

Steven W. Jennings
 Crowley, Haughey, Hanson,
 Toole & Dietrich P.L.L.P.
 P. O. Box 2529
 Billings, MT 59103-2529
 (406) 252-3441
 Attorneys for Respondents:

AIG National Insurance Co.
 AIU Insurance Company
 American Alternative Insurance Corp.
 American Home Assurance Company
 American General Corp.
 American Guarantee & Liability Insurance Company
 American International Insurance Co.
 American International Pacific Insurance Company
 American International Specialty Lines Insurance
 American Reinsurance Company
 American Zurich Insurance Co.
 Assurance Company of America
 Birmingham Fire Insurance Company
 Bituminous Fire & Marine Insurance Co.
 Bituminous Casualty Corp.
 Centre Insurance Company
 Clarendon National Insurance Company
 Colonial American Casualty & Surety
 Commerce & Industry Insurance Company
 Everest National Ins. Co.
 Fairfield Ins. Co.
 Farmers Insurance Exchange
 FedEx Ground Package System, Inc.
 Fidelity & Deposit Co. of Maryland
 Granite State Insurance Company
 Great American Alliance Insurance Co.
 Great American Assurance Co.
 Great American Insurance Co.
 Great American Insurance Co. of NY
 Great American Spirit Insurance Company
 Greenwich Insurance Company
 Hartford Accident & Indemnity Co.
 Hartford Casualty Insurance Co.
 Hartford Fire Insurance Co.
 Hartford Insurance Co. of the Midwest
 Hartford Underwriters Insurance Co.
 Illinois National Insurance Co.
 Insurance Company of the State of Pennsylvania
 Markel Insurance Company
 Maryland Casualty Company
 Mid-Century Insurance Co.
 Middlesex Insurance Company
 Millers First Insurance Company
 Montana Health Network Workers' Compensation Insur. Trust
 National Union Fire Insurance Company of Pittsburgh, PA
 New Hampshire Insurance Company

FILED

MAY - 5 2006

OFFICE OF
 WORKERS' COMPENSATION JUDGE
 HELENA, MONTANA

Northern Insurance Co. of New York
 P P G Industries Inc.
 Property & Casualty Insurance Co. of Hartford
 Republic Indemnity
 Sentinel Insurance Company Ltd.
 Sentry Insurance Mutual Co.
 Sentry Select Insurance Company
 Stillwater Mining Company
 Truck Insurance Exchange
 Twin City Fire Insurance Co.
 Universal Underwriters Group
 Valiant Insurance Company
 XL Ins. Co. of New York Inc.
 XL Reinsurance America
 XL Specialty Ins. Company
 United National Casualty Insurance Company
 Zurich American Insurance Co.
 Zurich American Insurance Co. of Illinois

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,

Petitioner,

vs.

MONTANA STATE FUND,

Respondent/Insurer.


WCC No. 2002-0676

AFFIDAVIT OF AMY CARDILLO

The above listed insurers hereby submit the attached *Affidavit of Amy Cardillo*.

Dated this 5th day of May, 2006.

CROWLEY, HAUGHEY,
 HANSON,
 TOOLE & DIETRICH P.L.L.P.

By: 
 STEVEN W. JENNINGS
 Attorneys for Respondents

CERTIFICATE OF SERVICE

I, STEVEN W. JENNINGS, one of the attorneys for the law firm of Crowley, Haughey, Hanson, Toole & Dietrich P.L.L.P., hereby certify that on the 5th day of May, 2006, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Mr. Thomas J. Murphy
Murphy Law Firm
PO Box 3226
Great Falls, MT 59403-3226



STEVEN W. JENNINGS

Steven W. Jennings
Crowley, Haughey, Hanson,
Toole & Dietrich P.L.L.P.
P. O. Box 2529
Billings, MT 59103-2529
(406) 252-3441
Attorneys for Respondents:

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR,

Petitioner,

vs.

MONTANA STATE FUND,

Respondent/Insurer.

WCC No. 2002-0676

AFFIDAVIT OF AMY CARDILLO

STATE OF COLORADO)
COUNTY OF *Denver*) ss.

I, AMY CARDILLO, being first duly sworn under oath, depose and state as follows:

1. My employment is located at 7535 E. Hampden Avenue, Suite 200, Denver, Colorado 80231.
2. My current title is Worker's Compensation Claims Manager for Farmers Insurance Exchange, Truck Insurance Exchange, and Mid-Century Insurance Company.
3. My duties include claims oversight for workers' compensation claims in the Western United States, as well as budgeting for claims handling.

4. As a function of my employment duties with Farmers Insurance Exchange, I have knowledge of claims handling and adjusting procedures as well as file storage and handling.

5. In response to the *Reesor* common fund litigation, pending before the Workers' Compensation Court for the State of Montana, I have investigated the cost of reviewing our closed files to determine whether Farmers Insurance Exchange, Truckk Insurance Exchange or Mid-Century Insurance Company has, or had, any claims in which the claimant may be eligible to obtain additional worker's compensation insurance benefits pursuant to the Montana Supreme Court decision entitled *Reesor v. Montana State Fund*, 2004 MT 370, 325 Mont. 1, 103 P.3d 1019.

6. My investigation has revealed the following facts:

- a. As we do not collate our closed files by type of insurance we would have to review approximately 30,250 Montana files to identify Montana workers compensation files.
- b. All files prior to 1997 would require a manual review as we did not keep computerized records prior to that date.
- c. Our clerical employees, who would conduct the file review, are compensated at the rate of \$20 per hour. Thus, our file review costs would be \$20 per hour.
- d. Reviewing each of the 30,250 closed Montana files to identify each workers' compensation file would entail approximately 293 hours, assuming 10 seconds per post-1997 computerized file and 1 minute per pre-1997 paper file.
- e. After having identified all Montana workers' compensation files, it would require approximately 1,323 hours to review each workers'

compensation file to determine whether it is a *Reesor*-type claim. This figure assumes that 25% of the 30,250 Montana files are workers' compensation files and that it would take 15 minutes per file to determine if it is a *Reesor*-type claim.

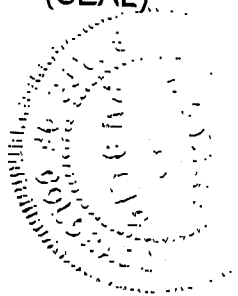
- f. Given the above estimates a review of our closed files to identify *Reesor*-type claims would cost \$32,320.

Dated this 27 day of April, 2006.

Amy Cardillo
 AMY CARDILLO

SUBSCRIBED and SWORN to before me this 27th day of April, 2006.

(SEAL)



Vicki Kippes
 Vicki Kippes
 Notary Public for the State of Colorado
 Residing at: Denver, Co 80231
 My Commission Expires: _____

My Commission Expires
05/20/2008