

FILED

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

JUL 17 2012

WCC No. 2000-0222 & 2003-0771

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Robert Flynn & Carl Miller

Petitioners

vs.

State Compensation Insurance Fund, et al.

Respondents/Insurers

AFFIDAVIT

STATE OF MARYLAND)
: ss.
County of Baltimore)

¶1 I, William A. Peterson (NAME), being first duly sworn upon oath, depose and say:

¶2 I, William A. Peterson (NAME), am the Assistant Secretary (POSITION) of Zurich American Insurance Company as successor to VALIANT INSURANCE COMPANY with respect to all policies potentially at issue ("ZAIC-VALIANT") (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that ZAIC-VALIANT (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):

DOCKET ITEM NO. 689

- _____ (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;
- ZAIC-VALIANT (NAME OF INSURER OR SELF-INSURER) 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 ZAIC-VALIANT (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 9th day of July, 2012.

William A. Peto

 (Name)

 Assistant Secretary

 (Title)

Signed and sworn to before me this 9th day of July, 2012.

Stephen D. Linder

 Notary Public for the State of Maryland
 Residing at: Howard County, MD
 My Commission Expires: August 3, 2013

(SEAL)