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**FILED**

JUL 20 2005

OFFICE OF  
WORKER'S 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

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DALE REESOR,	)	WCC No. 2002-0676
	)	
PETITIONER,	)	
v.	)	<b>REPLY BRIEF IN SUPPORT OF</b>
	)	<b>MOTION TO DISMISS TRINITY</b>
MONTANA STATE FUND,	)	<b>UNIVERSAL INSURANCE COMPANY</b>
	)	<b>OF KANSAS AND TRINITY</b>
Respondent/Insurer	)	<b>UNIVERSAL INSURANCE COMPANY</b>

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Trinity Universal Insurance Company of Kansas and Trinity Universal Insurance Company have moved this Court to dismiss them from any further proceedings in the above-captioned matter. The basis for the Motion is that Trinity has reviewed all potentially applicable claim files and have found none to which the Reesor Common Fund Lien, assuming it is upheld, would apply. There is no basis for not dismissing the Trinity Companies and Petitioner has no information suggesting otherwise. Nevertheless, if the Court is inclined to entertain the Petitioner's position and does not feel dismissal is appropriate at this time, Trinity would ask that the motion be held in abeyance pending submittal of supporting affidavits.

DATED this 20 day of July, 2005.

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

BY: 

Oliver H. Goe


ATTORNEYS FOR Trinity Universal Insurance Co.  
of Kansas and Trinity Universal Insurance Co.

DOCKET ITEM NO. 269

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> 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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STEVEN T. WADE  
LEO S. WARD  
ED BARTLETT: Of Counsel  
R. STEPHEN BROWNING: Retired

**FILED**

JUL 20 2005

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

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

*Hand-Delivered*

RE: *Reesor v. Montana State Fund*  
Cause No. 2002-0676

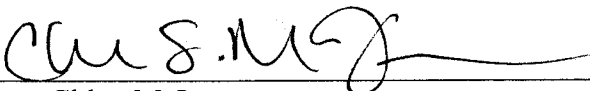
Dear Patricia:

Enclosed for filing in the above-referenced matter please find the original and one copy of the **Reply Brief in Support of Motion to Dismiss Trinity Universal Insurance Company of Kansas and Trinity Universal Insurance Company**. 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 

Chloe McLean  
Legal Assistant to Oliver H. Goe

Enclosures

