

**FILED**

JUN 20 2005

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

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ATTORNEYS FOR RESPONDENTS:

HOME STATE COUNTY MUTUAL INSURANCE COMPANY  
INTEGON NATIONAL INSURANCE COMPANY  
NATIONAL AND GENERAL ASSURANCE COMPANIES  
MOTORS INSURANCE CORPORATION GENERAL  
MOTORS MIC PROPERTY AND CASUALTY INSURANCE COMPANY

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA  
WCC No. 2002-0676

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DALE REESOR,

Petitioner,

vs.

MONTANA STATE FUND,

Respondent/Insurer.

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**AMENDED ANSWER OF  
HOME STATE COUNTY MUTUAL INSURANCE COMPANY  
INTEGON NATIONAL INSURANCE COMPANY  
NATIONAL AND GENERAL ASSURANCE COMPANIES  
MOTORS INSURANCE CORPORATION  
GENERAL MOTORS MIC PROPERTY AND CASUALTY INSURANCE COMPANY  
REGARDING COMMON FUND ATTORNEY FEE LIEN**

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COME NOW the above-referenced insurance companies, and amend the Answer previously filed in this matter to reflect the correctly named parties. The correct names of responding insurers are as follows:

**Prior Respondent Insurers**

Home State County Mutual Insurance Co.  
Integon National Insurance Co.  
National and General Assurance Companies  
Motors Insurance Corporation General  
Motors MIC Property and Casualty Insurance Co.

**Corrected Respondent Insurers**

Integon National Insurance Company  
National General Insurance Company  
MIC General Insurance Corporation  
MIC Property and Casualty Insurance Corp.

**FIRST DEFENSE**

The above-listed "Corrected Respondent Insurers" have no claims which fall within the parameters of the Court's Order of April 22, 2005. Upon information and belief, the above-referenced "Corrected Respondent Insurers" had no claims involving the payment of permanent-partial disability benefits which were then reduced or eliminated by operation of § 39-7-710, M.C.A.

**SECOND DEFENSE**

In the alternative, although not anticipated, should the above-listed "Corrected Respondent Insurers" be found to have had one or more claimants whose benefits are subject to the proposed lien, answering Insurers allege that the proposed lien is excessive.

**THIRD DEFENSE**

The proposed lien interferes with the rights of the claimants to contract with private attorneys of their own choosing to represent them.

**FOURTH DEFENSE**

As this court has no "class action" rule, reference is made to Rule 23 M.R.Civ.P., pursuant to Rule 24.5.352. This "common fund" is an attempt to create a "class action," in effect, without providing the procedural and constitutional safeguards which would attend to a true class action.

Having answered the "Notice of Attorney's Fee Lien" and Court Order dated April 22, 2005, answering Insurers request:

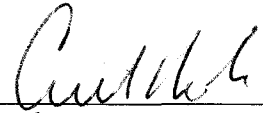
1. That they be dismissed from this action as having no claims subject to the potential common fund or orders relative thereto;
2. That the Court award costs due to the unnecessary joinder of answering Insurers.

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DATED this 20<sup>th</sup> day of June, 2005.


DRAKE LAW FIRM, P.C.

BY:   
Curt Drake  
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**CERTIFICATE OF SERVICE**

I, Curt Drake, one of the attorneys for the above-listed Respondents, hereby certify that I mailed a true and correct copy of the **AMENDED ANSWER OF HOME STATE COUNTY MUTUAL INSURANCE COMPANY, INTEGON NATIONAL INSURANCE COMPANY, NATIONAL AND GENERAL ASSURANCE COMPANIES, MOTORS INSURANCE CORPORATION, AND GENERAL MOTORS MIC PROPERTY AND CASUALTY INSURANCE COMPANY REGARDING COMMON FUND ATTORNEY FEE LIEN**, postage fully prepaid by U.S. Mail, on this 20<sup>th</sup> day of June, 2005, to the following:

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

  
Curt Drake