

7/29/2005

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

Re: *Flynn et al. v. Montana State Fund et al.*
WCC No. 2000-0222

Your Honor:

After an extensive search with respect to claims against policies issued by the insurance companies listed herein, a total of 12 claims were discovered. In none of the identified claims were benefits offset by the application of a Social Security award. Therefore, none of the claims should be subject to the lien claimed in the above-referenced action.

Therefore, the insurance companies listed herein respectfully request dismissal from *Flynn* and any other pending common fund action in which Social Security award offsets are an issue. The companies requesting dismissal are as follows:

EMCASCO Insurance Company
Dakota Fire Insurance Company
EMC Property & Casualty Company, f/k/a American Liberty Insurance Company
Union Insurance Company of Providence
Employers Mutual Casualty Company

If the Court has any questions or is in need of any further information, please feel free to contact me at 515-362-7594 or Brian.K.Lohse@EMCIns.com.

Thank you,



Brian K. Lohse
Associate Staff Attorney
EMC Insurance Companies