

FILED

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APR 26 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

ATTORNEYS FOR Trinity Universal Insurance Co. of Kansas, Trinity Universal Insurance Co. and Security National Insurance Co.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,)
Individually and on Behalf of Others)
Similarly Situated,)
)
Petitioners,)
v.)
MONTANA STATE FUND,)
)
Respondent/Insurer)
And)
)
LIBERTY NORTHWEST INSURANCE)
CORPORATION.)

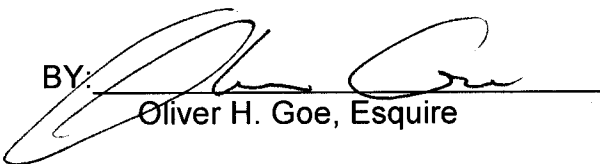
WCC No. 2000-0222

**MOTION TO DISMISS TRINITY
UNIVERSAL INSURANCE CO., OF
KANSAS, TRINITY UNIVERSAL
INSURANCE CO. AND SECURITY
NATIONAL INSURANCE CO.**

Trinity Universal Insurance Co. of Kansas, Trinity Universal Insurance Co. and Security National Insurance Co., through its attorney of record Oliver H. Goe, hereby requests that it be dismissed from these proceedings. As reflected in the Affidavit of Mr. Doug Mahan, Trinity Universal Insurance Co. of Kansas, Trinity Universal Insurance Co. and Security National Insurance Co. have reviewed their claim files and have no claimants meeting the court's criteria in this matter as set forth in the Summons.

This Motion is supported by the Affidavit of Doug Mahan, Team Manager for Trinity Universal Insurance Co. of Kansas, Trinity Universal Insurance Co. and Security National Insurance Co. Mr. Mahan's Affidavit is filed simultaneously herewith.

DATED this 25 day of April, 2006.

BY: 
Oliver H. Goe, Esquire

DOCKET ITEM NO. 515

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MAR 17 2006

BROWNING, KALECZYC
BERRY & HOVEN, PC

ATTORNEYS FOR Trinity Universal Insurance Co. of Kansas, Trinity Universal Insurance Co. and Security National Insurance Co.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,)	WCC No. 2000-0222
Individually and on Behalf of Others)	
Similarly Situated,)	
)	
Petitioners,)	AFFIDAVIT OF DOUG MAHAN
v.)	
)	
MONTANA STATE FUND,)	
)	
Respondent/Insurer)	
)	
And)	
)	
LIBERTY NORTHWEST INSURANCE)	
CORPORATION.)	

STATE OF)
 : ss.
COUNTY OF)

I, Doug Mahan, being first duly sworn upon oath, depose and say:

1. That I am the Team Manager for Trinity Universal Insurance Company of Kansas, Trinity Universal Insurance Company and Security National Insurance Co. collectively referred to as Trinity.

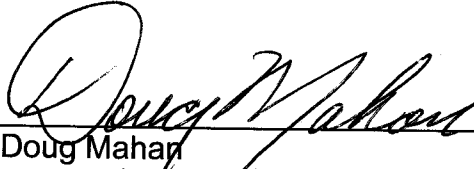
2. In my capacity as Team Manager of Trinity, I am authorized to make the statements set forth in this affidavit on behalf of Trinity and to bind Trinity by these statements.

3. After a review of our records, I swear under oath that Trinity should be dismissed from the above-entitled action for the reason that Trinity has no claimants meeting the Court's criteria in this matter as set forth in the summons.

4. 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 may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of Trinity. After such 90 days, if no objection is lodged by counsel for Petitioner, the Court will dismiss the insurer/self-insurer from this action based on the sworn statements made by me in this affidavit.

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

DATED this 13 day of March, 2006.




Doug Mahan



Title

SIGNED AND SWORN TO before me this 13th day of March, 2006.



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

