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American Incorporated

**FILED**

JUN 20 2005

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

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ROBERT FLYNN and CARL MILLER, Individually and on Behalf of  
Others Similarly Situated,

Petitioners,

v.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INSURANCE CORPORATION,

Intervenor.

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**RESPONDENT TECK COMINCO AMERICAN INCORPORATED'S  
RESPONSE TO THE COURT'S SUMMONS**

Respondent Teck Cominco American Incorporated is presently conducting an internal review to determine the extent to which it may be affected by the decision rendered

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in *Flynn v. State Compensation Ins. Fund* and the instant claim for attorney fees. This Respondent does not, as of the date of this Response, possess information sufficient to allow it to state whether it does or does not dispute the claims as set forth. Respondent's activities in Montana span most, if not all, of the time from July 1, 1974, to present and the applicable records will take time to process. Respondent anticipates it will be able to compile the information necessary to respond definitively to the Court's May 4, 2005, Summons within sixty (60) days.

Dated and respectfully submitted this 20<sup>th</sup> day of June 2005.

GOUGH, SHANAHAN, JOHNSON & WATERMAN

A handwritten signature in black ink, appearing to read "KD Feedback", written over a horizontal line.

KD Feedback

Attorneys for Respondent Teck Cominco American  
Incorporated