY  
PROTECTIVE NATIONAL INSURANCE COMPANY  
OF OMAHA  
CENTRAL NATIONAL INS CO OF OMAHA  
UNION INSURANCE COMPANY  
GREAT WEST CASUALTY CO  
GRAY INSURANCE COMPANY  
AMERICAS INSURANCE COMPANY  
AMERICAN INTERSTATE INS CO  
AUDUBON INSURANCE COMPANY  
BANCINSURE INC  
CONOCO PIPELINE CO  
OLD REPUBLIC SECURITY ASSURANCE CO  
NATIONAL AMERICAN INSURANCE CO  
STONINGTON INSURANCE COMPANY  
FAIRMONT INSURANCE CO  
TIG INSURANCE CO  
TIG PREMIER INSURANCE CO  
J C PENNEY CORP INC  
ATLANTIC INSURANCE COMPANY  
TRANSPORTATION INS CO  
TRANSPORT INSURANCE CO  
LEADER INSURANCE COMPANY  
STONEBRIDGE CASUALTY INS COMPANY  
EMPLOYERS CASUALTY COMPANY IN  
RECEIVERSHIP  
NL INDUSTRIES  
ACIG INSURANCE COMPANY  
TRINITY UNIVERSAL INS CO OF KANSAS  
TRINITY UNIVERSAL INSURANCE CO  
SOUTHERN INSURANCE COMPANY  
SELECT INSURANCE CO  
BANKERS MULTIPLE LINE INS CO  
MILLERS INSURANCE COMPANY  
TRITON INSURANCE COMPANY



ANR FREIGHT SYSTEMS INC  
SHELL PIPELINE CORP  
GREAT MIDWEST INS CO  
US SPECIALTY INSURANCE COMPANY  
NATIONAL INSURANCE UNDERWRITERS  
RANGER INSURANCE CO  
CONOCO INC  
TWIN CITY FIRE INSURANCE CO  
PHILLIPS PETROLEUM CO  
PETROLEUM CASUALTY CO  
HOLLY SUGAR CORP  
TEXAS GENERAL INDEMNITY CO  
ARGONAUT NORTHWEST INS CO  
ROSEBURG FOREST PRODUCTS CO  
QWEST CORPORATION  
EMPLOYERS MUTUAL CASUALTY CO  
MONTANA INS GUARANTY ASSOC  
FIREMANS FUND INS CO  
ASSOCIATED LOGGERS EXCHANGE  
WASATCH CREST MUTUAL INS CO  
KROGER CO THE  
SKAGGS ALPHA BETA  
ALBERTSONS INC  
ADVANTAGE WORKERS COMP INS CO  
CYPRUS MINES CORPORATION  
ASARCO INC  
REPUBLIC WESTERN INSURANCE CO  
CIRCLE K CORPORATION  
AMERICAN SUMMIT INS CO  
BROWNING FERRIS INDUSTRIES INC  
CALIFORNIA INDEMNITY INS CO  
COMMERCIAL CASUALTY INS CO  
FARMERS INSURANCE EXCHANGE  
MID CENTURY INSURANCE CO  
TRUCK INSURANCE EXCHANGE  
NATIONAL AMERICAN INS CO OF CA  
MISSION AMERICAN INSURANCE CO  
FREMONT PACIFIC INSURANCE CO  
EMPLOYERS FIRST INSURANCE COMPANY  
EMPLOYERS COMPENSATION INSURANCE  
COMPANY  
FREMONT INDEMNITY CO  
FREMONT COMPENSATION INS CO  
ZENITH INSURANCE COMPANY  
CALIFORNIA COMPENSATION INS CO  
REPUBLIC INDEMNITY CO OF CA  
REPUBLIC INDEMNITY CO OF AMERICA  
ALLIANZ GLOBAL RISKS US INSURANCE CO  
INSURANCE COMPANY OF THE WEST

EXPLORER INSURANCE COMPANY  
WESTERN EMPLOYERS INS CO  
NATIONAL FARMERS UNION PROP & CAS  
UNION OIL COMPANY OF CA  
ARGONAUT MIDWEST INS CO  
ARGONAUT INSURANCE CO  
CHEVRON CORP  
HIH AMERICA COMP & LIABILITY INS CO  
MAJESTIC INSURANCE COMPANY  
SUPERIOR NATIONAL INS CO  
CLASSIC FIRE & MARINE COMPANY  
SAFEWAY INC  
FIREMANS FUND INS CO OF OHIO  
AMERICAN INSURANCE CO  
ASSOCIATED INDEMNITY CORP  
AMERICAN AUTOMOBILE INS CO  
AMFAC INC  
AMERICAN MANUFACTURERS MUTUAL  
INSURANCE  
KEMPER CASUALTY INS CO  
LUMBERMENS MUTUAL CASUALTY CO  
COMMERCIAL COMP CASUALTY INS CO  
WAUSAU UNDERWRITERS INS CO  
EMPLOYERS INS OF WAUSAU MUTUAL CO  
LOUISIANA PACIFIC CORP  
LIBERTY NORTHWEST INS CORP  
NORTHWEST PHYSICIANS MUTUAL INS CO  
NATIONWIDE AFFINITY INS CO OF AMER  
LES SCHWAB TIRE CENTERS OF MONT INC  
FREMONT INDEMNITY CO  
UNIGARD INSURANCE CO  
WASHINGTON CASUALTY COMPANY  
COSTCO WHOLESALE CORP  
AMERICAN INTERNATIONAL INS COMPANY  
FREMONT IND CO OF THE NORTHWEST  
ERNST HOME CENTERS  
PLUM CREEK MGMT CO LP  
PLUM CREEK TIMBER CO LP  
SAFECO INSURANCE COMPANY OF AMERICA  
SAFECO INSURANCE CO OF ILLINOIS  
FIRST NATIONAL INS CO OF AMERICA  
AMERICAN STATES INS CO  
AMERICAN STATES PREFERRED  
GENERAL INS CO OF AMERICA  
J H KELLY INC  
J H KELLY L L C  
ROSAUERS SUPERMARKETS INC  
SISTERS OF CHAR OF PROV OF MT  
AMERICAN ECONOMY INS CO

TECK COMINCO AMERICAN INC  
ALASKA NATIONAL INSURANCE CO

¶1 On December 22, 2004, the Montana Supreme Court held that the age-related limits imposed by section 39-71-710, MCA (1999), on a claimant's permanent partial disability benefit is unconstitutional. The Court further determined that older claimants are entitled to the same permanent partial disability benefits as younger claimants. *Reesor v. Montana State Fund*, 2004 MT 370. A copy of that decision may be found by going to this Court's WEB site at [http://wcc.dli.mt.gov/reesor\\_info.asp](http://wcc.dli.mt.gov/reesor_info.asp) and selecting the link to the decision.

¶2 The Supreme Court remanded the case to this Court for a redetermination of the benefits due the petitioner. Following remand, on January 20, 2005, petitioner's attorney filed Petitioner's Notice of Common Fund Attorney Fee Lien, a copy of which is attached. In that lien notice he claims an attorney fee lien on all additional benefits due claimants injured on or after July 1, 1987, and prior to December 22, 2004, as a result of the Supreme Court's decision and which are paid after December 22, 2004. The claimed lien extends to all Montana insurers and self-insurers. The lien is for twenty-five percent of the additional benefits.

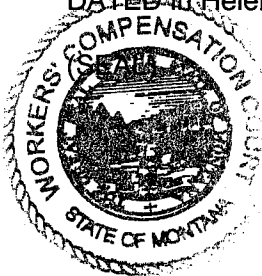
¶3 Until further order of this Court, each insurer and self-insurer named in this summons is authorized to withhold twenty-five percent of additional benefits paid after December 22, 2004, on account of the *Reesor* decision to claimants who were injured on or after July 1, 1987, and prior to December 22, 2004.

¶4 Further, each of you is made a respondent to the petitioner's common fund claims and summoned to answer the petitioner's request for certification of a common fund and enforcement of his attorney's lien. **Your written answer must include any defenses you may have to the request for common fund certification and must be received at the Workers' Compensation Court at P.O. Box 537, Helena, MT 59624-0537, or delivered to its offices at 1625 11<sup>th</sup> Avenue, Helena, Montana, on or before June 6, 2005.** A copy of your answer must also be served on petitioner's attorney, Mr. Thomas J. Murphy, at Murphy Law Firm, P.O. Box 3226, Great Falls, MT 59403-3226.

¶5 Following the deadline for the filing of your answer, the Court will conduct further proceedings to determine whether a common fund exists, the extent of any common fund, and the petitioner's entitlement to attorney fees pursuant to the common fund doctrine. If the Court finds there is a common fund, then proceedings to enforce common fund entitlements and the petitioner's attorney fee lien will follow. **Resolution of these legal issues, and any attendant issues, will govern this case and apply to each of you.**

¶6 To facilitate dissemination of your answer and of subsequent motions, briefs, orders, court minutes, and hearing transcripts, the Court will post all non-privileged documents in this case under the common fund section of its WEB site at [www.wcc.dli.mt.gov](http://www.wcc.dli.mt.gov).

DATED in Helena, Montana, this 22<sup>nd</sup> day of April, 2005.





JUDGE

Attachment: Petitioner's Notice of Common Fund Attorney Fee Lien

THOMAS J. MURPHY  
Murphy Law Firm  
P.O. Box 3226  
Great Falls, MT 59403-3226  
Phone: 406-452-2345  
Fax: 406-452-2999  
Attorneys for Petitioner

**FILED**

**JAN 20 2005**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
STATE OF MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

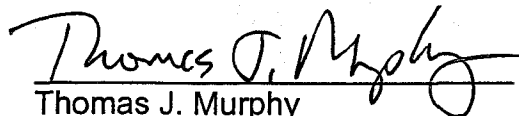
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DALE REESOR,	)	
Petitioner,	)	WCC No. 2002-0676
	)	
vs.	)	
	)	PETITIONER'S NOTICE
MONTANA STATE FUND	)	OF COMMON FUND
Respondent/Insurer	)	ATTORNEY FEE LIEN

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COMES NOW the undersigned to give notice of his attorney fee lien to all workers' compensation insurance companies who provided workers' compensation insurance coverage in Montana between June 30, 1987, and the present date. All Plan I, II, & III workers' compensation insurers should take notice of the undersigned's common fund attorney fee lien. The subject attorney fee lien applies to every workers' compensation claim, with date of injury on or after June 30, 1987, wherein the claimant was denied full and equal workers' compensation benefits because of the unconstitutional operation of Section 39-71-710 MCA (1987 to present). The common fund attorney fee lien was created by the decision of the Montana Supreme Court in Reesor v. State Fund, 2004 MT 370 (12/22/04). All ascertainable claimants eligible for full and equal "Reesor" benefits should be required to contribute, in proportion to the benefits they receive, to the cost of the Reesor litigation, including attorney fees. The subject attorney fee lien does not apply to workers' compensation claims with dates of injury on or after December 23, 2004.

DATED this 18th day of January, 2004.

  
Thomas J. Murphy  
Attorney for Petitioner Reesor