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**FILED**

**JUN - 6 2005**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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DALE REESOR,	)	WCC NO. 2002-0676
	)	
Petitioner,	)	
	)	
vs.	)	<b>RESPONSE TO PETITIONER'S</b>
	)	<b>REQUEST FOR</b>
	)	<b>CERTIFICATION OF A</b>
MONTANA STATE FUND,	)	<b>COMMON FUND AND</b>
	)	<b>ENFORCEMENT OF</b>
Respondent/Insurer.	)	<b>ATTORNEY LIEN</b>

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COMES NOW, the undersigned, and notifies the Court and counsel for the parties of the Limited Appearance of Daniel J. Whyte and the law firm of Keller, Reynolds, Drake, Johnson & Gillespie, P.C., in this matter on behalf of Florists' Mutual Insurance Company. This appearance is strictly limited to issues raised by this Court in its November 17, 2003 Notice.

By making this Limited Appearance, Florists' Mutual Insurance Company, does not consent to be a party to this action or member of any class, nor do they consent to the sufficiency of notice, or jurisdiction of this Court. The appearance will be for the limited purpose of opposing class certification particularly as it relates to any potential class of defendants. Defendants are not appearing for purposes of any discovery or resolution of any factual or legal issues other than whether this Court should entertain a class action as proposed.

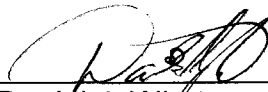
While Florists' Mutual Insurance Company provided workers' compensation insurance during the time frame in question under the above case, a reasonable search which has been conducted by Florists' Mutual Insurance of all claims filed under policies written by Arch Insurance has not revealed any claims which apply to the issues before the

Court in this matter. Furthermore, Florists' Mutual Insurance Company finds that it does not have any potential exposure under this case.

WHEREFORE, Florists' Mutual Insurance Company respectfully requests that it be dismissed from this matter and from any further potential liability as a result of the above contentions.

DATED this 6<sup>th</sup> day of June, 2005.

KELLER, REYNOLDS, DRAKE,  
JOHNSON & GILLESPIE, P.C.

  
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Daniel J. Whyte  
50 South Last Chance Gulch  
P.O. Box 598  
Helena, MT 59624  
Attorney for Florists Mutual Insurance

#### CERTIFICATE OF SERVICE

I, Daniel J. Whyte, hereby certify that I served a true and correct copy of **RESPONSE TO PETITIONER'S REQUEST FOR CERTIFICATION OF A COMMON FUND AND ENFORCEMENT OF ATTORNEY LIEN**, to the following:

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

DATED this 6<sup>th</sup> day of June, 2005.

  
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Daniel J. Whyte