

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

FILED

and

APR 23 2007

**CARL MILLER, Individually and on Behalf of
Others Similarly Situated**

**OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA**

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor

AFFIDAVIT

STATE OF MINNESOTA)

: SS.

County of STEELE)

1. I, Laura Blahosky, being first duly sworn upon oath, depose and say:
2. I, Laura Blahosky, am Compliance Counsel of both Federated Mutual Insurance Company and Federated Service Insurance Company.

DOCKET ITEM NO. 563

3. I my capacity as Compliance Counsel of Federated Mutual Insurance Company and Federated Service Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of Federated Mutual Insurance Company and Federated Service Company and to bind both Federated Mutual Insurance Company and Federated Service Insurance Company by these statements.

4. After a review of our records, I swear under oath that Federated Mutual Insurance Company and Federated Service Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

- _____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- _____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- Federated Mutual Insurance Company and Federated Service Insurance Company have 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 County may allow a period of up to 90 days for 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 Federated Mutual Insurance Company and Federated Service Insurance Company. 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.

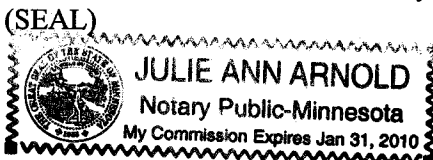
6 I declare under penalty of perjury that the foregoing is correct.

DATED this 18 day of April, 2007.

Kaura Blahosky
(Name)
Compliance Counsel
(Title)

Signed and sworn to before me this 18th day of April, 2007.

Julie Ann Arnold
Notary Public for the State of MN
Residing at: 1029 S Cedar Ave Owatonna, 55060
My Commission Expires: 1-31-10





121 East Park Square
P.O. Box 328 • Owatonna, MN 55060
Phone: (507) 455-5200 • 800-533-0472

April 18, 2007

CLERK OF COURT
WORKERS COMPENSATION COURT
1625 11TH AVENUE
PO BOX 537
HELENA, MT 59624-0537

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

RE: Flynn/Miller vs. Montana State Fund
WCC No: 2000-0222

INSURERS: Federated Mutual Insurance Company
Federated Service Insurance Company

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter is an affidavit by Federated Mutual Insurance Company and Federated Service Insurance Company.

A diligent search of Montana worker's compensation claims of both Federated Mutual Insurance Company and Federated Service Insurance Company determined that there are no claimant's meeting the Court's criteria in *Flynn/Miller*. Therefore, we request the dismissal of both Federated Mutual Insurance Company and Federated Service Insurance Company from the above-captioned matter based upon the enclosed affidavit. It is our understanding that this can be accomplished without the necessity of a formal pleading. If the Court disagrees or has any questions, please contact me.

Sincerely,

Jeanne Hankerson
Vice-President
Director of Claims Legal & Compliance

Cc: Rex Palmer
Attorneys Inc., P.C.