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CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH P.L.L.P.

ATTORNEYS AT LAW

500 TRANSWESTERN PLAZA II • 490 NORTH 31ST STREET • BILLINGS, MONTANA 59101
P.O. Box 2529 • BILLINGS, MONTANA 59103-2529
TEL (406) 252-3441 • FAX (406) 252-5292
www.crowleylaw.com

JUN 20 2005

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RETIRED
JAMES M. HAUGHEY
BRUCE R. TOOLE

OF COUNSEL
GEORGE C. DALTHORP
JOHN M. DIETRICH
DAVID L. JOHNSON
GARELD F. KRIEG
ARTHUR F. LAMEY, JR.
LOUIS R. MOORE *
MYLES J. THOMAS
FRED E. WHISENAND *

OFFICES
100 NORTH PARK AVENUE
SUITE 300, P.O. BOX 797
HELENA, MT 59624-0797
PHONE (406) 449-4165

111 EAST BROADWAY
P.O. BOX 1206
WILLISTON, ND 58802-1206
PHONE (701) 572-2200

431 FIRST AVENUE WEST
P.O. BOX 759
KALISPELL, MT 59903-0759
PHONE (406) 752-6644

45 DISCOVERY DRIVE
SUITE 200, P.O. BOX 10969
BOZEMAN, MT 59719-0969
PHONE (406) 556-1430

700 S.W. HIGGINS
SUITE 200
MISSOULA, MT 59803
PHONE (406) 829-2732

Attorneys are licensed in Montana unless otherwise noted; * also licensed in North Dakota, # also licensed in Wyoming; + not licensed in Montana

June 17, 2005

Honorable Mike McCarter
Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

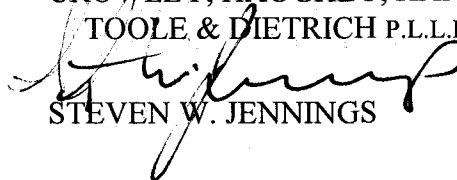
RE: *Robert Flynn and Carl Miller vs. Montana State Fund, et al.*
WCC No. 2000-0222

Dear Judge McCarter:

I have made motions to dismiss in several of the insurance companies I represent based upon: 1) they did not write work comp in Montana or 2) a search of their records revealed that they did not take any SSDI offsets and therefore had no *Flynn*-type liability. In preparing the motions, I attempted to contact Mr. Palmer to see if he would stipulate to the motions. His secretary advised that he was taking no position with respect to stipulating or opposing the motions but would defer to your decision. I put a comment to that effect in each of the motions. A subsequent conversation with Mr. Palmer revealed that his secretary may have misspoken. Mr. Palmer advises that he will stipulate to motions to dismiss any insurer who clearly has no *Flynn*-type liability, but would like to reserve the right to oppose any motion to dismiss if there is any question or issue with respect to the search methodology employed by the insurer to determine whether it had *Flynn*-type claims. Accordingly, I now advise you that Mr. Palmer may oppose some of my motions upon review of the search methodology described therein.

Sincerely yours,

CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.


STEVEN W. JENNINGS

SWJ:mlh

c: Rex Palmer, Esq.

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