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ATTORNEYS FOR RESPONDENT/INSURER

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL,

Petitioner,

v.

LIBERTY NW INS. CORP.,

Respondent/Insurer,

and

MONTANA STATE FUND,

Intervenor.

ARGONAUT'S RESPONSE TO PETITIONER'S MOTION
FOR ORDER TO SHOW CAUSE

Argonaut Insurance Co., Argonaut Midwest Insurance Co. and Argonaut Northwest Ins. Co. (collectively "Argonaut") respond to Petitioner's Motion for Order to Show Cause as follows.

Argonaut has reviewed its computer files for Montana Occupational Disease claims for the period of 1987 through 2001. Four files were identified in which an apportionment had been made. In none of the files were payments made after July 22, 2001, the latest payment on any of the claims being made in April 1998. As such and

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pursuant to holding in *Flynn v. Montana State Fund*, 2010 MTWCC and *Flynn-Miller v. Montana State Fund and Liberty Northwest Ins. Corp.*, 2011 MT 30, such claims are closed claims and not part of the common fund.

An affidavit will be filed shortly allowing for dismissal.

DATED this 21st day of June, 2016.

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

BY: _Oliver Goe_

Oliver H. Goe

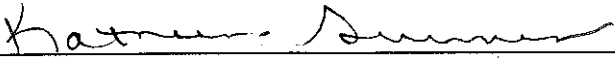Attorneys for Respondent/Insurer

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June, 2016, a true and correct copy of the foregoing was deposited in the United States mail, postage prepaid, and addressed as follows:

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