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FILED

JUL - 7 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

ATTORNEYS FOR TRINITY UNIVERSAL INSURANCE CO. OF KANSAS AND
TRINITY UNIVERSAL INSURANCE CO.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,)	WCC No. 2002-0676
)	
Petitioner,)	
v.)	TRINITY UNIVERSAL INSURANCE
)	COMPANY OF KANSAS AND TRINITY
MONTANA STATE FUND,)	UNIVERSAL INSURNACE
)	COMPANY'S MOTION TO DISMISS
Respondent/Insurer)	AND SUPPORTING MEMORANDUM
)	
)	

Trinity Universal Insurance Company of Kansas and Trinity Universal Insurance Company through their attorney of record Oliver H. Goe hereby move this Court to dismiss each of them from this case. The insurers have reviewed all claim files potentially affected by the common fund lien claimed by Petitioner and have identified no files to which the Ressor common fund lien would apply, even if this Court was to enforce it as requested by Petitioner. Thus, there is no factual or legal basis upon which to keep these insurers involved in these proceedings and they should be dismissed with prejudice.

DATED this 7th day of July, 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

BY: 


Oliver H. Goe

Attorneys for Trinity Universal Insurance Co. of
Kansas and Trinity Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Thomas Murphy
Murphy Law Firm
P.O. Box 3226
619 Second Ave South
Great Falls, MT 59403-3226



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ED BARTLETT: Of Counsel
R. STEPHEN BROWNING: Retired

July 7, 2005

Patricia Kessner
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624

Hand-Delivered

RE: Robert Flynn WCC No.2000-0222 and Dale Reesor WCC No. 2002-0676

Dear Ms. Kessner:

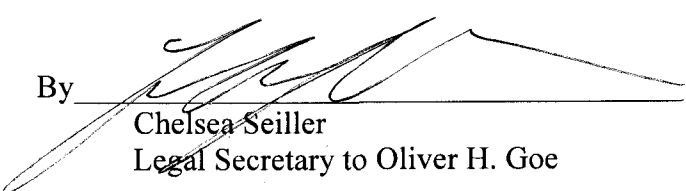
Enclosed for filing in the above-referenced matters please find the original and one copy of **Trinity Universal Insurance Co. of Kansas and Trinity Universal Insurance Co.'s Motion to Dismiss and Supporting Memo**. Please advise me of the filing of this document by date-stamping the attached copy and returning it with our staff courier.

Should you have any questions regarding this filing, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By


Chelsea Seiller
Legal Secretary to Oliver H. Goe

Enclosures

