

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222 & 2003-0771

**FILED**

MAR - 8 2012

Robert Flynn & Carl Miller

Petitioners

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

vs.

State Compensation Insurance Fund, et al.

Respondent/Insurers.

AFFIDAVIT

STATE OF Iowa )  
County of Scott ) : ss.

- 1 I Lawrence E. Gorman (NAME), being first duly sworn upon oath, depose and say:
- 2 I, Lawrence E. Gorman am the Vice President, Claims of Bituminous Fire & Marine Insurance Company ("Bituminous Fire & Marine")
- 3 In my capacity as Vice President, Claims of Bituminous Fire & Marine, I am authorized to make the statements set forth in this affidavit on behalf of Bituminous Fire & Marine and to bind Bituminous Fire & Marine by these statements.
- 4 After a review of our records, I swear under oath that Bituminous Fire & Marine should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

DOCKET ITEM NO. 663

- \_\_\_\_\_ (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;
- Bituminous Fire & Marine has no claimants meeting the Court's criteria in this matter as set forth in the summons; and Flynn III, 2011 MT 300.
- \_\_\_\_\_ (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 Bituminous Fire & Marine. 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 2nd day of March, 2012

[Signature]  
(Name)

Vice President, Claims  
(Title)

Signed and sworn to before me this 2nd day of March, 2012.



(SEAL)

Lori S. Paulus  
Notary Public for the State of Iowa  
Residing at: Long Grove, Iowa  
My Commission Expires: 9-19-12