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FILED

DEC 20 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

and

CARL MILLER, Individually and on Behalf of Other Similarly Situated

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

AFFIDAVIT OF LARRY A. CROTSER

STATE OF NEW YORK)
 : ss.
County of New York)

I, LARRY A. CROTSER, being first duly sworn, upon oath, depose and say:

1. I, Larry A. Crotser, am General Counsel and Claims Manager of Gerling America Insurance Company ("Gerling").

DOCKET ITEM NO. 300

2. In my capacity as general counsel and claims manager of Gerling, I am authorized to make the statements set forth in this affidavit on behalf of Gerling and to bind Gerling by these statements.

3. After a review of our records, I swear under oath that Gerling should be dismissed from the above-entitled action for the reason that Gerling does not currently, and never has in the past, written workers' compensation coverage in Montana, or any other state.

4. 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 Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of Gerling. After such 90 days, if no objection is lodged by the Petitioner's counsel, 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 13th day of December, 2005.

GERLING AMERICA INSURANCE COMPANY

By Larry A. Crotser
Larry A. Crotser
Its General Counsel and Claims Manager

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me by Larry A. Crotser
this 13th day of December, 2005.

(NOTARIAL SEAL)

Patricia A. Gorman
NOTARY PUBLIC for the State of New York
Printed Name of Notary: Patricia A. Gorman
Residing at New York, NY
My Commission Expires: 4-11-06

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& WEAVER, P.C.**

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December 19, 2005

Jackie Bockman
Deputy Clerk of Court
Montana Workers' Compensation Court
1625 11th Avenue
P.O. Box 537
Helena, MT 59624

Re: Robert Flynn and Carl Miller v. Montana State Fund, et al.
WCC No. 2000-0222
Cassandra Schmill v. Montana State Fund, et al.
WCC No. 2001-0300

Dear Ms. Bockman:

Enclosed for filing are the original Affidavits of Larry A. Crotser in regard to the above-referenced matters, together with copies. Please file stamp the copies and return them to me in the enclosed stamped, self-addressed envelope.

Thank you.

Very truly yours,

JARDINE, STEPHENSON, BLEWETT & WEAVER, P.C.

By


John D. Stephenson

JDS:lb

Enc: as noted above

cc: Larry Crotser