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FILED

JUN - 7 2004

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

JEREMY RUHD,)	WCC No. 2002-0500
)	
Petitioner,)	
)	
vs.)	LIBERTY'S ANSWERING BRIEF
)	
LIBERTY NORTHWEST INSURANCE CORP.,)	
)	
Respondent/Insurer.)	

As regards any arguments in its initial brief of the existence of a common fund, Liberty withdraws those pursuant to the Court's minute entry of March 29, 2004, and apologizes for having mistakenly placed them in that pleading.

The undersigned has reviewed the web site entries regarding common fund in the Ruhd case. In its minute entry of December 18, 2003, the Court notes the undersigned stated "that there is no issue that a common fund exists." Therefore, Liberty withdraws any arguments in its brief disputing the existence of a common fund and apologizes to the Court and opposing counsel for any inconvenience those arguments caused.

As regards the remainder of the issues raised by Ruhd in his **BRIEF IN SUPPORT OF RETROACTIVE APPLICATION**, Liberty believes they have been adequately addressed in its earlier pleading.

Liberty files this pleading in light of the Court's **DECISION AND JUDGMENT REGARDING COMMON FUND ISSUES** in Schmill v. Liberty Northwest, 2004 MTWCC 47, to preserve it's record in this case.

DATED this 7 day of June, 2004.


Larry W. Jones
Attorney for Respondent/Insurer

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June, 2004, I served the original of the foregoing LIBERTY'S ANSWERING BRIEF, first-class mail, postage prepaid, on the following:

Ms. Patricia J. Kessner Via fax also to 406-444-7798
Clerk of Court
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624-0537

and a copy of the same to the following:

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