

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

and

CARL MILLER, Individually and on Behalf of
Others Similarly Situated

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor

FILED

JAN 30 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT OF A. BRUCE CASTEEL

STATE OF INDIANA)

: ss.

County of Vanderburgh)

I, A. Bruce Casteel, being first duly sworn upon oath, depose and say:

I, A. Bruce Casteel, am the Compliance Officer for Yosemite Insurance Company.

In my capacity as Compliance Officer for Yosemite Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of Yosemite Insurance Company and to bind Yosemite Insurance Company by these statements.

After review of our records, I swear under oath that Yosemite Insurance Company should be dismissed from above-entitled action for any or all of the following reasons (check any or all that apply):

DOCKET ITEM NO. 449

- Yosemite Insurance Company has never written workers' compensation insurance in the state of Montana
- Yosemite Insurance Company does not have any Montana claims;
- Yosemite Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Yosemite Insurance Company was or is in liquidation during the period in question set forth in the amended summons served upon me.

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 Yosemite Insurance Company. 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.

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

DATED this 26th day of Jan, 2006.

A. Bruce Casteel

A. BRUCE CASTEEL
Compliance Officer
Yosemite Insurance Company

Signed and sworn to before me this 26th day of January, 2006.

W. L. Beedle
Notary Public for the State of Indiana
Residing at: Vanderburgh County
My Commission Expires: 6-2-2007

(Seal)

**AMERICAN
GENERAL
FINANCIAL SERVICES**

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601 N.W. Second Street
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January 26, 2006

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

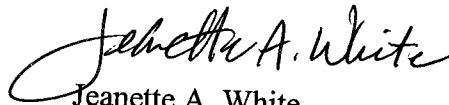
Re: Flynn and Miller v. Montana State Fund, WCC #200-0222

Dear Clerk of Court:

Pursuant to the Court's Memo of December 6, 2005, I have enclosed the affidavit of A. Bruce Casteel, Compliance Officer for Yosemite Insurance Company. Please file the enclosed in the above captioned case on behalf of Yosemite Insurance Company.

Please feel free to contact me if you have any questions. Thank you for your assistance.

Sincerely,


Jeanette A. White
Senior Attorney

Enclosure

cc: J. Cort Harrington, Jr.

JAW/mbd