

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 Colorado

: ss.

County of Denver

1. I, Diana Barkus, being first duly sworn upon oath, depose and say:
2. I, Diana Barkus, am the Manager for Farmers Insurance Exchange.
3. In my capacity as Manager of Farmers Insurance Exchange, I am authorized to make the statements set forth in this affidavit on behalf of Farmers Insurance Exchange and to bind Farmers Insurance Exchange by these statements.
4. After a review of our records, I swear under oath that Farmers Insurance Exchange should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

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- Farmers Insurance Exchange has never written workers' compensation insurance in the State of Montana;
- Farmers Insurance Exchange does not have any Montana claims;
- Farmers Insurance Exchange has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Farmers Insurance Exchange 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 Farmers Insurance Exchange. 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 14 day of February 2012.

Diana Barkus
(Name)

Manager
(Title)

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



[Handwritten Signature]
[Signature of Notary]
Laura Winter
[Typed, stamped, or printed Name of Notary]
Notary Public for the State of Colorado
Residing at Colorado
My commission expires: _____

**My Commission Expires
June 5, 2014**