

**FILED**

**OCT 16 2006**

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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

MOTION TO PERMIT CONNIE LEE  
INSURANCE COMPANY TO FILE A  
RESPONSE TO THE SUMMONS  
ISSUED HEREIN

COMES NOW Connie Lee Insurance Company and moves this Court for an order permitting it to file a response to the *Summons and Notice of Attorney Fee Lien*, served in this case. Claimant's Counsel has been contacted regarding this motion and does not object. This motion is supported by the following brief:

**BRIEF**

On April 21, 2005, this Court issued a *Summons and Notice of Attorney Fee Lien* ("*Summons*") to several Montana insurers to include Connie Lee Insurance Company. The *Summons* permitted the insurers to dispute the claimant's common fund claim. On June 6, 2005, Sentry Insurance Mutual Company filed a *Response to Petitioner's Claim for Common Fund Attorneys Fees* in which it set forth various defenses and objections relevant to the Petitioner's assertion of a common fund.

Connie Lee Insurance Company was formerly known as Sentry Indemnity Company and was a subsidiary of Sentry Insurance Mutual Company. Sentry Indemnity was purchased by an entity completely unrelated to Sentry Insurance Mutual Company. Under the terms of the sale Sentry Insurance Mutual Company was to continue to act as the new owners' agent in administering all policies and claims underwritten by Sentry Indemnity Company and, after the name change, by Connie Lee Insurance Company. Accordingly, in its original response Sentry Insurance Mutual Company intended to also respond on behalf of Connie Lee Insurance Company but neglected to do so. In the event this Court grants this motion Connie Lee Insurance Company intends to simply file a response adopting the *Response to Petitioner's Claim for Common Fund Attorneys Fees* filed by Sentry Insurance Mutual Company.

WHEREFORE, Respondent Connie Lee Insurance Company respectfully requests this Court to issue an order permitting it to file a response to the *Summons* issued in this case.

Dated this 13<sup>th</sup> day of October 2006.

CROWLEY, HAUGHEY, HANSON,  
TOOLE & DIETRICH P.L.L.P.

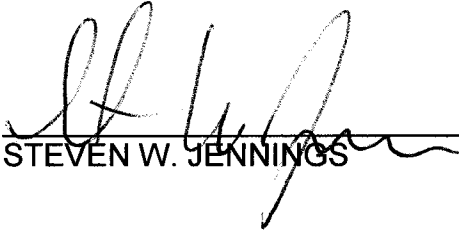
  
\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following  
counsel of record, by the means designated below, this 13<sup>th</sup> day of October 2006:

- U.S. Mail
- FedEx
- Hand-Delivery
- Facsimile
- Email

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Attorneys are licensed in Montana unless otherwise noted; \* also licensed in North Dakota; # also licensed in Wyoming; + not licensed in Montana

October 13, 2006

Workers' Compensation Court  
P. O. Box 537  
Helena, MT 59624-0537

RE: *Dale Reesor v. MT State Fund*  
WCC No. 2002-0676

Dear Clerk:

Enclosed please find the original and one copy of Connie Lee Ins. Co.'s Motion to Permit Connie Lee Ins. Co. to File a Response to the Summons Issued Herein. After filing the original, please conform the copy and return in the envelope provided.

Also enclosed is a proposed Order for the Judge's review and signature.

I have also enclosed the original and one copy of Connie Lee's Response to the Summons, which can be filed upon the granting of the Order. Please conform the copy and return it, along with a signed copy of the Order, in the envelope provided once both have been filed with the Court.

Thank you in advance for your assistance with this matter.

Sincerely yours,

CROWLEY, HAUGHEY, HANSON,  
TOOLE & DIETRICH P.L.L.P.

  
JENNILEE C. BAEWER  
Legal Secretary to Steven W. Jennings