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March 18, 2005

Via Fax to (406) 444-7798 and Original by U.S. Mail

Honorable Mike McCarter
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624-0537

FILED

MAR 21 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

RE: Flynn/Miller v. MSF/LNW
WCC No. 2000-0222/WCC No. 2003-0771

Dear Judge McCarter:

I received a copy of the draft Summons you sent in this case to me for review. ¶4B requires identification of claims in which an offset was taken because of a social security payment. As you know from our earlier discussions this can involve more than one computer inquiry.

Although we have had discussions regarding Liberty Mutual and Liberty Northwest, there are other insurers affiliated with Liberty Mutual that I will be representing. My concern with those insurers is that if they were to attempt to comply with ¶4B there is the very real possibility that Rex Palmer may find their response unsatisfactory, after an explanation, and the search would have to be reconducted. I am hoping to avoid a duplication of effort.

Therefore I would propose that the claim identification requirement in ¶4B be deleted and reserved for a later conference call and/or hearing during which this implementation issue could be discussed and a mutually agreeable method of implementation be reached.

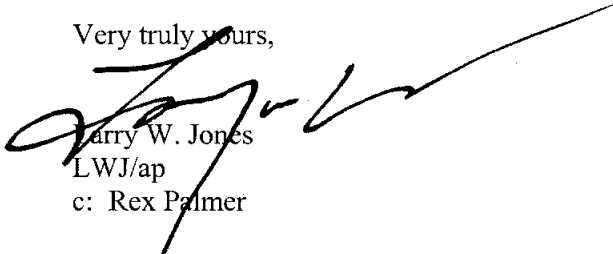
Again my experience in these common fund cases before you has been it is a give and take, back and forth proposal/explanation process that finally culminates in a mutually agreed upon implementation plan.

Therefore if the file identification requirement in ¶4B could be deleted, I believe this would be in the long run save the Court and the many insurers that would be involved time and effort.

These are my thoughts. By a copy to Rex Palmer I am notifying him of this communication with you.

I look forward to hearing from both of you.

Very truly yours,


Larry W. Jones
LWJ/ap
c: Rex Palmer

Jones 031805 hr