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WORKERS' COMPENSATION COURT

JAMES JEREMIAH SHEA
JUDGE

FILED

OCT 13 2006

TO: Kelly M. Wills
FROM: Jackie Bockman, Deputy Clerk of Court
DATE: October 13, 2006
RE: Common Fund – Response to Requests for Dismissal

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

As you know, all common fund matters are posted on the web. Because of the enormity of service difficulties in these common fund matters and pursuant to the Court's Order, service is effected via the WEB. [http://wcc.dli.mt.gov/common_fund_litigation.asp]

Schmill: Bankers Multiple Line Insurance Company was dismissed on May 30, 2006, Docket Item No. 259. Reliance Insurance Company was dismissed on September 25, 2006, Docket Item No. 286.

Flynn: Bankers Multiple Line Insurance Company was dismissed on June 22, 2006, Docket Item No. 529. Reliance Insurance Company was dismissed on March 7, 2006, Docket Item No. 494.

Stavenjord: The Court has not issued a summons on all insurers. Although many parties have filed affidavits requesting dismissal, the Court has not ordered their dismissal. I am unsure at this juncture the course this Court will take in light of the most recent Supreme Court decision.

Reesor: See Tom Murphy's March 7, 2006, letter to you, Docket Item No. 380, regarding dismissal of Reliance Insurance Company.

Hiatt: The summons issued in *Hiatt* was an invitation for the parties to be heard regarding Ms. McKenna's request for common fund certification, which has not been decided yet. I have not been issuing any orders of dismissal in *Hiatt*. I will discuss this issue with the Judge and issue dismissal orders if he directs this.

Rausch: I do not see where Reliance Insurance Company or Bankers Multiple Line Insurance Company were served with the Summons in *Rausch*. It has not been the Court's practice to dismiss parties from an action, even if they have filed Affidavits, if they were not named in the Summons.

Let me know if you have any further questions.

/jb

