

THOMAS J. MURPHY  
 Murphy Law Firm  
 P.O. Box 3226  
 Great Falls, MT 59403-3226  
 Phone: 406-452-2345  
 Fax: 406-452-2999  
 Attorneys for Petitioner

**FILED**

SEP - 1 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

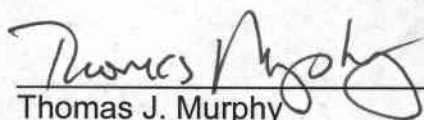
WCC No. 2002-0676

Reply Brief to Motion to Dismiss  
 by North American Specialty  
 Insurance Company

North American Specialty Insurance Company moved for dismissal based on the affidavit of Senior Vice President Alfred W. Bodi. North American Specialty Insurance Company stated that it could only locate eight workers compensation claims from Montana during the relevant period. The company stated that none of those claims involved permanent partial disability benefits.

For this insurer and other insurers who had claims in Montana during the relevant period, the petitioner asks the Court to allow a short period of formal discovery to prove/disprove the insurer's contention that Reesor does not apply. Petitioner submits that this approach is preferable with dispositive pretrial motions. See e.g., Rule 56 (e)-(f) M.R Civ. Pro.

DATED this 31st day of August, 2005.

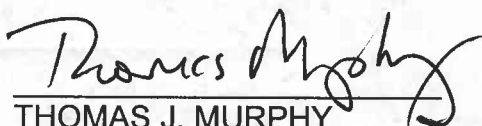
  
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 Thomas J. Murphy  
 Attorney for Petitioner Reesor

DOCKET ITEM NO. 303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of August, 2005, a copy of the foregoing Reply Brief to Motion to Dismiss was served upon the Attorney for the Insurer/Respondents by mailing a true and correct copy of said document via first class mail to the address listed below:

Julie Pollack  
175 King St.  
Armonk, NY 10504  
Attorney for Insurer/Respondent

  
THOMAS J. MURPHY  
Attorney for Petitioner