

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

SECRET 05/18/10

656

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



[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**