

Steven W. Jennings
Crowley, Haughey, Hanson,
Toole & Dietrich P.L.L.P.
P. O. Box 2529
Billings, MT 59103-2529
Telephone: (406) 252-3441
Facsimile: (406) 252-5292

FILED

JUN 13 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Attorneys for MICHIGAN MILLERS MUTUAL INSURANCE COMPANY

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,

Petitioner,

vs.

MONTANA STATE FUND,

Respondent/Insurer.

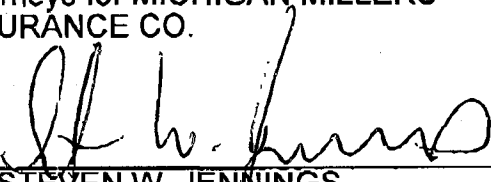
WCC No. 2002-0676

MOTION TO RETRACT MOTION TO
WITHDRAW RESPONSE ON
BEHALF OF MICHIGAN MILLERS
MUTUAL INSURANCE CO.

On June 8, 2005, counsel for Millers First Insurance Company filed a *Motion to Withdraw Response to Petitioner's Claim for Common Fund Attorneys Fees*. In that motion, counsel for Millers First Insurance Company explained that due to the similarity in names between Millers First Insurance Company and Michigan Millers Mutual Insurance Co., counsel had inadvertently filed a response on behalf of Michigan Millers Mutual Insurance Co. who counsel did not represent. Accordingly, counsel requested that this Court permit it to withdraw the response filed on behalf of Michigan Millers Mutual Insurance Co. By happenstance, on June 10, 2005, Michigan Millers Mutual Insurance Co. contacted counsel and requested representation in the above-entitled case. Accordingly, counsel now requests that this Court permit the withdrawal of the *Motion to Withdraw Response to Petitioner's Claim for Common Fund Attorneys Fees*, dated June 8, 2005, and the reinstatement of the Original Response filed on June 6, 2005. Counsel for Petitioner, Thomas Murphy has been contacted and does not object to this motion nor does he object to the late filing or alternatively, reinstatement of the original response as of June 6, 2005.

Dated this 13th day of June, 2005.

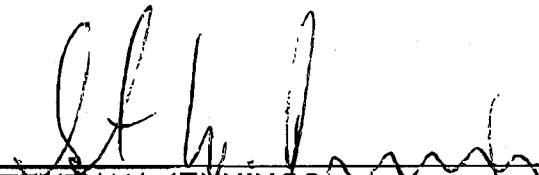
CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.
Attorneys for MICHIGAN MILLERS
INSURANCE CO.

By: 
STEVEN W. JENNINGS

CERTIFICATE OF SERVICE

I, STEVEN W. JENNINGS, one of the attorneys for the law firm of Crowley, Haughey, Hanson, Toole & Dietrich P.L.L.P., hereby certify that on the 13th day of June, 2005, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

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


STEVEN W. JENNINGS

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

STEPHEN M. BARRETT
COLBY L. BRANCH * #
KATY A. BRANDIS
ALAN C. BRYAN #
ASHLEY DURLISSON
DAVID L. CHARLES
PAUL C. COLLINS
GARY M. CONNELLEY
RENÉE L. COFFOCK
MARCIA J. DAVENPORT
JASON A. DELMUE
MICHAEL S. DOCKERY
JOHN B. DUDIS, JR.
JON T. DYRE #
MARY SCRIM DYRE
SCOTT A. FISK
BRUCE A. FREDRICKSON *
MICHAEL W. GREEN

ROBERT C. GRIFFIN
PETER F. HABEIN
SCOTT D. HAQEL
NATHAN S. HANEY
KEVIN P. HEANEY
KENNETH C. HEDGE *
JAMES R. HINTZ
URIAN HOLLAND
LARRY A. HOLLIS
STEVEN W. JENNINGS
DANIEL D. JOHNS
DARIN W. JOHNSON
JOEL L. KALVA
ALLAN L. KARELL
KIELY S. KEANE
PETER M. KIRWAN
WILLIAM D. LAMBIN III
MICHAEL J. LANSING #

KENNETH K. LAY
JOHN R. LEE *
JARED M. LE FEVRE
STEVEN J. LEHMAN
JULIE A. LICHTER
DENISE D. LINFORD #
JASON P. LOBLE
CHRIS MANGEN, JR.
WILLIAM J. MATTIX
JOE C. MAYNARD, JR.
JOHN H. MAYNARD
JOSEPH P. MAZUREK
IAN MCINTOSH
DANIEL N. McLEAN
MATTHEW P. McLEAN #
ROBERT G. MICHELOTTI, JR.
STEVEN R. MILCH
KIMBERLY S. MORE

DONALD R. MURRAY, JR.
KRISTIN L. OMYG
JEFFERY J. OVEN #
SHANE D. PETERSON *
HERBERT I. PIERCE III
FRED C. RATHER *
STEVEN P. RUFFATTO
GINA S. SHERMAN
SCOTT M. SHINGLSTON
JAMES P. SITES
CARTH H. STUE *
LEONARD M. SMITH
CHRISTOPHER C. VOIGT #
DAVID M. WAGNER
NEIL G. WESTUSON
BRYAN P. WILSON
RONALD B. YOUNG

RETIRED
JAMES M. HAUGHEY
BRUCE R. TOOLE

OF COUNSEL
GEORGE C. DALTHORP
JOHN M. DIETRICH
DAVID L. JOHNSON
CAROL P. KRIEGER
ARTHUR P. LAMBY, JR.
LOUIS R. MOORE *
MYLES J. THOMAS
FRED B. 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) 929-2732

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

June 13, 2005

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

VIA FAX & U.S. MAIL:

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

Dear Clerk:

On behalf of our client Michigan Millers Mutual Insurance Company, please find a Motion to Retract Motion to Withdraw Response in the matter referenced above, with proposed Order.

Thank you in advance for your assistance with this matter.

Sincerely yours,

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

Myrna Henschel, PLS

Myrna Henschel, Certified PLS
Legal Secretary to Steven W. Jennings

mlh
Enclosures
c (w/encls.): Thomas Murphy, Esq.