

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000 - 0222

ROBERT FLYNN AND CARL MILLER

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer,

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

**FILED**

MAR - 7 2012

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

AFFIDAVIT

STATE OF CONNECTICUT)

County of Hartford ) : ss.

¶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 Trumbull Insurance Company.

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

¶4 After a review of our records, I swear under oath that Trumbull Insurance 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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Trumbull Insurance 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 Trumbull 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 4 day of Jan, 2012.

Kimberly D'Amato  
Kimberly D'Amato

Kimberly D'Amato  
Home Office Consultant

Signed and sworn to before me this 4<sup>th</sup> 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