

Bockman, Jacqueline

From: Francis, Jon [jjfrancis@omniwhittington.com]
Sent: Thursday, August 18, 2005 3:36 PM
To: Bockman, Jacqueline
Cc: Madden, Mary Lynn
Subject: RE: Common Fund

FILED

AUG 18 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Thank you,

Our response, if acceptable, is that in Flynn, Reesor and Satterlee and in fact in all past and future cases in relation to the Montana Workers' compensation fund Americas Insurance Company denies that it has ever underwritten or accepted by way of reinsurance any workers compensation business risk located in Montana that may have been subject to guarantee fund regulation. By location we mean either that the risk or the insured was located in Montana. To my knowledge, Americas Insurance Company has never underwritten Workers' Compensation Insurance anywhere.

We do hope that this meets with your approval and brings an end to this matter.

Kind regards

Jon Francis
Senior Vice President

Americas Insurance Company (Omni Whittington Group)
400 Poydras Street, Suite 1990
New Orleans, LA 70130
Telephone 504 528 9555
Facsimile 504 523 0084
www.omniwhittington.com

-----Original Message-----

From: Bockman, Jacqueline [mailto:jbockman@mt.gov]
Sent: Thursday, August 18, 2005 4:15 PM
To: Francis, Jon
Subject: RE: Common Fund

Mr. Francis:

Thank you for your response in the common fund matters. The Court records reflect that you did file a responsive letter in the *Flynn* common fund case. The petitioner's counsel in the *Flynn* matter, Rex Palmer, is putting together a list of respondent insurers who can be dismissed. When we receive that list, we will issue an Order dismissing them from the case. If an insurance company has never written workers' compensation insurance policies in Montana, they will be dismissed. If, however, they have issued policies but do not have claims that are applicable to the case, they will be asked to file an affidavit, setting out this information under oath. Then the Court will dismiss them.

Our records do not show that you have filed a response in the *Reesor* matter. Please file a response at your earliest convenience. The same holds true in *Reesor* -- if your company has never issued workers' compensation insurance in Montana, the petitioner's counsel will notify the Court, and the Court will issue an order dismissing you.

Regarding *Satterlee*, I see that Americas Insurance Company was named in the notice (see docket item

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DOCKET ITEM NO. 359

'no. #48). However, this was only an opportunity for you to appear and intervene. If you have no interest in doing so, it is not necessary for you to file an appearance. The Court will not be issuing orders of dismissal in the *Satterlee* matter.

Please let me know if you have any questions. Thank you.

Jackie Bockman
Deputy Clerk
Workers' Compensation Court
jbockman@mt.gov

-----Original Message-----

From: Francis, Jon [mailto:jjfrancis@omniwhittington.com]
Sent: Thursday, August 18, 2005 12:16 PM
To: Bockman, Jacqueline
Subject: RE: Common Fund

Actually now I've read a little further and it looks like we'll get a summons if there is any doubt as to whether we did or did not write WCA in Montana. Can I just wait for that and deal with it if we get one?

Jon Francis

-----Original Message-----

From: Francis, Jon
Sent: Thursday, August 18, 2005 1:10 PM
To: 'jbockman@mt.gov'
Subject: RE: Common Fund

Hello again.

I took the trouble to look at the website and I have found that insurers that never wrote (workers compensation) insurance in Montana have now been dismissed and have been notified as such as recorded in a conference on July 14 2005 (see Mr. Murphy, page 8 of PDF, page 22 of transcript - you were present - short-cut below).

http://wcc.dli.mt.gov/common_fund/071405CommonFundHrg.pdf

I cannot understand why Americas has not been dismissed since we fit into the above category. I find this rather troubling but I am reluctant to seek legal advice since this all seems to be some mistake.

Please explain to me again why Americas is still on the circulation list. Also - has Amerces been dismissed? If not, why not?

Thank you & kind regards

Jon Francis - Senior Vice President

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