

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

Robert Flynn, et al.

Petitioner

vs.

Montana State Fund

Respondent/Insurer.

FILED

DEC 13 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF MISSOURI)
 : ss.
County of St. Louis)

¶1 I Linda O. Bagby, being first duly sworn upon oath, depose and say:

¶2 I, Linda O. Bagby, am the Corporate Risk Manager of Graybar Electric Company, Inc.

¶3 In my capacity as Corporate Risk Manager of Graybar Electric Company, Inc., I am authorized to make the statements set forth in this affidavit on behalf of Graybar Electric Company, Inc. and to bind Graybar Electric Company, Inc. by these statements.

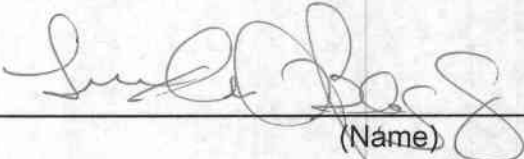
¶4 After a review of our records, I swear under oath that Graybar Electric Company, Inc. should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

- _____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- _____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- Graybar Electric Company, Inc. 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 Graybar Electric Company, Inc. 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 9th day of December, 2005.



 (Name)

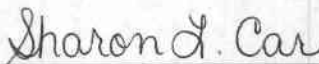
 Corporate Risk Manager

 (Title)

Signed and sworn to before me this 9th day of December, 2005.



(SEAL)



 Notary Public for the State of
 Residing at:
 My Commission Expires:

Sharon L. Car
Notary Public - Notary Seal
State of Missouri
St. Louis County
My Commission Expires June 17, 2007