

1. That at one time I was the Secretary of American West Insurance Company.

2. That I am the Secretary of Tri-State Insurance Company of Minnesota and that I am authorized to make this Affidavit on behalf of Tri-State Insurance Company of Minnesota.

3. That I have personal knowledge of the matters set forth in this Affidavit.

4. That American West Insurance Company was sold several years ago and a Purchase Agreement provided that Tri-State Insurance Company of Minnesota assumed all the business of American West Insurance Company, and is the successor-in-interest to American West Insurance Company for all insurance policies issued in the State of Montana prior to the sale of American West.

5. That only Tri-State Insurance Company of Minnesota can determine whether American West Insurance Company sold any worker's compensation insurance in the State of Montana that is within the class of claims addressed in this litigation, as described in the Summons and Amended Notice of Attorneys' Lien filed May 4, 2005.

6. That for the above referenced insurance policies, American West Insurance Company has not paid a worker's compensation claim in the State of Montana that is actually or potentially within the class of claims addressed in this litigation, as described in the Summons and Amended Notice of Attorneys' Lien filed May 4, 2005.

Further Affiant sayeth not.

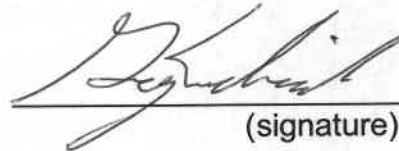
2. AFFIDAVIT OF JOHN THELEN

DATED this 17th day of November, 2005.



JOHN F. THELEN

Subscribed and sworn to before me this 17th day of November, 2005.



(signature)



Gregory Kendrick
(print name)
Notary Public for the State of Iowa

My Commission Expires: 1.22.06

3. **AFFIDAVIT OF JOHN THELEN**