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Butte, Montana 59701  
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Attorneys Union 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 )  
Situating, )

Petitioners, )

WCC No. 2000-0222

-vs- )

MONTANA STATE FUND, )

Respondent/Insurer, )

**AFFIDAVIT OF JOHN F. THELEN**

and )

LIBERTY NORTHWEST INSURANCE )  
CORPORATION, )

Intervenor. )

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 Assistant Secretary of Union Insurance Company.

1. **AFFIDAVIT OF JOHN THELEN**

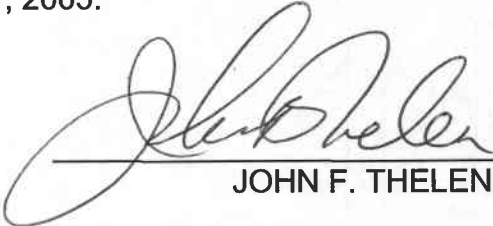
2. That I am authorized to make this Affidavit on behalf of Union Insurance Company.

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

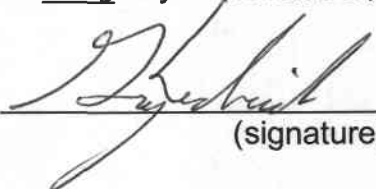
4. That Union Insurance Company has not paid a worker's compensation claim in the State of Montana that is actually or potentially within the class of claims addressed in this litigation, as described in the Summons and Amended Notice of Attorneys' Lien filed May 4, 2005.

Further Affiant sayeth not.

DATED this 17<sup>th</sup> day of November, 2005.

  
\_\_\_\_\_  
JOHN F. THELEN

Subscribed and sworn to before me this 17<sup>th</sup> day of November, 2005.

  
\_\_\_\_\_  
(signature)



\_\_\_\_\_  
Gregory Kendrick  
(print name)  
Notary Public for the State of Iowa  
My Commission Expires: 1.22.08

DONALD C. ROBINSON  
ROBERT C. BROWN  
J. RICHARD RIZOTTI  
BRENDON J. ROHAN  
JOHN P. DAVIS  
THOMAS M. WELSCH  
PATRICK M. SULLIVAN  
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RONALD A. THUESEN  
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MATTHEW D. NEILL

OF COUNSEL  
ROBERT A. POORE  
URBAN L. ROTH

JAMES A. POORE, JR.  
(1916-2002)

November 30, 2005

Patricia J. Kessner  
Montana Workers Compensation Court  
1625 11th Avenue  
P. O. Box 537  
Helena, Montana 59624

Re: *Robert Flynn, et al. v. Continental Western Insurance, et al.*  
WCC No. 2000-0222

*Dale Reesor v. Montana State Fund*  
WCC No. 2002-0676

Dear Ms. Kessner:

Enclosed for filing in the above-captioned matters are the following:

*Flynn v. Continental Western Insurance, et al.*

1. Affidavit of John F. Thelen (Union Insurance Company);
2. Affidavit of John F. Thelen (Continental Western Insurance Company);
3. Affidavit of John F. Thelen (Berkley Regional Insurance Company);
4. Affidavit of John F. Thelen (American West Insurance Company); and
5. Affidavit of Carol J. LaPunzina (StarNet Insurance Company); and
6. Affidavit of Leo Winstead (Midwest Employers Casualty Company).

*Reesor v. Montana State Fund*

1. Affidavit of John F. Thelen (Union Insurance Company);
2. Affidavit of John F. Thelen (Continental Western Insurance Company);
3. Affidavit of John F. Thelen (Berkley Regional Insurance Company);
4. Affidavit of John F. Thelen (American West Insurance Company); and
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November 30, 2005

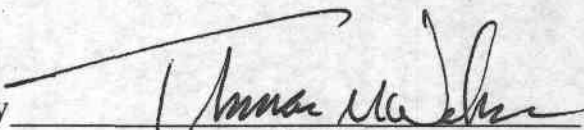
Page 2 . . .

Please file the Affidavits in support of our Responses to Summons and Notice of Attorney Fee Lien, both of which were filed June 29, 2005.

Thank you for your cooperation.

Very truly yours,

POORE, ROTH & ROBINSON, P.C.

By   
Thomas M. Welsch

TMW:pl  
Enclosures