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FILED

MAR -7 2012

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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 Ohio)

: ss.

County of Hamilton)

I, Laurel Wolfenden, being first duly sworn upon oath, depose and say:

I, am the Divisional Assistant Vice President of Great American Insurance Company, Inc.

BOOKED BY: _____

647

In my capacity as Divisional Assistant Vice President of Great American Insurance Company, Inc., I am authorized to make the statements set forth in this affidavit on behalf of Great American Insurance Company pooled companies and to bind Great American Company pooled companies by these statements. Great American Insurance Company pooled companies include:

Great American Insurance Company
Great American Alliance Insurance Company
Great American Insurance Company of New York
Great American Assurance Company
Great American Spirit Insurance Company

After a review of our records, I swear under oath that Great American Insurance Company, Inc. should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

Great American Insurance Company, Inc. has never written workers' compensation insurance in the state of Montana;

Great American Insurance Company, Inc. does not have any Montana claims;

Great American Insurance Company, Inc. has no claimants meeting the Court's criteria in this matter as set forth in the summons;

Great American Insurance Company, Inc. 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 Great American Insurance Company, Inc. 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 13th day of January, 2012.

Laurel Wolfenden
LAUREL WOLFENDEN

Divisional Assistant Vice President

Signed and sworn to before me this 13th day of January, 2011,
2012.

Karen L. Grosheim
[Signature of Notary]

(NOTARIAL SEAL)

[Typed, stamped, or printed Name of Notary]
Notary Public for the State of _____
Residing at Hamilton County, Oh
My commission expires: _____

KAREN L. GROSHEIM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 02-20-16