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Attorneys for The Navigators Group, Inc.

FILED

FEB 22 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ROBERT FLYNN,)
and) WCC NO. 2000-0222
CARL MILLER)
Petitioners,)
vs.)
MONTANA STATE FUND,)
Respondent/Insurer)
and)
LIBERTY NORTHWEST INSURANCE)
CORPORATION,)
Intervenor.)

**AFFIDAVIT OF
ELLIOT S. OROL**

STATE OF NEW YORK)
County of WESTCHESTER)
:SS)

1. I, Elliot S. Orol, being first duly sworn upon oath, depose and says:
2. I, Elliot S. Orol, am the Senior Vice President, General Counsel and Chief Compliance Officer of The Navigators Group, Inc.;

3. In my capacity as Senior Vice President, General Counsel and Chief Compliance Officer of The Navigators Group, Inc., I am authorized to make the statements set for in this affidavit on behalf of The Navigators Group, Inc., and to bind The Navigators Group, Inc., by these statements;

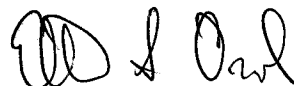
4. After a review of our records, I swear under oath that The Navigators Group, Inc., should be dismissed from the above-entitled action for any or all of the following reasons:

- The Navigators Group, Inc., has never written workers' compensation insurance in the state of Montana;
- The Navigators Group, Inc., does not have any Montana claims;
- The Navigators Group, Inc., has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- The Navigators Group, Inc., 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 The Navigators Group, Inc. 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.

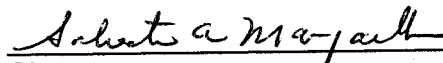
6. I declare under penalty of perjury that the foregoing is correct.

DATED this 13 day of February, 2006.



Elliot S. Orol,
Senior Vice President, General Counsel
and Compliance Officer

SUBSCRIBED AND SWORN TO before me this 13 day of February, 2006.



Signature

SALVATORE A. MARGARELLA

Print Name

Notary Public for the State of New York

Residing at STATEN IS, New York

My Commission Expires: 4-30-2007

(S E A L)

2. AFFIDAVIT OF ELLIOT S OROL

SALVATORE A. MARGARELLA
Notary Public, State of New York
No. 4798764
Qualified in Richmond County
Commission Expires April 30, 2007.sm

LAW OFFICES

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February 16, 2006

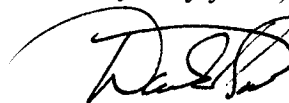
Jacqueline Bockman
Deputy Clerk of Court
Workers' Compensation Court
1625 Eleventh Avenue
Helena, MT 596024

Re: *Robert Flynn and Carl Miller v. Montana State Fund*
WCC NO. 2000-0222

Dear Jackie:

Enclosed please find the Affidavit of Elliot S. Orol, Senior Vice President, General Counsel and Chief Compliance Officer for The Navigators Group, Inc. As you will see from the Affidavit, Mr. Orol has testified that The Navigators Group, Inc., has never written workers' compensation insurance in Montana and as a result, we request that The Navigators Group, Inc., be dismissed from this matter subject to the 90 day time period for Plaintiff's counsel to respond.

Very truly yours,



Daniel J. Whyte

DJW/mg
Enclosure