



4. A common fund does not exist in this case because the participating litigant, Dale Reesor, did not create, preserve or increase an identifiable monetary fund or benefit in which all non-participating beneficiaries maintain an interest.
5. In the event that a common fund is found to exist in this case, the identified beneficiaries are liable for payment of the attorneys' fees and not this answering respondent.

WHEREFORE, Granite State Insurance Company respectfully requests this court to issue an order denying the existence of a common fund in this case.

Dated this 3rd day of June, 2005.

CROWLEY, HAUGHEY, HANSON,  
TOOLE & DIETRICH P.L.L.P.  
Attorneys for Granite State Insurance  
Company

By:   
STEVEN W. JENNINGS

**CERTIFICATE OF SERVICE**

I, STEVEN W. JENNINGS, one of the attorneys for the law firm of Crowley, Haughey, Hanson, Toole & Dietrich P.L.L.P., hereby certify that on the 3rd day of June, 2005, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Mr. Thomas J. Murphy  
Murphy Law Firm  
PO Box 3226  
Great Falls, MT 59403-3226

  
STEVEN W. JENNINGS