

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0278

**FILED**

**EULA MAE HIETT**

JAN 18 2006

**Petitioner**

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

vs.

**MONTANA SCHOOLS GROUP INSURANCE AUTHORITY**

**Respondent/Insurer**

**MONTANA STATE FUND**

**Intervenor.**

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**AFFIDAVIT**

STATE OF NEBRASKA    )  
                                  : ss.  
COUNTY OF DOUGLAS    )

I, Rod Rathbun, being first duly sworn upon oath, depose and say:

I, Rod Rathbun, am Assistant Vice-President of Financial Information Systems at National Indemnity Company.

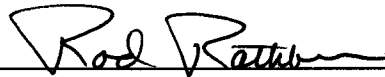
In my capacity as Assistant Vice-President of Financial Information Systems of National Indemnity Company, I am authorized to make the statements set forth in this affidavit on behalf of National Indemnity Company and to bind National Indemnity Company by these statements.

After a review of our records, I swear under oath that National Indemnity Company should be dismissed for the following reason: National Indemnity Company wrote workers' compensation coverage in Montana for only one company from July 1, 1993 through the present. Moreover, only one claim was made in Montana during that time period, and that claim was denied by National Indemnity Company. National Indemnity Company therefore paid no workers' compensation benefits in Montana during the relevant time period.

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 statements made by me on behalf of National Indemnity 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.

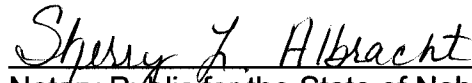
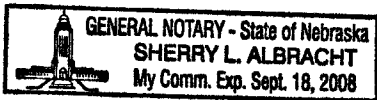
I declare under the penalty of perjury that the foregoing is correct.

DATED this 12<sup>th</sup> day of January, 2006.



Rod Rathbun  
Assistant Vice-President of Financial  
Information Systems,  
National Indemnity Company

Signed and sworn to before me this 12<sup>th</sup> day of January, 2006.



Notary Public for the State of Nebraska  
Residing at: Sarpy County  
My Commission expires: Sept 18, 2008



# National Indemnity Company

A member of the Berkshire Hathaway group of insurance companies

January 13, 2006

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Ms. Jackie Bockman  
Deputy Clerk of Court  
Workers' Compensation Court  
1625 11<sup>th</sup> Avenue  
P.O. Box 537  
Helena, Montana 59624-0537

Re: *Hiett v. Montana Schools Group Insurance Authority*, WCC No. 2001-0278

Dear Ms. Bockman:

Enclosed for filing in the above-referenced matter is an affidavit by National Indemnity Company.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Nancy F. Peters'. The signature is fluid and cursive, with a large loop at the end.

Nancy F. Peters  
Associate General Counsel



**National Indemnity Company**

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January 13, 2006

cc: Sydney E. McKenna  
Tornabene & McKenna, PLLC  
815 East Front Street  
Suite 4A  
Missoula, Montana 59802  
**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**