

FILED

FEB 7 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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

Petitioners,

vs.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Intervenor.

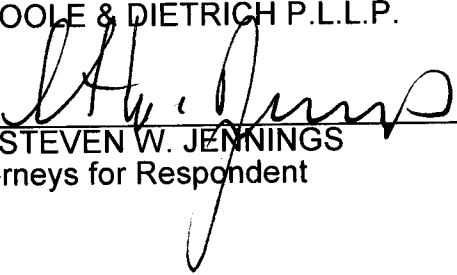
WCC No. 2000-0222

MOTION TO DISMISS

COMES NOW the above listed respondent ("Respondent") and move this Court to dismiss them from the above-entitled action. Pursuant to this Court's *Memo* of December 6, 2005, this motion is supported by the attached affidavit.

Dated this 6th day of February, 2006.

CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.

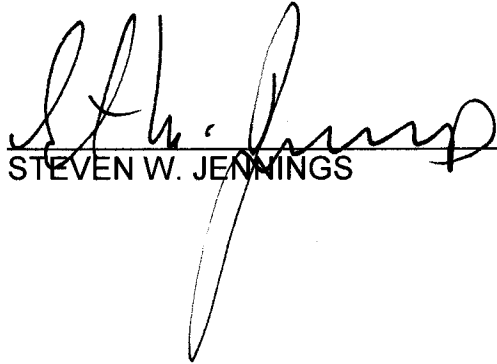
By: 
STEVEN W. JENNINGS
Attorneys for Respondent

DOCKET ITEM NO. 458

CERTIFICATE OF SERVICE

I, STEVEN W. JENNINGS, one of the attorneys for the law firm of Crowley, Haughey, Hanson, Toole & Dietrich P.L.L.P., hereby certify that on the 6th day of February, 2006, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Mr. Rex Palmer
Attorneys Inc., PC
301 W. Spruce
Missoula, MT 59802


STEVEN W. JENNINGS

IN THE WORKERS' 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,

and

LIBERTY NORTHWEST INSURANCE CORPORATION,

Intervenor.

AFFIDAVIT

STATE OF INDIANA)
 : ss.
County of Marion)

¶1 I, David G. Snuffer, being first duly sworn upon oath, depose and say:

¶2 I, David G. Snuffer, am the Secretary
for Grain Dealers Mutual Insurance Company.

¶3 In my capacity as Secretary of Grain Dealers Mutual Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of Grain Dealers Mutual Insurance Company and to bind Grain Dealers Mutual Insurance Company by these statements.

¶4 After a review of our records, I swear under oath that Grain Dealers Mutual Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

_____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;

Grain Dealers Mutual Insurance Company _____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;

Grain Dealers Mutual Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;

_____ (NAME OF INSURER OR SELF-INSURER) 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 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 Grain Dealers Mutual Insurance Company. 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 27th day of January, 2006.

[Signature]
(Name)

Secretary
(Title)

Signed and sworn to before me this 27th day of January, 2006.

Joyce Ann Larmer
[Signature of Notary]

(NOTARIAL SEAL)

[Typed, stamped, or printed Name of Notary]
Notary Public for the State of Indiana,
Residing at North Salem
[City of Residence]

My commission expires: 200
[Month Day Year]

JOYCE ANN LARMER
My Commission Expires: 5-22-08
County of Residence: Hendricks