

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.

FILED

MAR - 7 2012

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF CALIFORNIA)

: ss.

County of Los Angeles)

1. I, Alfred Garibay, being first duly sworn upon oath, depose and say:
2. I, Alfred Garibay, am the Vice President of Republic Indemnity.
3. In my capacity as Vice-President of Republic Indemnity, I am authorized to make the statements set forth in this affidavit on behalf of Republic Indemnity and to bind Republic Indemnity by these statements.

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

- Republic Indemnity has never written workers' compensation insurance in the State of Montana;

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- Republic Indemnity does not have any Montana claims;
- Republic Indemnity has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Republic Indemnity 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 Republic Indemnity. 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.

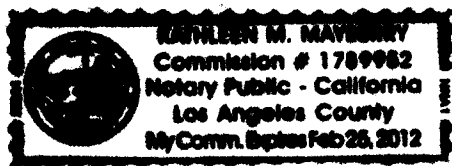
¶6 I declare under penalty of perjury that the foregoing is correct.

DATED this 17th day of January , 2012.

April Baird
(Name)

VICE PRESIDENT - HOME OFFICE CLAIMS
(Title)

Signed and sworn to before me this 17th day of January, 2012.



(NOTARIAL SEAL)

Kathleen M. Mayberry
[Signature of Notary]

KATHLEEN M. MAYBERRY
[Typed, stamped, or printed Name of Notary]

Notary Public for the State of California
Residing at Panorama City, Ca
My commission expires: 2/25/12