

WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN and CARL MILLER)

WCC No. 2000-0222

FILED

vs.)

FEB 22 2006

MONTANA STATE FUND, et al)

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

**AFFIDAVIT OF ANDREA J. MORGAN FOR AND ON
BEHALF OF SWISS REINSURANCE AMERICA CORPORATION**

STATE OF NEW YORK)

) ss.

COUNTY OF WESTCHESTER)

1. Andrea J. Morgan, being first duly sworn, on oath deposes and says:
2. I am employed by Swiss Reinsurance America Corporation ("SRA") as the Director, Claims Management.
3. In my capacity as Director, Claims Management, of SRA, I am authorized to make the statements set forth in this affidavit on behalf of SRA and to bind SRA by these statements. As part of my employment responsibilities, I am responsible for supervising the handling and management of claims for SRA.
4. After review of our records, I swear under oath that SRA should be dismissed from the above-entitled action for any or all of the following reasons:
 - (a) SRA is a professional reinsurer and has never written any written workers' compensation insurance in the state of Montana; and
 - (b) SRA does not have any claims against it under Montana workers' compensation insurance policies.
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 Petitioners' counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of SRA. After such 90 days, if no objection is lodged by the Petitioners' counsel, the Court will dismiss SRA from this action based on the sworn statements made by me in this affidavit

6. The above is true and correct to the best of my knowledge.

Andrea J. Morgan
Andrea J. Morgan
Dated: January 09, 2006

So subscribed and sworn to before me this ____ day of January, 2006,

Paul K. Stanton
Notary Public for the State of New York
My Commission Expires 12/31/06

PAUL K. STANTON
Notary Public, State of New York
No. 31-4675108
Qualified in Westchester County
Commission Expires 12/31/06

Swiss Re



Julie Pollack
Associate General Counsel

**VIA CERTIFIED MAIL – RETURN RECEIPT
REQUESTED**

Clerk of Court
Workers Compensation Court of the State of Montana
P.O. Box 537
Helena, MT 59624-0537

Swiss Reinsurance America Corporation
175 King St.
Armonk, NY 10504
USA
Direct line (914) 828-8633
Direct fax (914) 828-7633
Julie_Pollack@swissre.com

FILED

Flynn v. Montana State Fund, WCC NO. 2002-0222

FEB 22 2006
February 17, 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Dear Sir or Madam:

I write on behalf of Swiss Reinsurance America Corporation and its affiliates, North American Elite Insurance Company and Fort Wayne Health & Casualty Insurance Company. Each of these companies received a Summons and Notice of Attorney Fee Lien in the above referenced matter.

Please be advised that:

- Swiss Reinsurance America Corporation ("SRA") is a professional reinsurer. SRA has never written workers' compensation insurance in the State of Montana
- North American Elite Insurance Company ("NAE") and Fort Wayne Health & Casualty Insurance Company ("FWH&C") have never written workers' compensation insurance in the State of Montana.

In light of the foregoing and in reliance upon the attached affidavits, we request the dismissal of SRA, NAE and FWH&C from the above-captioned matter. It is our understanding that this can be accomplished without the necessity of a formal pleading. If the Court disagrees or has any questions, please contact the undersigned.

Sincerely,

Julie Pollack

Encl.



cc: The Honorable James Jeremiah Shea
Workers Compensation Court of the State of Montana
P.O. Box 537
Helena, MT 59624-0537
VIA U.S. MAIL

Rex Palmer
Attorneys, Inc., P.C.
301 W Spruce
Missoula, MT 59802
VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED