

IN THE WORKER'S COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

Cassandra Schmill
Petitioner

FILED

vs.

JAN 23 2006

Liberty Mutual Insurance Corporation
Respondent/Insurer.

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

**VILLANOVA INSURANCE COMPANY'S (IN LIQUIDATION) JOINDER
IN BRIEF OF RELIANCE INSURANCE COMPANY (IN LIQUIDATION)
SEEKING DISMISSAL FROM COMMON FUND ACTIONS**

Villanova Insurance Company (in Liquidation) ("Villanova") hereby submits this brief in support of its request for dismissal from the above-entitled Common Fund Action.

I. **Procedural History**

On July 25, 2003, M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania, acting in her official capacity as Statutory Liquidator of Villanova Insurance Company, obtained an order from the Pennsylvania Commonwealth Court placing Legion in liquidation (the "Villanova Liquidation Order"). (A true and correct copy is attached hereto and made a part hereof as Exhibit 'A'). Villanova was subsequently named and served with process as a party to the above-entitled action.

On January 20, 2006 Reliance Insurance Company (In Liquidation) filed a brief in support of its dismissal as a named party in certain Common Fund Actions (the "Reliance Brief").

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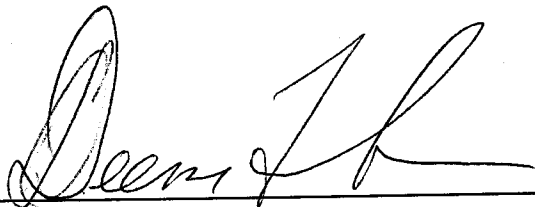
II. Joinder in Brief seeking dismissal from Common Fund Actions.

Villanova hereby joins in the Reliance Brief and adopts the arguments, as if fully set forth herein, and set forth in Sections II and III (A) – (D). Villanova further joins in Section III (E) of the Reliance Brief to the extent that Section is equalivent to the procedures set forth in the order issued by the Commonwealth Court of Pennsylvania on January 11, 2006 for the filing of Proof's of Claim and resolution of disputes arising out of Notices of Determination in the Villanova liquidation proceedings. (A true and correct copy of the Commonwealth Court order of January 11, 2006 is attached hereto and made a part hereof as Exhibit 'B').

The Liquidator for Villanova also has agreed that for any Proof's of Claim filed with the Legion estate in regard to the Common Fund Actions on or before May 1, 2006, good cause exists for the late filing and Villanova will proceed to handle and evaluate them accordingly..

In addition, Villanova will provide the Court with summaries of its records that may, or do, identify any potential claimants in the Common Fund Actions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deems Fishman", written over a horizontal line.

Deems Fishman
Assistant General Counsel
Villanova Insurance Company (In Liquidation)