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**FILED**

OCT 21 2009

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE 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 COMPANY,

Intervenor.

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**AFFIDAVIT OF PAUL CHURCHILL**

STATE OF LOUISIANA    )  
                                  : ss.  
Beauregard Parish     )

¶1 I, Paul Churchill, being first duly sworn upon oath, depose and say:

¶3 In my capacity as Vice President of Claims West Region of AIIIC, I am authorized to make the statements set forth in this affidavit on behalf of AIIIC and to bind AIIIC by these statements.


¶4 After a review of AIIIC's records, I swear under oath that AIIIC should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

X AIIIC has 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 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 AIIIC. 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 7<sup>th</sup> day of October 2009.

  
\_\_\_\_\_  
Paul Churchill  
Vice President of Claims, West Region for American  
Interstate Insurance Co.

Signed and sworn to before me this 7<sup>th</sup> day of October, 2009.

  
\_\_\_\_\_  
Notary Public for the State of Louisiana  
Residing at: De Ridder, Beauregard, LA  
My Commission Expires: at death