

FILED

OCT 16 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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.

AFFIDAVIT

STATE OF WASHINGTON)
 :ss.
COUNTY OF CLARK)

I, Barbara Jones, being first duly sworn upon oath, depose and say:

1. I, Barbara Jones, am the Workers' Compensation Claims Manager of J.H. Kelly, LLC.
2. In my capacity as Workers' Compensation Claims Manager of J.H. Kelly, LLC, I am authorized to make the statements set forth in this affidavit on behalf of J.H. Kelly, LLC and to bind J.H. Kelly, LLC by these statements.
3. After a review of our records, I swear under oath that J.H. Kelly, LLC should be dismissed from the above-entitled

DOCKET ITEM NO. 541

action for any or all of the following reasons (check all that apply):

 J.H. Kelly, LLC has never written workers' compensation insurance in the State of Montana;

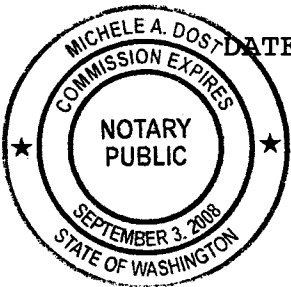
 J.H. Kelly, LLC does not have any Montana claims;

 X J.H. Kelly, LLC has no claimants meeting the Court's criteria in this matter as set forth in the summons;

 J.H. Kelly, LLC was or is in liquidation during the period in question set forth in the amended summons served upon me.

4. I understand that 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 J.H. Kelly, LLC. 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.

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



DATED this 6 day of October , 2006

 Barbara Jones
(Name)
 Workers' Compensation Claims Mgr.
(Title)

Signed and sworn to before me this 6th day of October , 2006

 Michele A. Dost
Notary Public for the State of Washington
Residing At: 51923 Mt. View Rd. Scappoose, OR 97056
My Commission Expires: 9/3/08

CERTIFICATE OF SERVICE BY MAIL

I, Kirsten Lloyd, hereby declare and state:

I am over the age of eighteen years, employed in the City of Portland, County of Multnomah, State of Oregon, and not a party to the within action. My business address is Ronald W. Atwood, P.C., 333 S.W. Fifth Avenue, 200 Oregon Trail Building, Portland, Oregon, 97204.

On October 13, 2006, I served the within **AFFIDAVIT OF BARBARA JONES** on the parties in said caused by placing a true copy thereof enclosed in a sealed envelope with postage prepaid thereon in the United States Post Office at Portland, Oregon, addressed as follows:

Mr. Rex L. Palmer
Attorneys Inc., P.C.
301 W. Spruce
Missoula, MT 59802

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

EXECUTED October 13, 2006 at Portland, Oregon.



KIRSTEN E. LLOYD
Legal Secretary

Ronald W. Atwood*

Sara Turner
Legal Assistant

Lisa Schowengerdt
Legal Assistant

* Licensed in Oregon,
Washington and Montana

Ronald W. Atwood, P.C.

Attorney at Law

200 Oregon Trail Building
333 S.W. Fifth Ave.
Portland, OR 97204-1748
(503) 525-0963

FAX (503) 525-0966

E-mail: ratwood@ronaldwatwood.com

October 13, 2006

Montana Workers' Compensation Court
1625 11th Avenue
P.O. Box 537
Helena, MT 59624

Re: *Robert Flynn and Carl Miller, et al.*
WCC No. 2002-0222

Dear Staff:

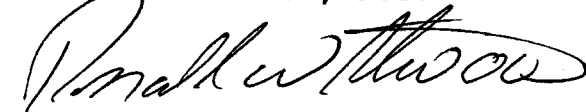
We have enclosed for filing the AFFIDAVIT OF BARBARA JONES in the above-captioned matter.

A true copy is being mailed to Petitioner's counsel, Mr. Rex Palmer, and proof of service is attached to the Affidavit.

Thank you for your attention to this matter.

Very truly yours,

RONALD W. ATWOOD, P.C.



RONALD W. ATWOOD
RWA/pjd

Enclosure

cc w/enc.: Mr. Rex Palmer
Ms. Barbara Jones