

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC Nos. 2000-0222 & 2003-07

FILED

Robert Flynn & Carl Miller

MAR - 8 2012

Petitioners

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

vs.

State Compensation Insurance Fund

Respondent/Insurer.

AFFIDAVIT

STATE OF Illinois)
) : ss.
County of Lake)

¶1 | Kathleen Sturgeon (NAME), being first duly sworn upon oath, depose and say:

¶2 | I, Kathleen Sturgeon (NAME), am the Senior Regulatory Counsel (POSITION) of Markel Insurance Company ("Markel") (NAME OF INSURER OR SELF-INSURER).

¶3 | In my capacity as Senior Reg. Counsel (POSITION) of Markel (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Markel (NAME OF INSURER OR SELF-INSURER) and to bind Markel (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 | After a review of our records, I swear under oath that Markel (NAME OF INSURER OR SELF-INSURER) should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

BOOK ENTRY NO 665

- _____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- Markel (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- _____ (NAME OF INSURER OR SELF-INSURER) has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- _____ (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 Markel (NAME OF INSURER OR SELF-INSURER). 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 16th day of July, 2010

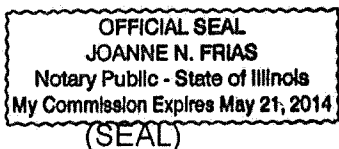
Cathleen A. Bray

 (Name)

Senior Regulatory Counsel

 (Title)

Signed and sworn to before me this 16th day of July, 2010



Joanne N. Frias

 Notary Public for the State of Illinois
 Residing at: Northbrook, IL
 My Commission Expires: 5/21/2014