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FILED

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MAR 1 7 2005

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

## IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ASARCO, INC.,

Petitioner.

WCC NO. 2004-1120

VŞ.

JOINT MOTION OF PETITIONER AND RESPONDENT FOR DISMISSAL WITH PREJUDICE

KEITH L. FOSTER,

Respondent.

COMES NOW the above-named parties, Petitioner and Respondent, by and through their counsel of record and hereby represent to the Court that all issues involved in this case have been settled, compromised and resolved, and accordingly, the parties jointly move the Court for dismissal of this matter with prejudice. A proposed Order of Dismissal is attached.

HAMMER, HEWITT, SANDLER

& JACOBS, PALC

Todd A. Hammer Angela K. Jacobs P.O. Box 7310

Kalispell, MT 59904-0310 Attorneys for Petitioner

Dated: 5

3/11/05

Thomas A. Budewitz

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Helena, Mt. 59601 Attorney for Respondent

Dated: 3/16/6