

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

and

CARL MILLER, Individually and on Behalf of
Others Similarly Situated

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

FILED

SEP - 6 2006

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

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 Leader Insurance (NAME OF INSURER OR SELF-INSURER) and to bind Leader Insurance (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that Leader 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. 535

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

¶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 Leader Insurance (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.

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

DATED this 24 day of August, 2006

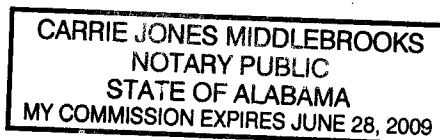
Michael J. Radden
(Name)

CORPORATE LITIGATION SPECIALIST
(Title)

Signed and sworn to before me this 25 day of August, 2006

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

(SEAL)





Corporate Claims Services
3700 Colonnade Parkway, Suite 600
Birmingham, AL 35243

205-803-8389 Phone
205-266-8434 Cell
205-803-8038 Fax

August 23, 2006

RE: Cassandra Schmill v Liberty Northwest Insurance and Montana State Fund, Dale Reesor v. Montana State Fund, Robert Flynn and Carl Miller v. Montana State Fund and Liberty Northwest Insurance

Docket # WCC No. 2001-0300 (Schmill)

WCC No. 2002-0676 (Reesor)

WCC No. 2000-0222 (Flynn)

Infinity Claim #10000018312

Defendants: Atlanta Specialty Insurance Company
Leader Insurance Company

To: Workers Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

Infinity Insurance Group received 3 multi party complaints for Attorney liens on Workers Compensation payments against two members of our group, Atlanta Specialty Insurance and Leader Insurance. Insurers of the Infinity Group write non standard auto business, and do not write worker's compensation coverage. I retained a Montana attorney when we go notice of these matters in 2005, and directed him to get Leader and Atlanta Specialty out of the suits. You may have received affidavits and dismissed the companies already. Unfortunately, I have lost touch with the attorney and never did get confirmation of dismissal.

Therefore, I am sending you affidavits for both companies on all 3 suits. I have retained the Cummings Law Firm in Helena to follow up on the dismissals. If you need any further information on Atlanta Specialty or Leader Insurance, feel free to contact me.

Sincerely,

Michael Madden
Corporate Litigation Specialist
Email: mike.madden@ipacc.com

Enclosures: 3 affidavits advising Leader Ins sold no WC policies
3 affidavits advising Atlanta Specialty Insurance
sold no WC policies