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IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA **FILED**

WCC NO. 2000-0222

JUN 19 2007

ROBERT FLYNN

and

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

CARL MILLER, Individually and on behalf of Others Similarly Situated,

Petitioners

vs.

MONTANA STATE FUND

AMERICAN PHYSICIANS ASSURANCE CORPORATION

INSURANCE CORPORATION OF AMERICA

Respondents/Insurers.

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**AFFIDAVIT FOR DISMISSAL**

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF INGHAM     )

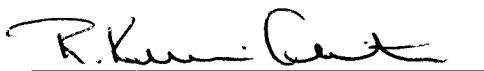
1. I, R. Kevin Clinton, being first duly sworn upon oath, depose and say:
2. I, R. Kevin Clinton, am the President and Chief Executive Officer of American Physicians Assurance Corporation ("APA") and Insurance Corporation of America ("ICA").
3. In my capacity as President and Chief Executive Officer of APA and ICA, I am authorized to make the statements set forth on behalf of APA and ICA and to bind APA and ICA by these statements.
4. After a review of our records, I swear under oath that APA and ICA should be dismissed from the above-entitled action for any or all of the following reasons:
  - a. APA and ICA have never written workers' compensation insurance in the State of Montana;
  - b. APA and ICA do not have any Montana claims;

c. APA and ICA have no claimants meeting the Court's criteria in this matter as set forth in the summons.

5. 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 Petitioners may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of APA and ICA. After such 90 days, if no objection is lodged by counsel for Petitioners, the Court will dismiss the insurers from this action based on the sworn statements made by me in this affidavit.

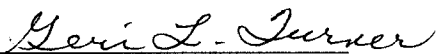
6. I declare under penalty of perjury that the foregoing is correct.

Dated this 11<sup>th</sup> day of June, 2007.



R. Kevin Clinton  
President and CEO

Signed and sworn to before me this 11 day of June, 2007.

  
Notary Public for the State of Michigan  
My commission expires:

GERI L. TURNER  
Notary Public, State of Michigan  
County of Clinton  
Commission Expires Nov. 13, 2010  
ing in the County of Bozeman