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**FILED**

JUL 12 2006

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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

Petitioners,

v.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INSURANCE  
CORPORATION,

Intervenor.

WCC No. 2000-0222

**AFFIDAVIT OF  
SANDY I. MAYERNIK**

STATE OF MONTANA     )  
                                      : ss.  
County of Cascade     )

I, Sandy I. Mayernik, being first duly sworn upon oath, depose and say:

1. I am a workers' compensation claim adjuster employed by Crawford & Co., P.O. Box 3007, Great Falls, Montana 59403, third party administrator for Republic Western Insurance Co. (RWIC) in the State of Montana.

2. In my capacity as a representative of the third party administrator for Republic Western Insurance Co., I am authorized to make, to the best of my knowledge, the statements set forth in this Affidavit on behalf of Republic Western Insurance Co. and bind Republic Western Insurance Co. by these statements.

DOCKET ITEM NO. 531

3. In my capacity as a representative for the third party administrator for Republic Western Insurance Co., I have handled workers' compensation claims for Amerco (U-Haul), an entity insured by Republic Western Insurance Co. One of my responsibilities as the third party administrator for Republic Western Insurance Co. has been to review all claims known to have been handled on behalf of Republic Western Insurance Co. and its policy holder Amerco (U-Haul) by Crawford & Co., to determine whether any or all of the claims involved facts to which the criteria detailed in *Flynn & Miller v. Montana State Fund and Liberty Northwest Insurance* apply. After review of our records, I swear under oath that Republic Western Insurance Co. should be dismissed from the above entitled action for the following reason:

- Republic Western Insurance Co. has no claimants meeting the Court's criteria in this matter as set forth in the Summons.

4. 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 Petitioners may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of Republic Western Insurance Co. After such 90 days, if no objection is lodged by counsel for Petitioners, the Court will dismiss Republic Western Insurance Co. from this action based on the sworn statements made by me in this Affidavit.

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

DATED this 29 day of May, 2006.

*June*

*Sandy I. Mayernik*

Sandy I. Mayernik  
Third Party Administrator for Republic  
Western Insurance Co.

SIGNED AND SWORN TO before me on \_\_\_\_\_,  
2006, by Sandy I. Mayernik.

*June 29th*

*Jessica M. Rochon*

Notary Public for the State of Montana  
Printed Name: Jessica M Rochon  
Residing at: Great Falls  
My Commission Expires: March 11, 2009



Affidavit of Sandy I. Mayernik

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**CERTIFICATE OF SERVICE**

The undersigned, a representative of GARLINGTON, LOHN & ROBINSON, PLLP, hereby certifies that on the 11th day of July, 2006, a true and correct copy of the foregoing AFFIDAVIT OF SANDY I. MAYERNIK was mailed, postage prepaid, to the following:

Rex L. Palmer, Esq.  
301 W. Spruce  
Missoula, MT 59802

A handwritten signature in cursive script, appearing to read "Rhonda Robinson", is written over a horizontal line.