

AMERICAS INSURANCE COMPANY
("AIC")

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2006-0222

FILED

ROBERT FLYNN and Carl MILLER

JAN 12 2006

Petitioner

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

vs.

MONTANA STATE FUND

Respondent/Insurer.

AFFIDAVIT

STATE OF Louisiana)
County of New Orleans) : ss.

¶1 I JONATHAN FRANCIS (NAME), being first duly sworn upon oath, depose and say:

¶2 I, JONATHAN FRANCIS (NAME), am the Senior Vice President (POSITION) of AMERICAS INSURANCE COMPANY ("AIC") (NAME OF INSURER OR SELF-INSURER).

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

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

- AIC (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- AIC (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- AIC (NAME OF INSURER OR SELF-INSURER) has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- _____ (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.

¶15 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 AIC (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.

¶16 I declare under penalty of perjury that the foregoing is correct.

DATED this 3rd day of January, 2005

Jonathan Francis

JONATHAN FRANCIS
(Name)

(Title)

Signed and sworn to before me this 3rd day of January, 2006.

[Signature]

Notary Public for the State of Louisiana
Residing at: #3100, 201 St. Charles Ave, MOBILE 36686
My Commission Expires: upon my death

(SEAL)

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

and

CARL MILLER, Individually and on Behalf of
Others Similarly Situated

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

FILED

MAY - 4 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

SUMMONS

The State of Montana to the following Insurers and Self-Insurers:

A T & T COMMUNICATIONS INC
A T & T CORP
AAA MOUNTAINWEST INSURANCE COMPANY
ACCEPTANCE INDEMNITY INS CO
ACCIDENT FUND INS CO OF AMERICA
ACE AMERICAN INSURANCE COMPANY
ACE AMERICAN REINSURANCE CO
ACE FIRE UNDERWRITERS INS CO
ACE INDEMNITY INSURANCE COMPANY
ACE PROPERTY & CASUALTY INS CO
ACIG INS CO
ADVANTAGE WORKERS COMP INS CO
AFFILIATED FM INSURANCE CO
AIG NATIONAL INSURANCE COMPANY
AIU INSURANCE CO
ALAMANCE INSURANCE COMPANY
ALASKA NATIONAL INS CO
ALBERTSONS INC

ALEA NORTH AMERICA INS CO
ALLIANZ GLOBAL RISKS US INSURANCE CO
ALLIED MUTUAL INSURANCE CO
ALLIED PROPERTY & CASUALTY INSURANCE
COMPANY
ALLMERICA FINANCIAL ALLIANCE INS CO
ALLSTATE INSURANCE CO
AMCO INSURANCE COMPANY
AMERICAN AGRICULTURAL INSURANCE
COMPANY
AMERICAN ALTERNATIVE INS CORP
AMERICAN AMBASSADOR CASUALTY CO
AMERICAN AUTOMOBILE INS CO
AMERICAN CASUALTY CO OF READING PA
AMERICAN CENTENNIAL INSURANCE CO
AMERICAN CENTRAL INS CO
AMERICAN COMMERCE INS CO
AMERICAN CONTINENTAL INSURANCE