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FILED

JUN 22 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Attorneys for the Liberty Mutual Insurance Group

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR, Petitioner, vs. MONTANA STATE FUND, Respondent.	WCC No. 2002-0676 RESPONSE TO SUMMONS
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COME NOW the following Liberty Mutual Insurance Group (LMIG) companies:

American Ambassador Casualty Co.¹
CUMIS Ins. Society Inc.²
Employers Ins. of Wausau Mutual Co.
First Liberty Ins. Corp.
Liberty Ins. Corp.
Liberty Ins. Underwriters Inc.
Liberty Mutual Fire Ins. Co.
Liberty Mutual Ins. Co.
Liberty Northwest Ins. Corp.
LM General Ins. Co.
LM Ins. Corp.


¹ A motion was previously filed to dismiss AACC & NIA from these proceedings on the grounds that neither has ever written workers' compensation coverage in Montana. LMIG continues to investigate whether other listed LMIG companies likewise did not write workers' compensation coverage in Montana at any time. LMIG reserves the right to file similar motions to dismiss.

² CUMIS Ins. Society Inc. is not presently a member of LMIG but may have been in the past. LMIG is investigating this issue and will report its findings to the Court.

LM Personal Ins. Co.
LM Property & Casualty Ins. Co.
National Insurance Assoc.³
One Beacon America Ins. Co.⁴
One Beacon Ins. Co.⁵
Wausau Business Ins. Co.
Wausau Underwriters Ins. Co.

and submit the following response to the Summons issued by the Court on April 22, 2005. LMIG concurs with, and hereby incorporates by reference, the defenses set forth in paragraphs 1 through 12 of Montana State Fund's Response to Summons dated June 6, 2005. Additionally, LMIG asserts that *Dempsey* not only excludes from common fund consideration any claims which were settled or adjudicated prior to the *Reesor* decision, *Dempsey* also excludes claims that "became final." The Supreme Court in *Schmill* left the initial determination of which claims are to be considered "final" to the Workers' Compensation Court. LMIG asserts that workers' compensation claims often become final and are closed without being settled or adjudicated. Claims that became final and were closed prior to *Reesor* should be excluded from common fund consideration.

DATED this 20th day of June, 2005.


Carrie L. Garber

³ See footnote 1.

⁴ The listed One Beacon entities are not members of LMIG but may have been acquired in whole or in part by Liberty Northwest Ins. Corp. in the past.

⁵ See footnote 4.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2005, I served a copy of the foregoing Response to Summons, first-class mail, postage prepaid, on the following:

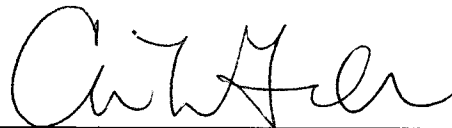
Ms. Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624-0537

and a copy of the same to the following:

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