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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. 2001-0300

CATHERINE M. SCHMILL,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE CORPORATION,

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



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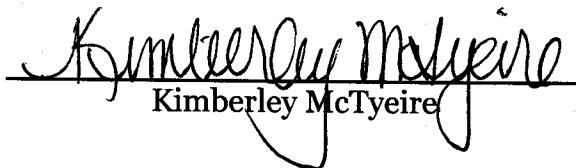
Attorneys to Teck Cominco American Incorporated

DOCKET ITEM NO. 278

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:

Ms. Laurie Wallace
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September 11, 2006

Patricia Kessner
Worker's Compensation Court
P.O. Box 537
1625 11th Avenue
Helena, MT 59624-0537

Re: Common Fund

Dear Ms. Kessner:

Pursuant to my phone conversation with Jackie today, I have included the original, hard-copies of the following pleadings that were electronically filed with her today:


1. WCC No. 2000-0222, *Respondent Teck Cominco American Incorporated's Response to the Court's Summons*
2. WCC No. 2001-0300, *Respondent Teck Cominco American Incorporated's Response to the Court's Summons*
3. WCC No. 2003-0840, *Respondent Teck Cominco American Incorporated's Response to the Court's Summons*
4. WCC No. 2002-0676, *Respondent Teck Cominco American Incorporated's Response to the Court's Summons*

Also included is a copy of the first page of each response stamped GSJW. Please place your filing date stamp thereon and return them to our office in the envelope provided. Should you have any questions, please do not hesitate to call.

Congratulations and best wishes on your approaching retirement.

Sincerely,

Gough, Shanahan, Johnson & Waterman


Kim McTyeire
Assistant to KD Feedback

(9) enclosures