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FILED

OCT 21 2004

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN,)	WCC No. 2000-0022
)	
Petitioners,)	
)	
vs.)	AFFIDAVIT OF LARRY W.
)	JONES
MONTANA STATE FUND,)	
)	
Respondent.)	
STATE OF MONTANA)	
	: ss.	
County of Missoula)	

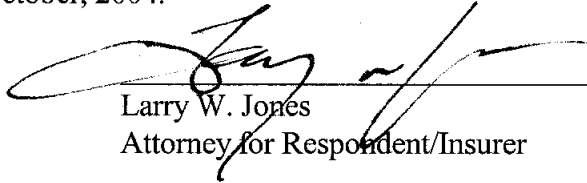
Larry W. Jones, the affiant who, upon being duly sworn, states his oath as follows:

1. That in Ruhd v. Liberty Northwest Ins. Corp. v. Fisch, Frost & Rausch, 2004 MT 236, August 31, 2004 the Montana Supreme Court held that a common fund lien is global applying to all workers' compensation insurers and not just the named insurer in a case creating a common fund.

2. That Flynn's attorney has filed a lien with Liberty Northwest alleging common fund attorney fees under this Court's decision in Flynn v. Montana State Fund.

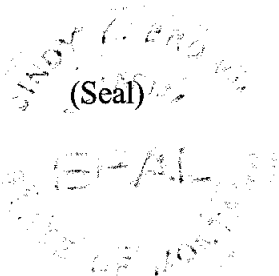
3. That during a recent conference call with the Court it was suggested that the appropriate procedure to get any issues regarding the perfection and enforcement of the claimed lien as regards Liberty Northwest would be a motion to intervene.

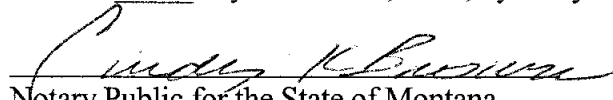
DATED this 20 day of October, 2004.


Larry W. Jones
Attorney for Respondent/Insurer

STATE OF MONTANA)
 : ss.
County of Missoula)

Signed and sworn to before me on this 20 day of October, 2004, by Larry W. Jones.


(Seal)


Notary Public for the State of Montana
My Commission Expires: 3-11-06