

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000- 0222

FILED

Robert Flynn

JAN 3 2006

and

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Carl Miller, Individually and on Behalf of Others Similarly Situated

Petitioners

vs.

Montana State Fund

Respondent/Insurer

and

Liberty Northwest Insurance Corporation,

Intervenor.

AFFIDAVIT

STATE OF Illinois)
 : ss.
COUNTY OF Cook)

1. I, **Mark Christerson**, being first duly sworn upon oath, depose and say:
2. I, **Mark Christerson**, am the **Claim Attorney** for **American Agricultural Insurance Company**.
3. In my capacity as **Claim Attorney** for **American Agricultural Insurance Company**, I am authorized to make the statements set forth in this affidavit on behalf of **American Agricultural Insurance Company** and to bind **American Agricultural Insurance Company** by these statements.

4. After a review of our records, I swear under oath that **American Agricultural Insurance Company** should be dismissed from the above entitled action for any or all of the following reasons (check any or all that apply):

American Agricultural Insurance Company has never written workers' compensation insurance in the state of Montana;

American Agricultural Insurance Company does not have any Montana workers' compensation claims;

American Agricultural Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;

American Agricultural Insurance Company 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 **American Agricultural Insurance Company**. 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 28th day of December, 2005.



Mark Christerson, Claim Attorney
American Agricultural Insurance Company

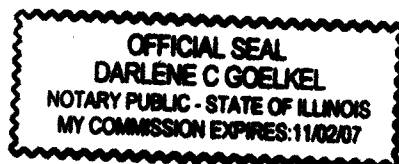
Signed and sworn to before me this 28 day of December, 2005.

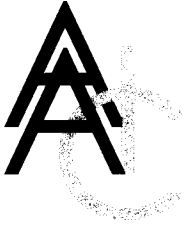


Notary Public for the State of Illinois

Residing at: Schaumburg Illinois

(SEAL) My Commission Expires: 11-02-07





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www.aaic.com

American Agricultural Insurance Company

Providing reinsurance since 1948

December 28, 2005

The Honorable Judge James Jeremiah Shea
Workers' Compensation Court
P.O. Box 537
1625 11th Avenue
Helena, Montana 59624-0537

Re: Flynn v. Montana State Fund
WCC No. 2000-0222

Dear Judge Shea:

I am an attorney with American Agricultural Insurance Company (AAIC).

AAIC has been named in a summons in this litigation.

Pursuant to this Honorable Court's order, I have enclosed an affidavit supporting the dismissal of AAIC from this litigation.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark M. Christerson", is written over a large, faint circular watermark or stamp.

Mark M. Christerson

MMC/ts

Cc: Rex Palmer, Esq.