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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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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.

AFFIDAVIT

STATE OF Wisconsin)

: ss.

County of Portage)

I, Eric M. Fugina _____ (NAME), being first duly sworn upon oath,
depose and say:

I, Eric M. Fugina _____ (NAME), am a Claims Technical Specialist, Sr. _____ (POSITION) _____ for Sentry Insurance, a Mutual Company.

In my capacity as Claims Technical Specialist, Sr. _____ (POSITION) of Sentry Insurance a Mutual Company I am authorized to make the statements set forth in this affidavit on behalf of Sentry Insurance a Mutual Company and to bind Sentry Insurance a Mutual Company by these statements.

After a review of our records, I swear under oath that I am authorized to make the statements set forth in this affidavit on behalf of Sentry Insurance a Mutual Company and to bind Sentry Insurance a Mutual Company in its request for dismissal from the above-entitled action for any or all of the following reasons (check any or all that apply):

Sentry Insurance a Mutual Company has never written workers' compensation insurance in the state of Montana;

Sentry Insurance a Mutual Company does not have any Montana claims;

√ Sentry Insurance a Mutual Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;

Sentry Insurance a Mutual 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 Sentry Insurance a Mutual 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 8th day of December, 2011.

Eric M. Fugina
(Name)

Claims Technical Specialist, Sr.
(Title)

State of Wisconsin)

: ss.

County of Portage)

On this 8th day of December, 2011, before me, a Notary Public, personally appeared Eric M. Fugina, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that (s)he executed the same.

Notary Public for the State of Wisconsin
Printed Name: Patti Mueske
Residing in: Wood County
My commission expires: January 18 2015

Notary Signature:

Patti Mueske

Notary Seal:

