

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 200-0222

ROBERT FLYNN AND CARL MILLER et. al.

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

**FILED**

JAN 13 2006

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

**AFFIDAVIT**

I, the undersigned, Mike Davies, am over the age of 18 and competent to testify to the matters set forth in this affidavit, and if called as a witness to do so, would testify as follows:

1. I am the Workers' Compensation Claim Manager for Allianz Global Risks US Insurance Co.
2. In my capacity as Workers' Compensation Claims Manager I am authorized to make the statements set forth in the affidavit on behalf of Allianz Global Risks US Insurance Co. and to bind Allianz Global Risks US Insurance Co. by these statements.
3. After a review of our records, I swear under oath that Allianz Global Risks US Insurance Co. should be dismissed from the above-entitled action for the reason that Allianz Global Risks US Insurance Co. does not have any Montana claims.

DOCKET ITEM NO. 416

4. 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 Petitioners' counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of Allianz Global Risks US Insurance Co. After such 90 days, if no objection is lodged by the Petitioners' counsel, the Court will dismiss the insurer from this action based on the sworn statements made by me in this affidavit.

FURTHER THE AFFIANT SAYETH NOT

Mike Davies

Mike Davies

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

Subscribed and sworn before me this

16 day of November 2005.

Laura Tomlinson  
Notary Public

My Commission Expires 10/28/2009



Document #: 692710

State of California, County of Los Angeles  
Subscribed and sworn to (or affirmed) before me  
on this 16 day of November, 2005.  
by Laura Tomlinson,  
personally known to me or proved to me on the  
basis of satisfactory evidence to be the person(s)  
who appeared before me.  
Signature: Laura Tomlinson

# Williams Montgomery & John Ltd.

*A Firm of Trial Lawyers*

**Lloyd E. Williams, Jr.**

(312) 443-3212

Fax: (312) 630-8512

lew@willmont.com

January 9, 2006

Ms. Jacqueline Bockman  
Deputy Clerk of Court  
Workers' Compensation Court  
P. O. Box 537  
Helena, MT 59624-0537

Re: Robert Flynn, et al v. Montana State Fund  
WCC No. 200-0222  
Our File No.: 26763.00A100

Dear Ms. Bockman:

In light of your e-mail of December 19, 2005 regarding service of documents which are not to be made by e-mail, I am enclosing the documents I sent to you via my November 29, 2005 e-mail, as well as a copy of that e-mail for reference. I would appreciate it if Judge Shea would act upon these documents.

Very truly yours,

WILLIAMS MONTGOMERY & JOHN LTD.

By:  Lloyd E. Williams, Jr.

Encl

cc: Mr. Rex Palmer  
Attorneys Inc., P.C.  
301 W. Spruce  
Missoula, MT 59802

Document #: 703242

**Williams, Lloyd**

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**From:** Williams, Lloyd  
**Sent:** Tuesday, November 29, 2005 2:02 PM  
**To:** 'Bockman, Jacqueline'  
**Cc:** 'attorneysinc@montana.com'; Davies Mike (mdavies@aic-allianz.com)  
**Subject:** RE: Flynn v. State Fund; 2000-0222

Ms. Bockman:

Pursuant to Judge Shea's e-mail which you sent me on October 11, 2005, I am enclosing a revised affidavit of Mike Davies of Allianz which I believe follows the form suggested by Judge Shea. I believe it would be appropriate for Judge Shea to now enter a 90 order such as described in his e-mail. A copy of this is going to Rex Palmer, attorney for Flynn. Thank you.

Lloyd E. Williams, Jr.  
WILLIAMS MONTGOMERY & JOHN Ltd  
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Chicago, IL 60606  
312-443-3212  
312-630-8512(fax)  
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11/29/2005

**IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA**

**WCC No. 200-0222**

**ROBERT FLYNN AND CARL MILLER et. al.**

**Petitioners**

**vs.**

**MONTANA STATE FUND**

**Respondent/Insurer**

**AFFIDAVIT**

I, the undersigned, Mike Davies, am over the age of 18 and competent to testify to the matters set forth in this affidavit, and if called as a witness to do so, would testify as follows:

1. I am the Workers' Compensation Claim Manager for Allianz Global Risks US Insurance Co.
2. As a part of my duties as Workers' Compensation Claims Manager I have access to all of the records of Allianz Global Risks US Insurance Co. with respect to the policies it has written in the State of Montana and any claims made by any injured employees of an insured of Allianz Global Risks US Insurance Co. in Montana.
3. I am aware that Allianz Global Risks US Insurance Co. has been named as a party in the captioned proceeding to enforce an attorneys fee lien on certain benefits that have been offset on account of social security benefits at any time since June 30, 1974.

4. I have searched the records of Allianz Global Risks US Insurance Co. and have determined that while it did write workers' compensation insurance policies for insureds in the State of Montana, it has never had a claim from any injured employee of a Montana insured of Allianz Global Risks US Insurance Co.

5. I am making this affidavit to support a request that Allianz Global Risks US Insurance Co. be dismissed with prejudice as a party in the captioned matter.

FURTHER THE AFFIANT SAYETH NOT

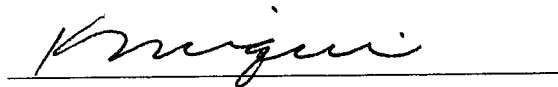


Mike Davies

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

Subscribed and sworn before me this

24th day of AUGUST 2005.



Notary Public

My Commission Expires NOV 24, 2006

