



The Advantage of Partnership

Amerisure Mutual Insurance Company  
Amerisure Insurance Company

CAROL A. TAYLOR  
Vice President - Counsel & Compliance Officer

March 31, 2008

**FILED**

APR - 8 2008

Workers' Compensation Court  
1625 Eleventh Avenue  
Helena, Montana 59620-1601

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Re: Robert Flynn and Carl Miller v Montana State Fund and Liberty Northwest  
Insurance Corporation  
Amerisure Mutual Insurance Company  
Our File: Corporate Litigation – Suits Against the Company – Flynn v Montana  
State Fund

Dear Sirs/Madam:

The purpose of this letter is to request dismissal of the captioned case as it pertains to Amerisure Mutual Insurance Company, based on an affidavit dated January 8, 2007 filed with your office, a copy of which is enclosed for your convenience.

If you have any questions in this regard, please feel free to contact my office at your convenience.

Sincerely,

Carol A. Taylor

csc

cc: Mr. Rex Palmer  
Attorneys Inc., P.C.  
301 W. Spruce  
Missoula, MT 59802

I:\MELLIE\summons & subpoena\flynn-miller - ltr to wc court requesting dismissal.doc

DOCKET ITEM NO. 571

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

**WCC No. 2000-0222**

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**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.**

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**AMERISURE MUTUAL INSURANCE COMPANY**

**AFFIDAVIT**

STATE OF MICHIGAN     )  
                                      : ss.  
COUNTY OF OAKLAND    )

1. I, Carol A. Taylor, being first duly sworn upon oath, depose and say:
2. I, Carol A. Taylor, am the Vice President – Counsel of Amerisure Mutual Insurance Company.
3. In my capacity as Vice President – Counsel of Amerisure Mutual Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of Amerisure Mutual Insurance Company and to bind Amerisure Mutual Insurance Company by these statements.
4. After a review of our records, I swear under oath that Amerisure Mutual Insurance Company should be dismissed from the above-entitled action, as Amerisure Mutual Insurance Company has paid one half of claimant Dennis Gates' attorney's fees incurred for social security benefits, which were offset against his workers' compensation benefits. These payments were made as follows: 1/12/06 to Dennis Gates and Attorney Robert Ogg in the amount of \$1,473, and 1/12/06 to Rex Palmer in the amount of \$491.

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 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 Amerisure Mutual 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.

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

DATED this 8<sup>th</sup> day of January, 2007.

Carol A Taylor  
(Signature)

Carol A. Taylor  
(Name)

Vice President – Counsel  
(Title)

Signed and sworn to before me this 8<sup>th</sup> day of January, 2007.

PATRICIA A. PHILLIPS  
Notary Public, State of Michigan  
County of Livingston  
My Commission Expires Apr. 14, 2011  
Acting in the County (SEAL) OAKLAND

Patricia A Phillips  
Notary Public  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

### CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of January, 2007, a true and correct copy of the foregoing was served upon the following by U.S. mail, hand-delivery, Federal Express, UPS, or facsimile:

Workers' Compensation Court  
1625 Eleventh Avenue  
Helena, Montana 59620-1601

{ } U.S. Mail  
{ } Hand Delivered  
{ } Federal Express  
{ X } UPS  
{ } Facsimile

Camelita J. Casillon