

Alan L. Joscelyn
KD Feedback
GOUGH, SHANAHAN, JOHNSON & WATERMAN
33 South Last Chance Gulch
P.O. Box 1715
Helena, MT 59624-1715
(406) 442-8560
(406) 442-8783 (fax)

FILED

SEP 11 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Attorneys for Respondent Teck Cominco
American Incorporated

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR,

Petitioner,

v.

MONTANA STATE FUND,

Respondent/Insurer,

**RESPONDENT TECK COMINCO AMERICAN INCORPORATED'S
RESPONSE TO THE COURT'S SUMMONS**

Respondent Teck Cominco American Incorporated submitted the Court's recommended affidavit requesting dismissal from the referenced litigation by reason of not having handled any applicable worker's compensation claims. Teck Cominco's affidavit was filed with the Court on May 8, 2006. WCC Docket No. 521. Ninety days are now passed and Teck Cominco respectfully requests the Court dismiss it from the subject litigation.

DATED this 8th day of September 2006.

GOUGH, SHANAHAN, JOHNSON & WATERMAN



KD Feedback

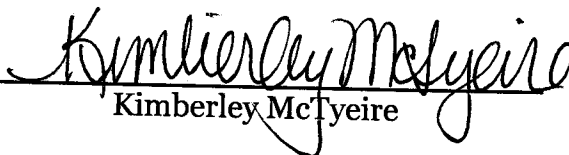
Attorneys to Teck Cominco American Incorporated

DOCKET ITEM NO. 445

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that on the 14 day of September 2006, a true and correct copy of the foregoing *Motion for Dismissal* was sent to the Court electronically and mailed, postage pre-paid, and addressed to the attention of the following:

Mr. Thomas J. Murphy
Murphy Law Firm
PO Box 3226
Great Falls, Montana 59403-3226



Kimberley McTyeire