

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. \_\_\_\_\_

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Petitioner

vs.

Respondent/Insurer.

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**AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
: ss.  
County of \_\_\_\_\_ )

¶1 I \_\_\_\_\_ (**NAME**), being first duly sworn upon oath, depose and say:

¶2 I, \_\_\_\_\_ (**NAME**), am the \_\_\_\_\_ (**POSITION**) of \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**).

¶3 In my capacity as \_\_\_\_\_ (**POSITION**) of \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**), I am authorized to make the statements set forth in this affidavit on behalf of \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) and to bind \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) by these statements.

¶4 After a review of our records, I swear under oath that \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

- \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) has never written workers' compensation insurance in the state of Montana;
- \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) does not have any Montana claims;
- \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**) was or is in liquidation during the period in question set forth in the amended summons served upon me.

¶15 I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which counsel for Petitioner[s] may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of \_\_\_\_\_ (**NAME OF INSURER OR SELF-INSURER**). After such 90 days, if no objection is lodged by counsel for Petitioner[s], the Court will dismiss the insurer/self-insurer from this action based on the sworn statements made by me in this affidavit.

¶16 I declare under penalty of perjury that the foregoing is correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_