

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN
and
CARL MILLER,
Individually and on Behalf
of Other Similarly Situated

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

FILED

JAN 27 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF Nebraska)
) ss.
County of Douglas)

I, Michael C. Davlin, being first duly sworn upon oath, depose and say:

I, Michael C. Davlin, am the President of The Central National Insurance Company of Omaha.

In my capacity as President of The Central National Insurance Company of Omaha, I am authorized to make the statements set forth in this affidavit on behalf of The Central National Insurance Company of Omaha and to bind The Central National Insurance Company of Omaha by these statements.

After a review of our records, I swear under oath that The Central National Insurance Company of Omaha should be dismissed from the above-entitled action for any or all of the following reasons:

- 3) The Central National Insurance Company of Omaha does not have any Montana claims, and
- 4) The Central National Insurance Company of Omaha has no claimants meeting the Court's criteria in this matter as set forth in the summons.

DOCKET ITEM NO. 438

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 The Central National Insurance Company of Omaha. After such 90 days, if no objection is lodged by counsel for Petition(s), the Court will dismiss the Insurer from this action based on the sworn statements made by me in this affidavit.

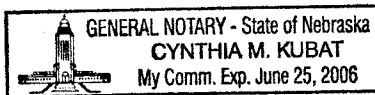
I declare under penalty of perjury that the foregoing is correct.

DATED this 20th day of January, 2006.

Michael C. Dardin
(Name)

President
(Title)

Signed and sworn to before me this 20th day of January, 2006.



Cynthia M. Kubat
Notary Public