

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

Robert Flynn and Carl Miller

Petitioner

vs.

Montana State Fund

Respondent/Insurer.

FILED

FEB 13 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF Rhode Island)
County of Providence) : ss.

¶1 I Nancy Rosende (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Nancy Rosende (NAME), am the Corporate Secretary (POSITION) of York Insurance Company (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Corporate Secretary (POSITION) of York Insurance Company (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of York Insurance Company (NAME OF INSURER OR SELF-INSURER) and to bind York Insurance Company (NAME OF INSURER OR SELF-INSURER) by these statements.

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

- York Insurance Company (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- _____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- _____ (NAME OF INSURER OR SELF-INSURER) 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.

¶15 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 York Insurance Company (NAME OF INSURER OR SELF-INSURER). 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.

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

DATED this 6th day of February, 2006

Nancy Resende

(Name)

Corporate Secretary

(Title)

Signed and sworn to before me this 6th day of February, 2006.

Lori A Maciel

Notary Public for the State of Rhode Island
Residing at: 121 Elder Ave East Prov
My Commission Expires: 12/2008

(SEAL)