

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000 - 0222

ROBERT FLYNN AND CARL MILLER

FILED

Petitioners

MAR - 7 2012

vs.

OFFICE OF
MONTANA STATE FUND WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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 Property & Casualty Insurance Company of Hartford.

¶3 In my capacity as Home Office Consultant of Property & Casualty Insurance Company of Hartford. I am authorized to make the statements set forth in this affidavit on behalf of Property & Casualty Insurance Company of Hartford and to bind Property & Casualty Insurance Company of Hartford.

¶4 After a review of our records, I swear under oath that Property & Casualty Insurance Company of Hartford 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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Property & Casualty Insurance Company of Hartford 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 Property & Casualty Insurance Company of Hartford. 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: **LISA M. VIVARELLI**

NOTARY PUBLIC

MY COMMISSION EXPIRES MAR. 31, 2014

(NOTARIAL SEAL)