

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

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ROBERT FLYNN AND CAROL MILLER, INDIVIDUALLY AND ON BEHALF OF  
OTHERS SIMILARLY SITUATED

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

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**FILED**

JAN 26 2006

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

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**AFFIDAVIT**

STATE OF IOWA    )  
                          : ss.  
County of Polk    )

¶1 I, **JOHN F. THELEN**, being first duly sworn upon oath, depose and say:

¶2 I, **JOHN F. THELEN**, am an **ASSISTANT SECRETARY** of **UNION INSURANCE COMPANY**.

¶3 In my capacity as **ASSISTANT SECRETARY** of **UNION INSURANCE COMPANY** I am authorized to make the statements set forth in this affidavit on behalf of **UNION INSURANCE COMPANY** and to bind **UNION INSURANCE COMPANY** by these statements.

¶4 After a review of our records, I swear under oath that **UNION INSURANCE COMPANY** should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

DOCKET ITEM NO. 436

- UNION INSURANCE COMPANY** has never written workers' compensation insurance in the state of Montana;
- UNION INSURANCE COMPANY** does not have any Montana claims;
- UNION INSURANCE COMPANY** has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- UNION INSURANCE COMPANY** was or is in liquidation during the period in question set forth in the amended summons served upon me.

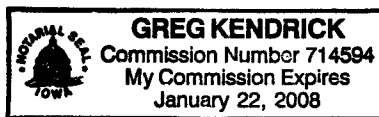
¶5 I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of **UNION INSURANCE COMPANY**. 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.

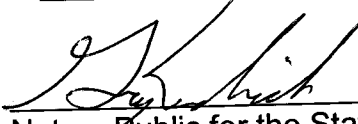
DATED this 19 day of January, 2006.

  
 \_\_\_\_\_  
 John F. Thelen, Assistant Secretary

Signed and sworn to before me this 19th day of January, 2006.



(SEAL)

  
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 Notary Public for the State of Iowa  
 My Commission Expires: 1-22-08