

WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER)
) WCC No. 2000-0222
)
vs.)
)
)
MONTANA STATE FUND, et al.)

FILED

DEC - 5 2005

**AFFIDAVIT OF DONALD R. BELLINGER
FOR AND ON BEHALF OF
MAJESTIC INSURANCE COMPANY**

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

STATE OF CALIFORNIA)
)
) ss.
COUNTY OF SAN FRANCISCO)

Donald R. Bellinger, first being duly sworn, on oath deposes and says:

1. In my capacity as Vice President, Claims of Majestic Insurance Company ("Majestic"), I am authorized to make the statements set forth in this affidavit on behalf of Majestic and to bind Majestic by these statements.

2. After a review of our records, I swear under oath that Majestic should be dismissed from the above-entitled action for any or all of the following reasons:

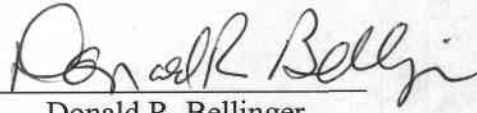
- (a) Majestic has never written workers' compensation insurance in the state of Montana;
- (b) Majestic does not have any Montana workers' compensation claims; and
- (c) Majestic has no claimants meeting the Court's criteria in this matter as set forth in the summons.

3. 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 Majestic. After such 90 days, if no objection is lodged by Petitioners' counsel, the Court will dismiss Majestic from this action based on the sworn statements made by me in this affidavit.

Additional Page Follows

4. The foregoing is true and correct to the best of my knowledge, information and belief.

Dated: November 18, 2005


Donald R. Bellinger

Subscribed and sworn to before me
this 18 day of November, 2005.





Notary Public in and for the State of California

My Commission Expires: March 4, 2009

This page is attached to page 1 - Affidavit of
Donald R. Bellinger WCC NO. 2000-0222

KEVIN J. MCGRATH
ATTORNEY AT LAW
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SAUSALITO, CALIFORNIA 94965
TELEPHONE (415) 332-0420
FAX (415) 332-0421

December 2, 2005

Clerk of the Court
Workers' Compensation Court
State of Montana
P.O. Box 537
Helena, MT 59624-0537

RE: Flynn, et al. v. Montana State Fund, et al. – WCC No. 2000-0222
Request for Dismissal of Majestic Insurance Company

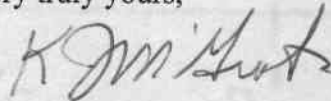
Dear Sir or Madam:

The undersigned represents Majestic Insurance Company, a California domestic insurer. I am attorney licensed in California. I respectfully request permission from the Court to appear specially in this case for the limited purpose of seeking Majestic's dismissal on the grounds that it has written no Montana workers' compensation business and has no Montana claims or claimants.

Enclosed herewith is the Affidavit of Donald R. Bellinger, Majestic's Vice President, Claims, which is in the form suggested in the e-mail message that was sent at Judge Shea's direction to All Common Fund Counsel and Parties on September 27, 2005. By letter to the Court dated May 24, 2005, Mr. Bellinger requested dismissal of Majestic from this case on substantially the same grounds.

If anything else is required in support of Majestic's request for dismissal or my request to enter a special appearance, please contact the undersigned. Also, please add me to the e-mail list for receipt of notices relating to this case. My e-mail address is kevmcg@sbcglobal.net. Thank you for your assistance.

Very truly yours,



Kevin J. McGrath

Enclosure

Cc: Donald R. Bellinger (w/ encl.)
Rex Palmer, Esq. (w/encl.)