

Rex Palmer
ATTORNEYS INC., P.C.
301 W Spruce
Missoula, Montana 59802
(406) 728-4514
ATTORNEYS FOR PETITIONER

IN THE SUPREME COURT OF THE STATE OF MONTANA

MONTANA STATE FUND,) No. 04 - 797
)
Petitioner,)
)
vs.) CLAIMANTS SUMMARY RESPONSE TO THE
) PETITION OF MONTANA STATE FUND
)
WORKERS' COMPENSATION)
COURT OF THE STATE OF)
MONTANA, HONORABLE MIKE)
Mc CARTER, WORKER'S)
COMPENSATION COURT JUDGE,)
)
Respondent,)
)
and)
)
ROBERT FLYNN and CARL MILLER,)
Individually and on Behalf of Others)
Similarly Situated,)
)
Claimants,)
)
and)
)
LIBERTY NORTHWEST INSURANCE)
CORP.)
)
Intervenor.)

FILED

DEC 27 2004

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

* * * * *

COME NOW the above-mentioned Claimants pursuant to the Court's Order filed December 7, 2004 and Rule 17(f) of the Montana Rules of Appellate Procedure.

The lower court's order provides a comprehensive summary of the authorities pertaining to the merits of the questions and issues raised in the Petition for Supervisory Control.

Claimants CONCUR with the lower court's order.

//

DATED this 24th day of December 2004.



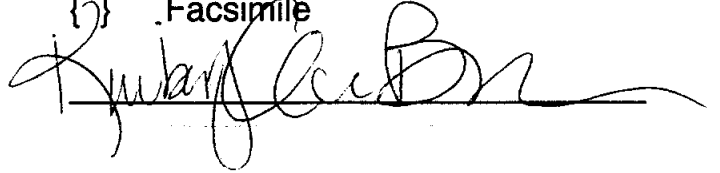
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ATTORNEYS FOR CLAIMANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of December 2004, a true and correct copy of the foregoing was served upon the following by U.S. mail, hand-delivery, Federal Express, or facsimile:

Ed Smith
Clerk of the Supreme Court
Montana Supreme Court
215 North Sanders, Room 323
Justice Building
Helena, MT 69620-3003

U.S. Mail
 Hand Delivered
 Federal Express
 Facsimile



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The Honorable Mike McCarter
Workers' Compensation Court
PO Box 537
Helena, MT 59624