

IN THE WORKER'S COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

Robert Flynn
and
Carl Miller, Individually and on Behalf of
Others Similarly Situated

Petitioners

vs.

Montana State Fund
Respondent/Insurer.

FILED

JAN 23 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

: ss.

County of Philadelphia

1. I, Bruce Daley, being first duly sworn upon oath, depose and say:
2. I, Bruce Daley, am the Chief, Takeover Management Division, on behalf of M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator of Legion Insurance Company (In Liquidation).
3. In my capacity as Chief, Takeover Management Division, I am authorized to make the statements set forth in this affidavit on behalf of M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator of Legion Insurance Company (In Liquidation).
4. After a review of our records, I swear under oath that Legion Insurance Company (In Liquidation) should be dismissed from the above entitled action for any or all of the following reasons:

_____ (NAME OF INSURER OR SELFINSURER)
has never written worker's compensation insurance in the state of Montana;

DOCKET ITEM NO. 425

_____ (NAME OF INSURER OR SELFINSURER)
does not have any Montana claims;

_____ (NAME OF INSURER OR SELFINSURER)
has no claimants meeting the Court's criteria in this matter as set forth in the
summons;

Legion Insurance Co. (NAME OF INSURER OR SELFINSURER)
was or is in liquidation during the period in question set forth in the amended
summons served upon me.

5. I understand that the Montana Worker's 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 M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator of Legion Insurance Company (In Liquidation). 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.

6. I declare under penalty of perjury that the foregoing is correct.

DATED this day of January 17, 2006.



Bruce Daley, Chief,
Takeover Management Division, on
behalf of M. Diane Koken, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her official capacity as
Statutory Liquidator of Legion Insurance
Company (In Liquidation)

Signed and sworn to before me this 17th day of January 2006.



Notary Public for the Commonwealth of Pennsylvania

Residing at: Phila, Pa

(SEAL) My Commission Expires: 12/23/06
Notary Seal
Maureen Greenfield, Notary Public
City Of Philadelphia, Philadelphia County
My Commission Expires Dec. 23, 2006
Member, Pennsylvania Association Of Notaries

LEGION
INSURANCE COMPANY

(In Liquidation)

January 19, 2006

Jackie Bockman, Deputy Clerk
Montana State Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

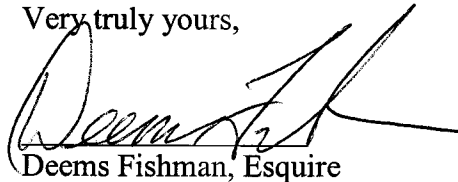
Re: Montana State Common Fund Actions

Dear Ms. Bockman:

I previously sent the Court copies of the form Affidavits. After our telephone conversation of this day, I am enclosing the originals of the signed and notarized Affidavits for filing.

Thank you for all your help in this matter. If you have any questions, please feel free to call me at (215) 963-4335 or email me at dfishman@legioninsurance.co.

Very truly yours,



Deems Fishman, Esquire
Asst. General Counsel