

Murphy Law Firm
619 Second Avenue South
P.O. Box 3226
Great Falls, MT 59403-3226
Telephone (406) 452-2345
Fax (406) 452-2999

Thomas J. Murphy, Attorney
Charla K. Tadlock, Attorney

Lou Joi Poelman, Paralegal
Sandra Lee Gilbert, Paralegal

June 16, 2005

FILED

JUN 17 2005

Judge Mike McCarter
Workers Compensation Court
P O Box 537
Helena, Mt 59624-0357

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

RE: Reesor v. State Fund
WCC No. 2002-0676

Dear Judge McCarter:

Several insurance companies in Reesor request dismissal because those companies never sold workers' compensation insurance in Montana. Since those companies made their representations directly to the Court, I view them as motions for dismissal. Obviously, the Court has the authority to bring a company back into the Reesor case if it is discovered that the company misled the Court. Therefore, to provide the Court with a clear record of the representations made, I attach a copy of each of the letters/motions that were submitted by the insurance companies listed below.

Based on the statements contained in the attached documentation, and in reliance on the truthfulness of their motions, I submit that the Court should dismiss the following companies without prejudice:

Alamance Insurance Company
American Agricultural Insurance Company (AAIC)
American Ambassador Casualty Company
American Centennial Insurance Company (ACIC)
American Physicians Assurance Corporation
Insurance Corporation of American
AmGuard Insurance Company
Bristol West Insurance Company
Brotherhood Mutual Insurance Company

Judge Mike McCarter
Reesor v. State Fund
WCC No. 2002-0676
Page Two

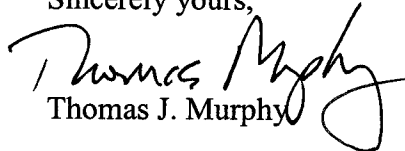
Centurion Casualty Company
Converium Insurance (North America) Inc.
Converium Reinsurance (North America) Inc.
Country Casualty Insurance Company
Country Mutual Insurance Company
Country Preferred Insurance Company
Danielson National Insurance Company
EastGuard Insurance Company
Economy Fire & Casualty Insurance Company
Economy Preferred Insurance Company
Economy Premier Assurance Company
Evergreen National Indemnity Company
First Financial Insurance Company
First Professionals Insurance Company
Guidant Specialty Mutual Insurance Co. n/k/a GuideOne Specialty Mutual
Insurance Company
Homesite Insurance Company
Lumber Mutual Insurance Company
Lyndon Property Insurance Company
Majestic Insurance Company
Medical Assurance Company, Inc.
Metropolitan Property and Casualty Insurance Company
Metropolitan Casualty Insurance Company
Metropolitan General Insurance Company
Metropolitan Direct Insurance Company
Modern Service Insurance Company
National Insurance Association
NorGuard Insurance Company
North American Elite Insurance Company
Penn-Star Insurance Company
Professionals Advocate Insurance Company
Sagamore Insurance Company
Southern Insurance Company
Swiss Reinsurance American Corporation
Triad Guaranty Insurance Corporation
Triton Insurance Company
Ulico Casualty Company
United National Casualty
United States Liability Ins. Co
York Insurance Co.
Zenith Insurance Company

Judge Mike McCarter
Reesor v. State Fund
WCC No. 2002-0676
Page Three

With the delivery of this document, I ask the Court to set a status conference. Most of the significant insurers have appeared, so I submit that the parties could address evidentiary issues and set a briefing schedule. The State Fund has submitted a proposed stipulation of fact to me, but I have asked them to state their proposal in the form of an affidavit.

If possible, I ask the Court to schedule a Reesor status conference on July 14, 2005. There are a large number of attorneys traveling to Helena for the Schmill conference, so it would be economical if the Court could address the Reesor issues after the Schmill conference. Thank you.

Sincerely yours,


Thomas J. Murphy

TJM/ljp

enc: Insurer Letters & Pleadings (36)
cc. Each Insurer (listed above) w/out enc.
Brad Luck w/out enc.
Larry Jones w/out enc.
Leo Ward w/out enc.
Maxon Davis w/out enc.
Oliver Goe w/out enc.
Diane Heidenreich w/out enc.

Worker's Compensation Court of the State of Montana
In the matter of: Dale Ressor v. Montana State Fund
WCC No. 2002-0676

**AFFIDAVIT
OF
ALAMANCE INSURANCE COMPANY**

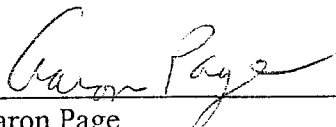
STATE OF NORTH CAROLINA:

SS: BURLINGTON

COUNTY OF ALAMANCE

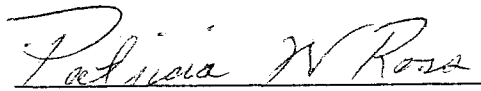
The undersigned, being duly sworn, deposes and says:

1. My name is Aaron Page.
2. I am the Compliance Director of Alamance Insurance Company ("AIC"), which is an insurance company licensed as an admitted insurer in the state of Montana.
3. I am over the age of eighteen and believe in and understand the meaning and obligation of an oath.
4. To the best of my knowledge, information and belief, and based upon the results of an inquiry to search the companies records, AIC has not underwritten workers compensation insurance, nor has paid any benefits, in the state of Montana for the period 1987 through to the present date.

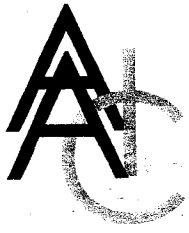


Aaron Page
Compliance Director
Date: May 27, 2005

Subscribed and sworn to before me this 27 day of May, 2005.



Notary Public
My commission expires: July 2, 2006



MAY 2 - 2005

1501 E. Woodfield Road
Suite 300W
Schaumburg, IL 60173-5422
Phone: 847.969.2900
Fax: 847.969.2752
www.aaic.com

American Agricultural Insurance Company

Providing reinsurance since 1948

April 28, 2005

The Honorable Judge Michael McCarter
Workers' Compensation Court
P.O. Box 537
1625 11th Avenue
Helena, Montana 59624-0537

Re: Reesor v. Montana State Fund
WCC No. 2002-0676

Dear Judge McCarter:

I am an attorney with American Agricultural Insurance Company (AAIC).

AAIC has been named in a summons in this case.

Pursuant to my April 27, 2005 discussion with, and instructions from, Mr. Murphy, I am writing to advise this Honorable Court that AAIC is a reinsurer. AAIC is not a primary insurer. AAIC is not a self insured for purposes of this summons. AAIC has never sold primary workers compensation policies in the State of Montana or in any State.

In light of these facts, AAIC respectfully requests this Honorable Court to relieve it of any obligation to respond in any way, other than this letter, to the summons issued to AAIC in this case.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark M. Christerson".

Mark M. Christerson

MMC/ts

Cc: Thomas J. Murphy, Esq. ✓

JUN 13 2005

Larry W. Jones
Law Office of Jones & Garber
An Insurance Company Law Division
700 SW Higgins Avenue, Suite 108
Missoula, MT 59803-1489
(406) 543-2420
(406) 829-3436 (FAX)
Attorney for the Liberty Mutual Insurance Group

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,	)	WCC No. 2002-0676
)	
Petitioner,)	
)	
vs.	)	MOTION TO DISMISS
	)	AMERICAN AMBASSADOR
MONTANA STATE FUND,	)	CASUALTY CO. AND
	)	NATIONAL INS. ASSOC.
Respondent/Insurer.	)	AND SUPPORTING BRIEF
)	


MOTION

COME NOW American Ambassador Casualty Company and National Insurance Association pursuant to ARM 24.5.329 and moves the Court for an order dismissing with prejudice American Ambassador Casualty Company and National Insurance Association as possible insurers for the reasons set forth below.

BRIEF

American Ambassador Casualty Company and National Insurance Association are member companies of the Liberty Mutual Insurance Group. Neither American Ambassador Casualty Company nor National Insurance Association have ever written workers' compensation coverage in the State of Montana and therefore request they be dismissed with prejudice from this proceeding.

DATED this 10th day of June, 2005.



Larry W. Jones
Attorney for Liberty Mutual Insurance Group

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2005, I served the original of the foregoing MOTION TO DISMISS AMERICAN AMBASSADOR CASUALTY CO. AND NATIONAL INS. ASSOC. AND SUPPORTING BRIEF, first-class mail, postage prepaid, on the following:

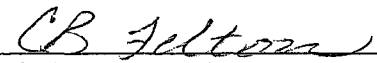
Ms. Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624-0537

and a copy of the same to the following:

Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Bradley J. Luck
Garlington, Lohn & Robinson, PLLP
P. O. Box 7909
Missoula, MT 59807-7909

Thomas E. Martello
Legal Counsel
Montana State Fund
P. O. Box 4759
Helena, MT 59604-4759


Cindy Brown Felton

AMERICAN CENTENNIAL

INSURANCE COMPANY

CERTIFIED MAIL 7004 2510 0003 1215 9510
RETURN RECEIPT REQUESTED

MAY 26 2005

May 23, 2005

Workers Compensation Court
1625 11th Avenue
Helena, Montana 59624-0537

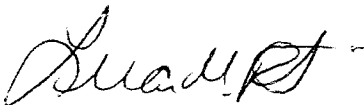
Re: Dale Reesor vs. Montana State Fund

Dear Sir or Madam:

I am writing on behalf of American Centennial Insurance Company ("ACIC") to acknowledge receipt of the Summons and Notice of Attorney Fee Lien in connection with the case encaptioned Dale Reesor vs. Montana State Fund WCC No. 2002-0676 and provide ACIC's response thereto. Please be advised that ACIC has not written any Workers Compensation business in the state of Montana and therefore, has no claims or policies to which this matter would apply.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Luann M. Petrellis
Senior Vice President

LMP/lh
[reesor52305]

cc: Richard Hussnatter

~~Mr.~~ Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, Montana 59403-3226

MAY 23 2005

DYKEMA GOSSETT PLLC

124 W. Allegan Street, Suite 800
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

Lori McAllister

Direct Dial: (517) 374-9150

Email: LMCALLISTER@DYKEMA.COM

May 20, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Re: Dale Reesor v. Montana State Fund
WCC No. 2002-0676

Dear Sir/Madam:

I am writing this letter in response to the Order dated April 22, 2005 in the above-referenced matter on behalf of our clients American Physicians Assurance Corporation and Insurance Corporation of America. Although both companies were authorized to write business in the State of Montana prior to December 31, 2004, neither company in fact issued any workers' compensation policies to any person or entity in the State. American Physicians Assurance Corporation voluntarily surrendered its certificate of authority to operate in Montana effective April 18, 2005, and Insurance Corporation of America is in the process of surrendering its certificate of authority. As a result, the companies have not received any claims for benefits under Montana's workers' compensation laws.

If you require any further information, please let me know.

Sincerely,

DYKEMA GOSSETT PLLC



Lori McAllister

LMSI:kks

cc: Thomas J. Murphy

JUN - 6 2005



June 1, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Reesor v. Montana State Fund, 2004 MT 370

AmGUARD Insurance Company

AmGUARD Insurance Company did not issue any Workers' Compensation policies in the state of Montana and therefore did not pay any benefits to claimants injured on or after July 1, 1987, and prior to December 22, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Dulin".

Michael J. Dulin
General Counsel

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Am**GUARD** • Nor**GUARD** • East**GUARD**

Home Office: 16 South River Street • P.O. Box A-H • Wilkes-Barre, Pennsylvania 18703-0020
570-825-9900 • 800-673-2465 • FAX 570-823-5930 • www.guard.com



MAY 31 2005

George G. O'Brien
Chief Legal Officer

May 25, 2005

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624

Re: Dale Reesor v. Montana State Fund, WCC No. 2002-0676

Dear Sir or Madam:

I am writing on behalf of Bristol West Insurance Company ("Bristol West"), an affiliate of Bristol West Holdings, Inc. Bristol West has been named as a party in the above-referenced action. Bristol West should not be a party in this action because Bristol West has never written any insurance in Montana, including without limitation workers' compensation insurance. In October 1999, Bristol West (under the name Reliant Insurance Company) became licensed to write insurance in Montana, but it has never done so.

I spoke with Clara, a Deputy in the Clerk's office, who was very helpful and informed me to write this letter. Since Bristol West clearly does not belong in this case, I would like to avoid the expense of hiring Montana counsel to file a motion. I respectfully request that Bristol West be dismissed as a party to this action.

I understand from Clara that a default will not be taken while this request is being considered. If I need to do anything more, by copy of this letter I request that Mr. Murphy contact me.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'George G. O'Brien'.

George G. O'Brien

GGO'B/mh

cc: Thomas J. Murphy, Esquire



Brotherhood MutualSM
Insurance Company

MAY 2 - 2005

6400 Brotherhood Way

P.O. Box 2227

Fort Wayne, IN 46801-2227

260.482.8668

mallison@brotherhoodmutual.com

www.brotherhoodmutual.com

Michael J. Allison, JD, CPCU
Chief Counsel and Corporate Secretary

April 27, 2005

Workers' Compensation Court
PO BOX 537
Helena, MT 59624-0537

Subject: Dale Reesor v. Montana State Fund; WCC No. 2002-0676

To the Montana Workers' Compensation Court:

Our Company, Brotherhood Mutual Insurance Company, is licensed to write workers' compensation insurance in the state of Montana, but we have never issued any workers' compensation policies in the state. Accordingly, the Reesor v. Montana State Fund lawsuit would appear to have no application to our company, and we do not believe a written answer to the petitioner's request will be required. Should either the court or the petitioner's counsel disagree with this position, please advise our company. Unless we are notified otherwise, we will assume that, in light of the fact that our company has written no workers' compensation policies in the state, we will be no need for any formal response from our company.

Sincerely,

Michael J. Allison, JD, CPCU,
Vice President and Chief Counsel,
Brotherhood Mutual Insurance Company
PO BOX 2227
Fort Wayne, IN 46801-2227

CC: Mr. Thomas J. Murphy
Murphy Law Firm
PO BOX 3226
Great Falls, MT 59403-3226

JUN - 6 2005

Law Offices

MOULTON, BELLINGHAM, LONGO & MATHER, P.C.

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GERALD B. MURPHY
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GREGORY G. MURPHY
W. A. FORSYTHE
DOUG JAMES
BRAD H. ANDERSON
THOMAS E. SMITH
JOHN T. JONES
HARLAN B. KROGH
DUNCAN A. PEETE
NANCY BENNETT

BERNARD E. LONGO
OF COUNSEL

SUITE 1900, SHERATON PLAZA

27 NORTH 27TH STREET

P. O. BOX 2559

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Fax (406) 248-7889

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MICHAEL E. BEGLEY
WILLIAM O. RYAN, JR.
JEFF G. SORENSON
JESSICA T. KOBOS

FREDRIC D. MOULTON
[1912-1989]

W. S. MATHER
[1922-1998]

WM. H. BELLINGHAM
[1920-2002]

June 2, 2005

Honorable Mike McCarter
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: *Dale Reesor v. Montana State Fund*
WCC No. 2002-0676

Dear Judge McCarter:

I am writing on behalf my client Centurion Casualty Company, and I am responding on their behalf to the Summons issued in the above-captioned case.

While Centurion is licensed to write casualty insurance in Montana, it does not now write, and has never in the past written, workers' compensation insurance in the state of Montana.

I trust this is an adequate response to the Summons issued in your Court. Should you wish or need anything further from Centurion, please contact the undersigned.

Thank you for your consideration in this matter.

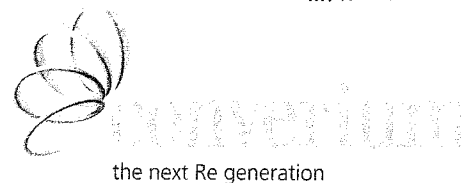
Sincerely,


W. ANDERSON FORSYTHE

WAF:dlb

cc: Mr. Thomas J. Murphy

MAY 27 2005



Vincent S. Nadile
Vice President &
Assistant General Counsel

VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED

May 24, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

**Re: Dale Reesor vs. Montana State Fund
WCC No. 2002-0676**

Dear Honorable Court:

I am in-house counsel for Converium Reinsurance (North America) Inc. ("CRNA") and its wholly owned subsidiary, Converium Insurance (North America) Inc. ("CINA"). This answer is being filed with you on behalf of both CRNA and CINA in connection with the above-referenced case.

Please be advised that while both CRNA and CINA are licensed to write workers' compensation insurance coverages in Montana, neither company has ever written any such policies at any time. Accordingly, the companies do not have, and never did have, any claimants under any employers' liability or workers' compensation policies issued in Montana. The proceedings and ultimate determinations in the instant case are, therefore, not ones that will impact either CRNA or CINA.

Should you require anything further from either company, please do not hesitate to contact me in writing at the above address. Thank you.

Sincerely,

Vincent S. Nadile
Vice President & Assistant General Counsel

**Converium Reinsurance
(North America) Inc.**

One Canterbury Green
Stamford, CT
06901

Phone 203 965 8800
Fax 203 965 8804

<http://www.converium.com>

Direct Phone 212 898 5076

Direct Fax 203 965 8868

vincent.nadile@converium.com

cc: (via Certified Mail / Return Receipt Requested)
Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Office of the General Counsel

Paul M. Harmon
General Counsel

May 25, 2005

The Honorable Mike McCarter
Montana Worker's Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Chad G. Allen
Andrew S. Bender
Brian G. Cahill
Theresa M. Cameron
Carol G. Crissman
Virginia L. Eves
Laura A. Harmon
James M. Jacobs
Joshua R. Johnson
Matthew T. Jontry
John R. Novack
Linda B. Potts
Jerry W. Quick
Barbara Kay Stille
David B. Stumpf
Jennifer L. Vance
Kathy Smith Whitman

RE: Reesor v. Montana State Fund
Montana Worker's Compensation Court Case No. 2002-0676

Your Honor:

This Office is counsel for the following companies ("Companies") named in the Summons and Notice of Attorney Lien that was issued in connection with the above-captioned matter:

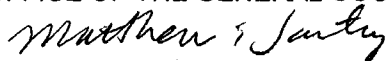
- COUNTRY Mutual Insurance Company
- COUNTRY Casualty Insurance Company
- COUNTRY Preferred Insurance Company

These Companies are currently licensed to do business in Montana as property/casualty insurers. However, none of the Companies have ever written worker's compensation coverage in Montana. Therefore, these Companies will not be filing formal answers in this matter.

If additional information is needed or if the Companies are required to take further action, please do not hesitate to contact me.

Sincerely,

OFFICE OF THE GENERAL COUNSEL



Matthew T. Jontry

cc: Thomas J. Murphy, Esq.
P.O. Box 3226
Great Falls, MT 59403-3226

ILLINOIS AGRICULTURAL ASSOCIATION® and AFFILIATED COMPANIES
1701 Towanda Avenue/P. O. Box 2901/Bloomington, Illinois 61702-2901
Telephone: 309/557-2542 To call writer direct: 309/557-2223
Internet E-Mail: mjontry@ilfb.org
Fax: 309/557-2211

Agricultural Support Association • AgriVisor® Services, Inc. • Cotton States Investment Company • Cotton States Life Insurance Company • Cotton States Marketing Resources, Inc. • Cotton States Mutual Insurance Company • Cotton States Service Company • CSI Brokerage Services, Inc. • CC Services, Inc. • COUNTRY Capital Management Company • COUNTRY Casualty Insurance Company® • COUNTRY Investors Life Assurance Company® • COUNTRY Life Insurance Company® • COUNTRY® Mutual Funds Trust • COUNTRY Mutual Insurance Company® • COUNTRY Preferred Insurance Company® • COUNTRY Trust Bank® • East Side Jersey Dairy, Inc. • Holyoke Mutual Insurance Company in Salem • Holyoke Square, Inc. • IAA Credit Union • IAA Foundation • Ice Cream Specialties, Inc. • Illinois Agricultural Auditing Association • Illinois Agricultural Holding Co. • Illinois Agricultural Service Company • Middlesex Mutual Assurance Company • Midfield Corporation • Modern Service Insurance Company • MSI Preferred Insurance Company • MSI Preferred Services, Inc. • Mutual Service Casualty Insurance Company • Mutual Service Life Insurance Company • PFD Supply Corporation • Prairie Farms Dairy, Inc. • Shield Insurance Company

JUN - 7 2005

Leo S. Ward
BROWNING, KALECZYC, BERRY & HOVEN, P.C.
139 N. Last Chance Gulch
P.O. Box 1697
Helena, MT 59624-1697
Phone: (406) 443-6820
Fax: (406) 443-6895

ATTORNEYS FOR Danielson National Insurance Co.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,	)	WCC No. 2002-0676
)	
Petitioner,)	
v.	)	NOTICE OF APPEARANCE AND
	)	REQUEST FOR DISMISSAL
MONTANA STATE FUND,)	
)	
Respondent/Insurer.)	
)	

Danielson National Insurance Co. hereby appears and requests dismissal from this action because it has written no worker's compensation insurance coverage in Montana at any time.

DATED this 6th day of June, 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

BY:

Leo S. Ward
Leo S. Ward

ATTORNEYS FOR Danielson National Insurance Co.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Thomas Murphy
Murphy Law Firm
P.O. Box 3226
619 Second Ave South
Great Falls, MT 59403-3226


BROWNING, KALECZYC, BERRY & HOVEN, P.C.

JUN - 6 2005



June 1, 2005

Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Reesor v. Montana State Fund, 2004 MT 370

EastGUARD Insurance Company

EastGUARD Insurance Company did not issue any Workers' Compensation policies in the state of Montana and therefore did not pay any benefits to claimants injured on or after July 1, 1987, and prior to December 22, 2004.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Dulin".

Michael J. Dulin
General Counsel

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Am**GUARD** • Nor**GUARD** • East**GUARD**

Home Office: 16 South River Street • P.O. Box A-H • Wilkes-Barre, Pennsylvania 18703-0020
570-825-9900 • 800-673-2465 • FAX 570-823-5930 • www.guard.com



MAY 31 2005

May 27, 2005

Workers Compensation Court
State of Montana
P. O. Box 537
Helena, MT 59624-0537

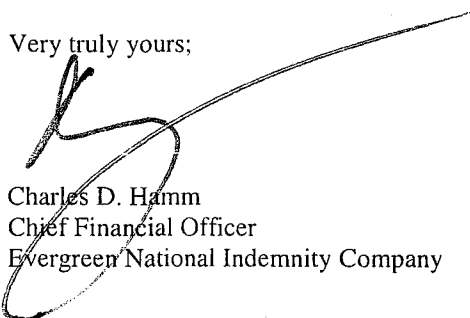
RE: *Dale Reesor, Petitioner vs. Montana State Fund, Respondent/Insurer*
Petitioner's Notice of Common Fund Attorney Fee Lien, Case No. WCC No. 2002-0676

We acknowledge receipt of the above-referenced Notice.

Evergreen National Indemnity Company is licensed in the State of Montana, however, it has never written any Workers Compensation Insurance in the State of Montana. We have conducted an exhaustive search of our Workers Compensation database and no claims have arisen in the State of Montana as a result of our writing Workers Compensation insurance in any other state.

Accordingly, Evergreen National Indemnity Company cannot have any liability for any attorney's liens and believe a written answer to the petitioner's request should not be required. Should either the court or the petitioner's counsel disagree with this position, please advise our company. Unless we are notified otherwise, we will assume that, since we have not had workers compensation policies in the state, there will be no need for any formal response from our company.

Very truly yours;



Charles D. Hamm
Chief Financial Officer
Evergreen National Indemnity Company

Cc: Mr. Thomas J. Murphy
Murphy Law Firm
P. O. Box 3226
Great Falls, MT 59403-3226

Worker's Compensation Court of the State of Montana
In the matter of: Dale Ressor v. Montana State Fund
WCC No. 2002-0676

**AFFIDAVIT
OF
FIRST FINANCIAL INSURANCE COMPANY**

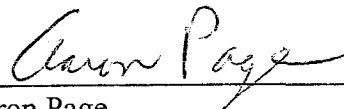
STATE OF NORTH CAROLINA:

SS: BURLINGTON

COUNTY OF ALAMANCE:

The undersigned, being duly sworn, deposes and says:

1. My name is Aaron Page.
2. I am the Compliance Director of First Financial Insurance Company ("FFIC"), which is an insurance company licensed as an admitted insurer in the state of Montana.
3. I am over the age of eighteen and believe in and understand the meaning and obligation of an oath.
4. To the best of my knowledge, information and belief, and based upon the results of an inquiry to search the companies records, FFIC has not underwritten workers compensation insurance, nor has paid any benefits, in the state of Montana for the period 1987 through to the present date.

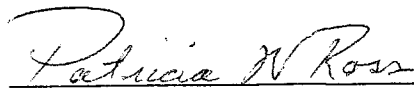


Aaron Page

Compliance Director

Date: May 27, 2005

Subscribed and sworn to before me this 27 day of May, 2005.



Notary Public

My commission expires: July 2, 2006



MAY 16 2005

Robert L. Wortelboer, Esquire
General Counsel & Vice President

Insurance Solutions for Healthcare Providers

May 11, 2005

Via Regular U.S. Mail

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

Reesor

**Re: Robert Flynn, v. Montana State Fund
WCC No. 2000-0222**

To Whom It May Concern:

We are in receipt of the Summons and Notice of Attorney Fee Lien in regard to the above entitled case. Please be advised that First Professionals Insurance Company, Inc. while licensed to write workers compensation insurance in the State of Montana has never actually engaged in writing this business in this State. As a result, are participation in the above entitled matter is moot. Please note this fact in your records. If you have any questions, please call me at (904) 354-5910 Ext. 3281.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Wortelboer, Jr.", with a stylized flourish extending to the left.

Robert L. Wortelboer, Jr.
General Counsel & Vice President

Cc: Mr. Thomas J. Murphy

Leo S. Ward
BROWNING, KALECZYC, BERRY & HOVEN, P.C.
139 N. Last Chance Gulch
P.O. Box 1697
Helena, MT 59624-1697
Phone: (406) 443-6820
Fax: (406) 443-6895

ATTORNEYS FOR Guidant Specialty Mutual Insurance Co.
n/k/a GuideOne Specialty Mutual Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,	)	WCC No. 2002-0676
)	
Petitioner,)	
v.	)	NOTICE OF APPEARANCE AND
	)	REQUEST FOR DISMISSAL
MONTANA STATE FUND,)	
)	
Respondent/Insurer.)	
)	

Guidant Specialty Mutual Insurance Co., n/k/a GuideOne Specialty Mutual Insurance Company hereby appears and requests dismissal from this action because it has written no worker's compensation insurance coverage in Montana at any time.

DATED this 6th day of June, 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

BY: Leo S. Ward
Leo S. Ward

ATTORNEYS FOR Guidant Specialty Mutual
Insurance Co. n/k/a GuideOne Specialty Mutual
Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Thomas Murphy
Murphy Law Firm
P.O. Box 3226
619 Second Ave South
Great Falls, MT 59403-3226

A handwritten signature in black ink, appearing to read "George J. McFadden", written over a horizontal line.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

PHILADELPHIA
ATLANTA
CHARLOTTE
CHERRY HILL
CHICAGO
DALLAS
LAS VEGAS
LONDON
LOS ANGELES



JUN - 7 2005

NEW YORK
NEWARK
SAN DIEGO
SAN FRANCISCO
SEATTLE
WASHINGTON, DC
WEST CONSHOHOCKEN
WILMINGTON

A PROFESSIONAL CORPORATION

16TH FLOOR 45 BROADWAY NEW YORK, NY 10006-3792 212.509.9400 800.437.7040 212.509.9492 FAX www.cozen.com

June 3, 2005

VIA FEDERAL EXPRESS

Melissa Brill
Direct Phone 212.908.1257
Direct Fax 866.825.3144
mbrill@cozen.com

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

Re: Dale Reesor v. Montana State Fund
WCC Number: 2002-0676

Dear Judge McCarter:

We represent Homesite Insurance Company, which was named in the Summons and Notice of Attorney Fee Lien in the above-referenced matter. Please be advised that Homesite Insurance Company does not write, and has not written, workers compensation insurance in Montana. Therefore, it is our understanding that Homesite Insurance Company need not file an Answer in this matter.

If this understanding is incorrect, or if you need further information, please feel free to contact me.

Respectfully,

COZEN O'CONNOR

A handwritten signature in dark ink, appearing to read "MBR", written over the typed name "Melissa Brill".

By: Melissa Brill

MB

Honorable Mike McCarter

June 3, 2005

Page 2

cc: Thomas J. Murphy, Esq. (via Federal Express)
Murphy Law Firm
PO Box 3226
Great Falls, Montana 59403-3226

Asset Protection Division
One Chesterfield Place
14755 North Outer Forty Road, Suite 400
St. Louis, MO 63017
636-536-5600 / 800-951-6060



June 9, 2005

VIA FACSIMILE & CERTIFIED MAIL

The Honorable Mike McCarter
Worker's Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Catherine E. Satterlee, et al v. Lumberman's Mutual Casualty Company
WCC No. 2003-0840

Dale Reesor v. Montana State Fund
WCC No. 2002-0676

Dear Judge McCarter:

Lyndon Property Insurance Company ("Lyndon") has received summons in the above-referenced cases. Although a response was due June 6, 2005 in the Reesor case, plaintiff's attorney has generously agreed to allow us to file a late response.

Please be advised that although Lyndon is authorized to write casualty insurance in Montana, it has never written workers' compensation insurance in Montana. Enclosed is an affidavit from Dale Koester, Assistant Vice President/Surety Bond Manager of Lyndon, that further explains Lyndon's position. For this reason, we respectfully request that Lyndon be dismissed from the above-referenced lawsuits.

Should you need further information, please contact me at (800) 950-6060, ext. 5667. Thank you.

Sincerely,

Laura L. Foster, J.D.
Assistant Vice President, Director of Licensing,
Contracting and Litigation Support

LLF/maa

cc: Thomas J. Murphy, Esq. (via facsimile)

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA
WCC No. 2003-0840

AFFIDAVIT IN SUPPORT OF REQUEST TO DISMISS
LYNDON PROPERTY INSURANCE COMPANY

In Re:

Catherine E. Satterlee, et al., Petitioners

vs.

Lumberman's Mutual Casualty Company, et al., Respondents/Insurers

* * * * *

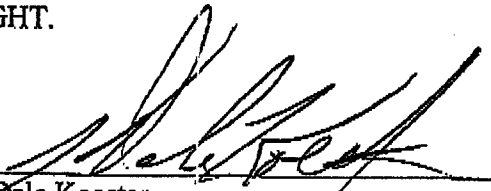
Comes the Affiant, J. Dale Koester, and after having been first duly sworn, states
as follows:

1. I hold the position of Assistant Vice President/Surety Bond Manager of Lyndon Property Insurance Company (hereinafter, "Lyndon").
2. Lyndon is a property & casualty insurance company, chartered in 1978 in the State of Missouri.
3. Lyndon received its Certificate of Authority to conduct business in Montana on August 7, 1980.
4. Lyndon has never written Workers' Compensation Insurance in Montana.
5. Upon application from Stone Container Corporation, on June 19, 2002 Lyndon issued a Workers' Compensation Self Insurer's Bond in support of Stone Container Corporation's qualification as a Self Insurer of its workers' compensation risks, Compensation Plan No. 1, in Montana.
6. In issuing the aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation, Lyndon was functioning as Surety, but not as an Insurer.
7. Surety for a bond in support of a Self Insurer under Compensation Plan No. 1 does not meet the definition of an "Insurer" as set forth in Montana Code Annotated 2003, 39-71-116(14), therefore Lyndon cannot be construed as an Insurer by reason of its obligation of suretyship.

8. The aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation was replaced by an Irrevocable Letter of Credit on June 30, 2004, and the Bond was exonerated and released as of that date.

9. Lyndon has no further liability under the Workers' Compensation Self Insurer's Bond formerly issued on behalf of Stone Container Corporation, and Lyndon has never issued any other workers compensation self insurer's bonds in Montana.

FURTHER AFFIANT SAYETH NAUGHT.

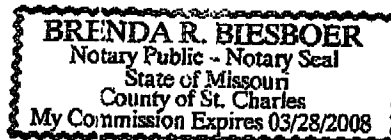

 J. Dale Koester
 Assistant Vice President/Surety Bond Manager
 For Lyndon Property Insurance Company

STATE OF MISSOURI)
) SS
 COUNTY OF ST. LOUIS)

Subscribed and sworn to before me by J. Dale Koester this the 9th day of
June, 2005.

My Commission expires: March 28, 2008


 NOTARY PUBLIC



IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA
WCC No. 2002-0676

AFFIDAVIT IN SUPPORT OF REQUEST TO DISMISS
LYNDON PROPERTY INSURANCE COMPANY

In Re:

Dale Reesor, Petitioners

vs.

Montana State Fund, Respondent/Insurers

* * * * *

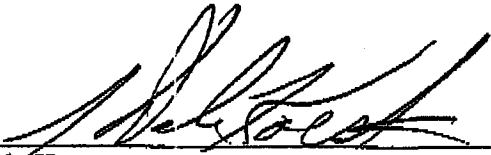
Comes the Affiant, J. Dale Koester, and after having been first duly sworn, states
as follows:

1. I hold the position of Assistant Vice President/Surety Bond Manager of Lyndon Property Insurance Company (hereinafter, "Lyndon").
2. Lyndon is a property & casualty insurance company, chartered in 1978 in the State of Missouri.
3. Lyndon received its Certificate of Authority to conduct business in Montana on August 7, 1980.
4. Lyndon has never written Workers' Compensation Insurance in Montana.
5. Upon application from Stone Container Corporation, on June 19, 2002 Lyndon issued a Workers' Compensation Self Insurer's Bond in support of Stone Container Corporation's qualification as a Self Insurer of its workers' compensation risks, Compensation Plan No. 1, in Montana.
6. In issuing the aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation, Lyndon was functioning as Surety, but not as an Insurer.
7. Surety for a bond in support of a Self Insurer under Compensation Plan No. 1 does not meet the definition of an "Insurer" as set forth in Montana Code Annotated 2003, 39-71-116(14), therefore Lyndon cannot be construed as an Insurer by reason of its obligation of suretyship.

8. The aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation was replaced by an Irrevocable Letter of Credit on June 30, 2004, and the Bond was exonerated and released as of that date.

9. Lyndon has no further liability under the Workers' Compensation Self Insurer's Bond formerly issued on behalf of Stone Container Corporation, and Lyndon has never issued any other workers compensation self insurer's bonds in Montana.

FURTHER AFFIANT SAYETH NAUGHT.




J. Dale Koester
Assistant Vice President/Surety Bond Manager
For Lyndon Property Insurance Company

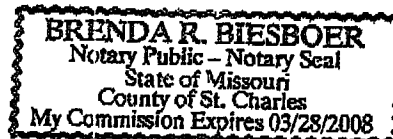
STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me by J. Dale Koester this the 9th day of
June, 2005.

My Commission expires: March 28, 2008



NOTARY PUBLIC



MAY 31 2005



Post Office Box 78190 San Francisco, CA 94107 415.247.7283 (FAX) 415.957-8704

Donald R. Bellinger
Vice President
e-mail: dbellinger@majesticinsurance.com

May 24, 2005

VIA FAX AND MAIL

Workers' Compensation Court
State of Montana
P.O. Box 537
Helena, MT 59624-0537

RE: Reesor v. Montana State Fund -WCC No. 2002-0676
Response to Summons and Notice of Attorney Fee Lien

Dear Sir or Madam:

Majestic Insurance Company ("Majestic") hereby responds to the Summons and Notice of Attorney Fee Lien in the above-referenced case.

Although Majestic is licensed as an insurer in Montana, it has never written any workers' compensation insurance in that state. Consequently, Majestic has not paid any Montana workers' compensation claims.

We trust that this is a sufficient response to the Summons and Notice of Attorney Fee Lien. We request that Majestic be dismissed from this case. Please contact the undersigned if anything further is required from us.

Very truly yours,

MAJESTIC INSURANCE COMPANY


Donald R. Bellinger

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226



Medical Assurance, Inc.

800/282-6242
Fax 205/802-4799
www.MedicalAssurance.com

MAY 6 2005

May 4, 2005

Workers Compensation Court
PO Box 537
Helena, MT 59624-0537

RE: The Medical Assurance Company, Inc.
Petitioner's Notice of Common Fund Attorney Fee Lien
WCC No. 2002-0676

To Whom It May Concern:

Pursuant to the request for an answer regarding the petitioner's request for certification of a common fund, please be advised that although Medical Assurance was licensed to write workers' compensation in Montana, we have not done so.

I believe that I have properly addressed this matter. If you have any questions or need anything further, please do not hesitate to contact me at (800) 282-6242, ext. 4426.

Sincerely,

LaQuita B. Goodwin
Compliance Specialist

cc: Mr. Thomas J. Murphy
Murphy Law Firm
PO Box 3226
Great Falls, MT 59403-3226

MAY 6 2005

700 Quaker Lane, PO Box 350, Warwick, RI 02887
Tel 401 827-3169 Fax 401 827-2674
ccavas@metlife.com

MetLife® Auto & Home

Charles P. Cavas
Assistant General Counsel

May 2, 2005

The Honorable Mike McCarter
Montana Worker's Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

Re: Dale Reesor vs. Montana State Fund
WCC No. 2002-0676

Catherine E. Satterlee, et al. vs.
Lumberman's Mutual Casualty Company
WCC No. 2003-0840

Dear Judge McCarter:

Metropolitan Property and Casualty Insurance Company ("Met P&C") and its Affiliate companies have received a Summons and Notice of Attorney Lien in both of the above referenced matters. Please be advised that while the following companies are licensed to do business in Montana as personal lines casualty insurers they do not, and have not, written workers' compensation insurance.

- Metropolitan Property and Casualty Insurance Company
- Metropolitan Casualty Insurance Company
- Metropolitan General Insurance Company
- Metropolitan Direct Insurance Company
- Economy Preferred Insurance Company
- Economy Premier Assurance Company
- Economy Fire & Casualty Insurance Company

As such, neither Met P&C nor its Affiliate companies will be filing a formal answer to these matters.

Should you believe this to be inappropriate, or should you need additional information, please do not hesitate to contact me.

Sincerely,



Charles P. Cavas
Assistant General Counsel
(401) 827-3169

:mjpb

cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P. O. Box 3226
Great Falls, Montana 59403-3226

JUN - 6 2005



June 1, 2005

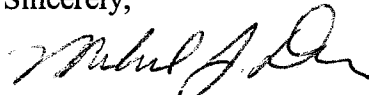
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Reesor v. Montana State Fund, 2004 MT 370

NorGUARD Insurance Company

NorGUARD Insurance Company did not issue any Workers' Compensation policies in the state of Montana and therefore did not pay any benefits to claimants injured on or after July 1, 1987, and prior to December 22, 2004.

Sincerely,



Michael J. Dufin
General Counsel

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Am**GUARD** • Nor**GUARD** • East**GUARD**

Home Office: 16 South River Street • P.O. Box A-H • Wilkes-Barre, Pennsylvania 18703-0020
570-825-9900 • 800-673-2465 • FAX 570-823-5930 • www.guard.com

MAY 23 2005



PENN-AMERICA GROUP, INC.

*Penn-America Insurance Company
Penn-Star Insurance Company*

Garland P. Pezzuolo
Vice President, Secretary & General Counsel

Direct Dial Number: (215) 443-3649
Direct Fax Number: (215) 443-3603

May 17, 2005

Workers' Compensation Court
State of Montana
P.O. Box 537
Helena, Montana 59624-0537

Re: Reesor vs. Montana State Fund
WCC No. 2002-0676
Petitioner's Summons and Notice of Attorney Fee Lien

Dear Sir or Madam:

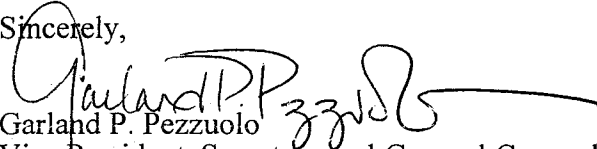
I am responding on behalf of Penn-Star Insurance Company ("Penn-Star") with regard to the above-referenced matter.

Penn-Star was licensed as a surplus lines carrier in the State of Montana on November 30, 2000. While Penn-Star is authorized to write excess workers' compensation and other property and casualty lines of business on a surplus lines basis, it does not, nor has it ever written any workers' compensation coverage in Montana or elsewhere.

I trust this is responsive to the above referenced pleading. If not, kindly advise.

Thank you for your time and attention.

Sincerely,


Garland P. Pezzuolo
Vice President, Secretary and General Counsel

cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, Montana 59403-3226
Attorney for Petitioner



MAY 9 2005

May 5, 2005

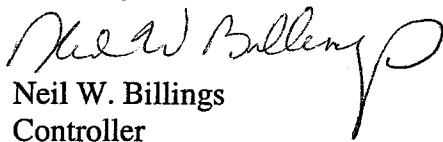
Thomas J. Murphy
Murphy Law Firm
PO Box 3226
Great Falls, MT 59403-3226

RE: Dale Reesor vs. Montana State Fund

Dear Mr. Murphy:

In response to your Summons and Notice of Attorney Fee Lien in the above case, Professionals Advocate Insurance Company has not written any workers compensation premium in the state of Montana. Therefore the company has not had or paid any claims in the state and does not have anything to report for this case. Please contact Linda Morrison at 800-492-0193 x236 if you need anything further. Thank you for your assistance.

Sincerely,


Neil W. Billings
Controller

CC: Workers Compensation Court

Oliver H. Goe
BROWNING, KALECZYC, BERRY & HOVEN, P.C.
139 N. Last Chance Gulch
P.O. Box 1697
Helena, MT 59624-1697
Phone: (406) 443-6820
Fax: (406) 443-6895

ATTORNEYS FOR SAGAMORE INSURANCE COMPANY

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,	)	WCC No. 2002-0676
)	
PETITIONER,)	
v.	)	MOTION FOR DISMISSAL OF
	)	SAGAMORE INSURANCE COMPANY
MONTANA STATE FUND,)	
)	
Respondent/Insurer)	
)	

Comes now the Sagamore Insurance Company and through its attorney of record, Oliver H. Goe, moves for dismissal. The Sagamore Insurance Company has never written a Montana workers' compensation policy and as such should not be a party to these proceedings.

DATED this 14th day of June, 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

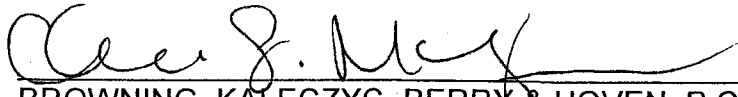
BY: 
Oliver H. Goe

ATTORNEYS FOR SAGAMORE INSURANCE CO.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2005, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Thomas Murphy
Murphy Law Firm
P.O. Box 3226
619 Second Ave South
Great Falls, MT 59403-3226


BROWNING, KALECZYC, BERRY & HOVEN, P.C.

Bradley J. Luck
Thomas J. Harrington
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595

Attorneys for Southern Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,

Petitioner,

v.

MONTANA STATE FUND

Respondent.

WCC No. 2002-0676

NOTICE OF REPRESENTATION OF
SOUTHERN INSURANCE COMPANY

TO: WORKERS' COMPENSATION COURT and THOMAS J. MURPHY, counsel for
Petitioner

COMES NOW Southern Insurance Company and hereby provides notice that the law firm of Garlington, Lohn & Robinson, PLLP, will represent it in the above-referenced matter. Please serve all necessary documents upon Bradley J. Luck, 199 W. Pine, P.O. Box 7909, Missoula, MT 59807-7909.

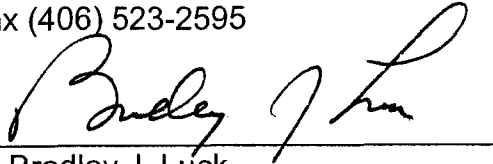
//

//

DATED this 6 day of June, 2005.

Attorneys for Southern Insurance Company

GARLINGTON, LOHN & ROBINSON, PLLP
199 W. Pine • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595

By 
Bradley J. Luck

CERTIFICATE OF MAILING

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Southern Insurance Company, hereby certify that on this 6th day of June, 2005, I mailed a copy of the foregoing *Notice of Representation of Southern Insurance Company*, postage prepaid, to the following persons:

Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226



COPY

JUN - 7 2005

Bradley J. Luck
Thomas J. Harrington
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595

Attorneys for Southern Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,

Petitioner,

v.

MONTANA STATE FUND

Respondent.

WCC No. 2002-0676

RESPONSE TO SUMMONS OF
SOUTHERN INSURANCE COMPANY

COMES NOW Southern Insurance Company and pursuant to the Summons issued by this Court on April 22, 2005, hereby sets forth the following defenses to Petitioner's attorney's request for certification of a common fund and enforcement of his attorney fee lien.

The plain language of Petitioner's attorney fee lien indicates he is seeking common fund attorney fees on every workers' compensation claim with a date of injury occurring on or after July 1, 1987 through December 22, 2004, wherein a claimant was denied workers' compensation benefits as a result of the operation of Montana Code Annotated § 39-71-710. Southern Insurance Company requests dismissal from the above-referenced matter because it has not written any workers' compensation policies in the State of Montana dating back to and including calendar year 1974. If this Court refuses to dismiss Southern Insurance Company, then Southern Insurance Company asserts the following with respect to the common fund request of Petitioner's counsel:

1. The decision in *Reesor v. Montana State Fund*, 2004 MT 370, 325 Mont. 1, 103 P.3d 1019, does not create a common fund;

2. The failure of Petitioner's counsel to plead *ab initio* an entitlement to common fund attorney fees or class certification in the pre-remand proceedings bars his post-remand request for common fund fees;

3. The issue in *Reesor* was limited to whether the age limitation on permanent, partial disability benefits set forth in Montana Code Annotated § 39-71-710 violated the Equal Protection Clause of the Montana Constitution. However, the attorney fee lien of Petitioner's counsel improperly seeks to expand the scope of the *Reesor* decision by applying it to all classes of claimants;

4. The decision in *Reesor* applies prospectively only pursuant to the *Chevron Oil* test of non-retroactivity, which was most recently modified by the Montana Supreme Court in *Dempsey v. Allstate Ins. Co.*, 2004 MT 391, 325 Mont. 207, 104 P.3d 483;

5. The decision in *Reesor* cannot be applied retroactively because retroactive application would constitute an unconstitutional impairment of contract;

6. If *Reesor* applies retroactively, the common fund attorney fee lien of Petitioner's counsel has no applicability to claims occurring on or after April 21, 2003 because of the legislative prohibition on common fund attorney fees set forth in Montana Code Annotated § 39-71-611(3) (2003) and Montana Code Annotated § 39-71-612(4) (2003);

7. If *Reesor* applies retroactively, the common fund attorney fee lien of Petitioner's counsel has no applicability to claims occurring on or after July 1, 1991 through June 30, 1995 because the language of Montana Code Annotated § 39-71-710 (1991 & 1993) did not provide for termination of partial disability benefits upon the receipt of social security retirement benefits, according to the Montana Supreme Court's decision in *Russette v. Chippewa Cree Housing Authority* (1994), 265 Mont. 90, 92-93, 874 P.2d 1217, 1218. Although Montana Code Annotated § 39-71-710 was amended in 1995 in response to *Russette*, PPD benefits were paid after retirement age under the 1991 and 1993 version of the Workers' Compensation Act;

8. If *Reesor* applies retroactively, settled files or files which were adjudicated are excluded from the implementation process;

9. If *Reesor* applies retroactively, the files of deceased claimants are excluded from the implementation process;

10. If *Reesor* applies retroactively, the doctrine of laches and/or the statute of limitations serve to bar any additional entitlement on claims which failed to timely present a challenge to Montana Code Annotated § 39-71-710;

11. If *Reesor* applies retroactively, Petitioner's counsel should be required to

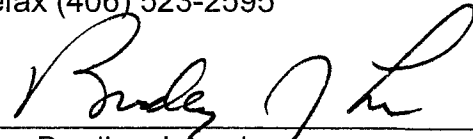
bear the financial burden of the identification and entitlement determination process, which includes the administrative and claims-related costs associated with obtaining sufficient medical and vocational information; and

12. Southern Insurance Company incorporates the defenses raised by the other insurers named in the global Summons and requests the right to add additional defenses throughout the duration of the post-remand proceedings, especially since many of the implementation issues will not be discovered unless *Reesor* is applied retroactively and the parties actually begin the implementation process.

DATED this 6 day of June, 2005.

Attorneys for Southern Insurance Company

GARLINGTON, LOHN & ROBINSON, PLLP
199 W. Pine • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595

By 
Bradley J. Luck

CERTIFICATE OF MAILING

I, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Southern Insurance Company, hereby certify that on this 6th day of June, 2005, I mailed a copy of the foregoing *Response to Summons of Southern Insurance Company*, postage prepaid, to the following persons:

Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226


Sandra E. Codrigan



MAY 31 2005

Julie Pollack
Associate General Counsel

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Clerk of Court
Workers Compensation Court of the State of Montana
P.O. Box 537
Helena, MT 59624-0537

Swiss Reinsurance America Corporation
175 King St.
Armonk, NY 10504
USA
Direct line (914) 828-8633
Direct fax (914) 828-7633
Julie_Pollack@swissre.com

Reesor v. Montana State Fund, WCC NO. 2002-0676

May 26 2005

Dear Sir or Madam:

I write on behalf of Swiss Reinsurance America Corporation and its affiliates, North American Elite Insurance Company and North American Specialty Insurance Company. We are in receipt of the Summons and Notice of Attorney Fee Lien in the above referenced matter.

Please be advised that:

- (a) Swiss Reinsurance America Corporation ("SRA") is a professional reinsurer. SRA has never written workers' compensation insurance in the State of Montana.
- (b) North American Elite Insurance Company ("NAE") has never written workers' compensation insurance in the State of Montana.
- (c) North American Specialty Insurance Company ("NAS") wrote a limited number of workers' compensation insurance policies in the State of Montana. However, after a diligent search of its records, NAS has established that it has no claims with potential exposure in this matter.

In light of the foregoing, we request the dismissal of SRA, NAE and NAS from the above-captioned matter. It is our understanding that this can be accomplished without the necessity of a formal pleading. If the Court disagrees or has any questions, please contact the undersigned.

Sincerely,


Julie Pollack

cc: The Honorable Michael McCarter
Workers Compensation Court of the
State of Montana
P.O. Box 537
Helena, MT 59624-0537

Thomas J. Murphy, Esq. ✓
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

MAY 9 2005

TRIAD GUARANTY INSURANCE CORPORATION

101 South Stratford Road
Winston-Salem, NC 27104



Julia Hines Turner

*Assistant Vice President, Assistant General Counsel &
Assistant Corporate Secretary*

336.723.1282 x1268

800.451.4872 x1268

336.331.1510 (fax)

May 5, 2005

Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Re: Dale Reesor vs. Montana State Fund

Dear Mr. Murphy:

Please be advised that Triad Guaranty Insurance Corporation is a monoline mortgage insurance company. By law and charter, we are a monoline company and only write mortgage insurance. As such, we do not believe we fall under the companies to which the above-referenced case involves. We do not write Workers Compensation insurance.

We would prefer not to have to hire counsel in Montana to file and Answer and have us dismissed. If you could just dismiss us from the suit, we would certainly appreciate it. Please let me hear from you on this matter. I can be reached at 800.451.4872 x1268.

Sincerely yours,

Julia H. Turner
AVP, Asst. General Counsel and
Asst. Corporate Secretary

Triad Guaranty Insurance Corporation
P.O. Box 2300 Winston-Salem, NC 27102
101 South Stratford Road Winston-Salem, NC 27104

MAY 10 2005

Triton Insurance Company

3001 Meacham Blvd., Suite 200 - 1SE01
Fort Worth, Texas 76137
Phone: 817/ 348-7525
Fax: 817/ 348-7530
E-mail: leem@citifinancial.com

May 5, 2005

Worker's Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Re: *Dale Reesor, Petitioner vs. Montana State Fund, Respondent/Insurer*
Petitioner's Notice of Common Fund Attorney Fee Lien, Case No. WCC No. 2002-0676

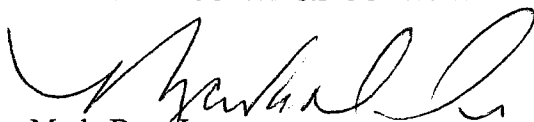
Dear Sir or Madam:

We acknowledge receipt of the above-referenced Notice.

Triton Insurance Company primarily writes collateral protection insurance and credit involuntary unemployment insurance coverages on a group basis through a relationship with financial institutions. Triton does not now nor has it ever written workers' compensation insurance coverage.

In view of the above, we respectfully request that Triton be removed from the list of insurers as the *Reesor* decision is not applicable to Triton.

Sincerely,
TRITON INSURANCE COMPANY



Marla Dena Lee
Associate General Counsel

MDL/rh

Cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

**ULLICO Inc.**

1625 Eye Street, NW
Washington, DC 20006
202.682.0900

www.ullico.com

Patrick McGlone
Associate General Counsel
Tel: 202/682-6967
Facsimile: 202/682-6784
E-mail: pmcglone@ullico.com

May 4, 2005

VIA FACSIMILE & US MAIL

Thomas J. Murphy, Esq.
P.O. Box 3226
Great Falls, MT 59403-3226

Re: Dale Reesor v. Montana State Fund, WCC No. 2002-0676

Dear Mr. Murphy:

I am counsel for ULLICO Inc., parent company to subsidiary, Ulico Casualty Company ("Ulico"). I am writing in response to the Summons and Notice of Attorney Fee Lien that we received regarding the above-captioned matter.

After an investigation and review of our records, we have determined that Ulico did not pay any workers compensation claims in the state of Montana during the relevant period set forth in paragraphs 2 and 3 of the attachment to the Notice of Lien. Nor did Ulico receive any claims for processing.

Accordingly, Ulico cannot have any liability for any attorney's liens. I request that you consent to dismissal of Ulico from the pending matter. If you are unwilling to consent to the dismissal of Ulico, please let me know at your earliest opportunity so we may prepare the appropriate pleadings for filing with the Court.

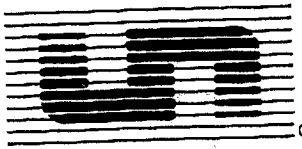
Please contact me or my paralegal Jody Keegan at 202-962-2966 if you have any questions regarding this matter.

Sincerely,

Patrick McGlone

PMC/jtk

MAY 6 2005



**united national
casualty insurance
company**

Three Bala Plaza, East
Suite 300
Bala Cynwyd, PA 19004-3499
Main: (610) 664-1500
Fax: (610) 660-8882
Claims: (610) 660-8877
www.unitednat.com

April 29, 2005

Workers' Compensation Court
of the State of Montana
P.O. Box 537
Helena, Montana 59624-0537

Re: Reesor vs. Montana State Fund
WCC No. 2002-0676
Petitioner's Notice of Common Fund
Attorney Fee Lien

Dear Sir or Madam:

I am responding on behalf of United National Casualty Insurance Company ("United National Casualty") with regard to the above referenced matter. United National Casualty was licensed in the State of Montana on November 10, 2003.

While United National Casualty is licensed to write all property and casualty lines of business, it does not nor has it ever written any Workers Compensation coverage in Montana or elsewhere.

I trust this is responsive to the above referenced Pleading. If not, kindly advise. Thank you.

Very truly yours,

Linda C. Hohn
Vice President &
Associate General Counsel

cc: Thomas J. Murphy, Esq.
Murphy Law Firm
P.O. Box 3226
Great Falls, Montana 59403-3226

JUN 13 2005

Mr. Thomas J. Murphy
Murphy Law Firm
PO Box 3226
Great Falls, MT 59403-3226

Re: WCC No. 2002-0676
Dale Reesor (petitioner) vs. Montana State Fund

Dear Mr. Murphy:

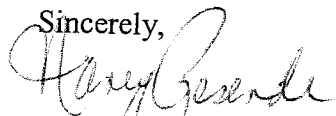
Providence Washington Insurance Company and York Insurance Company have been made respondents to the petitioner's common fund claims and summoned to answer the petitioner's request for certification of a common fund and enforcement of his attorney's lien.

According to our records, Providence Washington Insurance Company did write a workers' compensation policy in the state of Montana. The policy number is WC 0930087 with an effective date of 10/12/79. There was one claim recorded on this policy with a loss date of 7/4/80.

Our records further indicate that York Insurance Company did not write any workers' compensation policies in the state of Montana; thus, York Insurance Company is respectfully resigning from this action.

Please let me know if you need any further information from me. Please feel free to contact me with any questions at 401-453-7431.

Sincerely,



Nancy Resende
Sr. Internal Auditor

IN THE WORKERS' COMPENSATION COURT
OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR,

Petitioner

vs.

MONTANA STATE FUND;
ZENITH INSURANCE COMPANY, et al

Respondents/Insurer

RESPONSE OF ZENITH INSURANCE COMPANY

1. Zenith Insurance Company ("Zenith") was licensed to transact workers' compensation in the State of Montana on May 19, 1997.
2. Since 1997 Zenith has not incurred any workers' compensation claims in the State of Montana that would be subject to the Petitioner's alleged common fund claims.
3. Zenith is not, therefore, a member of the claimed common fund, and is not subject to the alleged attorney fee lien, or the costs of this litigation.

DATED: June 3, 2005



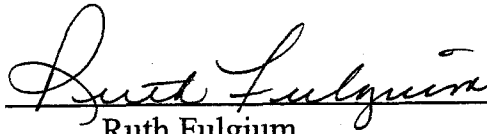
Diane Heidenreich, Esq.
Attorney for Respondent
Zenith Insurance Company
21255 Califa Street
Woodland Hills, CA 91367
(818) 594-5328

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2005, I filed the original Answer on the Workers' Compensation Court, and a true and correct copy of the Answer on the attorney for Petitioner by United States Postal Express Mail, as follows:

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

Thomas J. Murphy, Esq.
Murphy Law Firm
PO Box 3226
Great Falls, MT 59403-3226


Ruth Fulgium