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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

.....

DALE REESOR,

Petitioner,

-vs-

MONTANA STATE FUND,

Respondent/Insurer.

WCC No. 2002-0676

ANSWER OF LUMBER MUTUAL
INSURANCE COMPANY

.....


Comes now Lumber Mutual Insurance Company ("Lumber Mutual"), through counsel, and answers petitioner's request for certification of a common fund and enforcement of attorney's lien as follows:

Lumber Mutual does not fall within the scope of the common fund attorney fee lien attempted to be asserted in this matter. Lumber Mutual did not receive any claims with dates of injury on or after June 30, 1987, but not on or after December 23, 2004. Therefore, Lumber Mutual does not fall within the scope of petitioner's proposed common fund attorney fee lien and should not be subject to any such lien, should such be created or determined to exist, nor should Lumber Mutual be made a member of any class upon which liability could or should be imposed in this matter.

DATED this 3rd day of June, 2005.

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

By



JAMES A. DONAHUE

P.O. Box 2103

Great Falls, Montana 59403-2103

Attorneys for Lumber Mutual Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the following by mail, hand delivery, Federal Express, facsimile transmission or electronic transmission, as indicated:

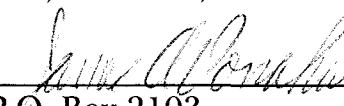
Thomas Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls MT 59403-3226
Attorneys for Petitioner

- U.S. Mail
- Federal Express
- Hand Delivery
- Facsimile Transmission
- Electronic Transmission

this 3rd day of June, 2005.

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

By



P.O. Box 2103

Great Falls, MT 59403-2103

MAXON R. DAVIS
GREGORY J. HATLEY
DENNIS J. TIGHE
PAUL R. HAFFEMAN
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FILE NO. 6094/6095

June 3, 2005

Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
PO Box 537
Helena MT 596240-0537

Re: *Dale Reasor v. Montana State Fund*
Workers' Compensation Court No. 2003-0676

Dear Ms. Kessner:

Enclosed please find the following documents regarding the above referenced matter:

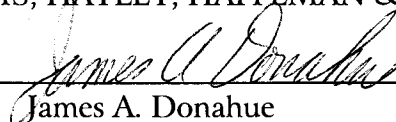
- 1) Answer of Lumber Mutual Insurance Company; and
- 2) Answer of United States Liability Ins. Co.

Please file these documents and notify us of the date of filing via the self-addressed, pre-stamped envelope.

Very truly yours,

DAVIS, HATLEY, HAFFEMAN & TIGHE P.C.

By


James A. Donahue

JAD:aje
Enclosures