

Daniel J. Whyte  
KELLER, REYNOLDS, DRAKE,  
JOHNSON & GILLESPIE, P.C.  
50 South Last Chance Gulch  
P.O. Box 598  
Helena, MT 59624  
406/442-0230 Tele.  
406/449-2256 Fax.

**FILED**

**JUN - 6 2005**

Attorneys for Vanliner Insurance Company

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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DALE REESOR,	)	WCC NO. 2002-0676
	)	
Petitioner,	)	
	)	<b>NOTICE OF LIMITED</b>
vs.	)	<b>APPEARANCE</b>
	)	
MONTANA STATE FUND,	)	
	)	
Respondent/Insurer.	)	

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COMES NOW, the undersigned, and notifies the Court and counsel for the parties of the Limited Appearance of Daniel J. Whyte and the law firm of Keller, Reynolds, Drake, Johnson & Gillespie, P.C., in this matter on behalf of Vanliner Insurance Company (Vanliner). This appearance is strictly limited to issues raised by this Court in its April 19, 2005 Notice.

By making this Limited Appearance, Vanliner, does not consent to be a party to this action and does not wish to intervene in the action. Furthermore, Vanliner does not consent to be a party to this action or member of any class, nor do they consent to the sufficiency of Notice or jurisdiction of this Court. The appearance will be for the limited purpose of opposing class certification particularly as it relates to any potential class of defendants. Defendants are not appearing for purposes of any discovery or resolution of any factual or legal issues other than whether this Court should entertain a class action as proposed or that the common fund doctrine would be applied.

Vanliner Insurance has one claim potentially effected by this matter. In that claim, Vanliner is currently not paying benefits to the claimant but anticipates that it will eventually make payments towards a fully final settlement. At such as it does make full and final settlement with this claimant, it will pay benefits in accordance with §39-71-710, MCA, as

written or until the Workers' Compensation Court and/or the Montana Supreme Court determines that the statute is unconstitutional.

Because Vanliner has limited liability in this matter and only potential liability because the current single claim that may be effected is not currently effected, Vanliner request dismissal from this action.

DATED this 6<sup>th</sup> day of June, 2005.

KELLER, REYNOLDS, DRAKE,  
JOHNSON & GILLESPIE, P.C.



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Daniel J. Whyte  
50 South Last Chance Gulch  
P.O. Box 598  
Helena, MT 59624  
Attorney for Vanliner Insurance

#### CERTIFICATE OF SERVICE

I, Daniel J. Whyte, hereby certify that I served a true and correct copy of **LIMITED NOTICE OF APPEARANCE**, to the following:

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

DATED this 6<sup>th</sup> day of June, 2005.



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Daniel J. Whyte