

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

FILED

and

SEP - 6 2006

CARL MILLER, Individually and on Behalf of
Others Similarly Situated

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

AFFIDAVIT

STATE OF Alabama)
County of Jefferson) : ss.

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

¶2 I, Michael Madden (NAME), am the Corporate Litigation Specialist (POSITION) of INFINITY INSURANCE GROUP (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Corp. Lit. Specialist (POSITION) of Infinity Insurance Group (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Atlanta Specialty Ins (NAME OF INSURER OR SELF-INSURER) and to bind Atlanta Specialty Ins (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that ATLANTA SPECIALTY INSURANCE (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. 534

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

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

DATED this 24 day of August, 2006

Michael Madden
(Name)

CORPORATE LITIGATION SPECIALIST
(Title)

Signed and sworn to before me this 24 day of August, 2006.

Carrie J Middlebrooks
Notary Public for the State of _____
Residing at: _____
My Commission Expires: _____

(SEAL)

