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Attorneys for Continental Western Insurance Company

IN THE WORKERS' COMPENSATION COURT

STATE OF MONTANA

FILED

DEC - 1 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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.

WCC No. 2000-0222

AFFIDAVIT OF JOHN F. THELEN

STATE OF IOWA)
 : ss.
County of Polk)

I, John F. Thelen, being first duly sworn, depose and sayeth as follows:

1. That I am the Secretary of Continental Western Insurance Company.

1. **AFFIDAVIT OF JOHN THELEN**

DOCKET ITEM NO. 384


2. That I am authorized to make this Affidavit on behalf of Continental Western Insurance Company.

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

4. That Continental Western 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.

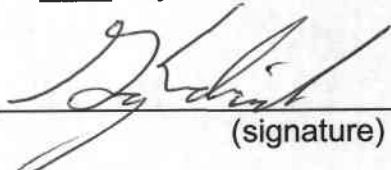
Further Affiant sayeth not.

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: 1.22.08