

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

Flynn

Petitioner

vs.

Great Midwest Insurance Company

Respondent/Insurer.

FILED

MAR 21 2006

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF Texas)

: ss.

County of Harris)

¶1 I, Gary R. Thomas (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Gary R. Thomas (NAME), am the Vice President (POSITION) of Great Midwest Ins.Co. (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Vice President (POSITION) of Great Midwest Ins. Co. (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Great Midwest Ins.Co. (NAME OF INSURER OR SELF-INSURER) and to bind Great Midwest Ins. Co. (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that Great Midwest Ins.Co. (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):

DOCKET ITEM NO. 503

- Great Midwest Ins. Co. (**NAME OF INSURER OR SELF-INSURER**) has never written workers' compensation insurance in the state of Montana;
- Great Midwest Ins. Co. (**NAME OF INSURER OR SELF-INSURER**) does not have any Montana claims;
- Great Midwest Ins. Co. (**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 Great Midwest Ins. Co. (**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.

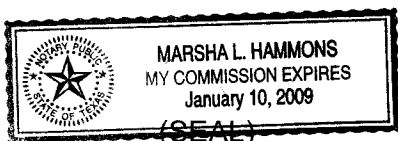
¶16 I declare under penalty of perjury that the foregoing is correct.

DATED this 16th day of March, 2006.

B. Thomas
(Name)

Vice President
(Title)

Signed and sworn to before me this 16th day of March, 2006



Marsha L. Hammons
Notary Public for the State of Texas
Residing at: Harris Co., TX
My Commission Expires: 1-10-09