

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000 - 0222

FILED

ROBERT FLYNN AND CARL MILLER

MAR -7 2012

Petitioners

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

vs.

MONTANA STATE FUND

Respondent/Insurer,

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

AFFIDAVIT

STATE OF CONNECTICUT)

: ss.

County of Hartford)

¶1 I, Kimberly D'Amato, being first duly sworn upon oath, depose and say:

¶2 I, Kimberly D'Amato, am the Home Office Consultant of Hartford Accident and Indemnity Company.

¶3 In my capacity as Home Office Consultant of Hartford Accident and Indemnity Company. I am authorized to make the statements set forth in this affidavit on behalf of Hartford Accident and Indemnity Company and to bind Hartford Accident and Indemnity Company by these statements.

¶4 After a review of our records, I swear under oath that Hartford Accident and Indemnity Company should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

_____ (NAME OF INSURER OR SELF-INSURER)
has never written workers' compensation insurance in the state of Montana;

_____ (NAME OF INSURER OR SELF-INSURER)
does not have any Montana claims;

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Hartford Accident and Indemnity Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;

_____ (NAME OF INSURER OR SELF-INSURER) was or is in liquidation during the period in question set forth in the amended summons served upon me.

¶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 Hartford Accident and Indemnity 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 4 day of Jan, 2012.

Kimberly D'Amato
Kimberly D'Amato

Kimberly D'Amato
Home Office Consultant

Signed and sworn to before me this 4th day of JANUARY, 2012.

Lisa M. Vivarelli
[Signature of Notary]

LISA M. VIVARELLI
[Typed, stamped, or printed Name of Notary]

Notary Public for the State of CONNECTICUT
Residing at _____
My commission expires: _____

(NOTARIAL SEAL)

LISA M. VIVARELLI
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2014