

**AUG - 5 2008**

**AFFIDAVIT**

STATE OF PENNSYLVANIA

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

County of Montgomery

1. I, Toby Hittinger, being first duly sworn upon oath, depose and say:
2. I, Toby Hittinger, am the Assistant Vice President for Corporate Workers' Compensation Claims of Pennsylvania Manufacturers' Association Insurance Company, Pennsylvania Manufacturers Indemnity Company and Manufacturers Alliance Insurance Company ("PMA").
3. In my capacity as Assistant Vice President for Corporate Workers' Compensation Claims of PMA, I am authorized to make the statements set forth in this affidavit on behalf of PMA and to bind PMA by these statements.
4. After a review of our records, I swear under oath that PMA should be dismissed from the above entitled action for the following reason:

PMA has no claimants meeting the Court's criteria in this matter as set forth in the summons.

5. I understand that the Montana Workers' Compensation Court may allow a period of up to ninety (90) days from the date of filing this affidavit within which counsel for Petitioner may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of PMA. After such ninety (90) days, if no objection is lodged by counsel for Petitioner, the Court will dismiss PMA 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 1<sup>ST</sup> day of AUGUST, 2008.

Toby Hittinger  
(Name)

AVP, CORPORATE WORKERS' COMPENSATION  
(Title)

Signed and sworn to before me this 1<sup>st</sup> day of August, 2008.

Bridget A. Byrne

Notary Public for the State of:

Pennsylvania

Residing at: 380 Sentry Parkway Blue Bell PA

My Commission Expires: July 7, 2011

(SEAL)

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Bridget A. Byrne, Notary Public  
Whitpain Twp., Montgomery County  
My Commission Expires July 7, 2011

Member, Pennsylvania Association of Notaries



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August 1, 2008

The Honorable Michael McCarter  
Montana Workers Compensation Court  
P.O. Box 537  
Helena, Montana 59624-0357

RE: Dale Reesor v. Montana State Fund  
WCC No. 2002-0676

Dear Judge McCarter:

Enclosed please find the original and one (1) copy of the affidavit of Toby Hittinger on behalf of Pennsylvania Manufacturers' Association Insurance Company, Pennsylvania Manufacturers Indemnity Company and Manufacturers Alliance Insurance Company with reference to the above matter. By copy of this letter the affidavit is being served on Petitioner's counsel Thomas J. Murphy, Esquire.

If Your Honor has any questions about this affidavit or needs any further information, please contact the undersigned at your convenience.

Thank you for your attention to this matter.

Very Truly Yours

Donald Borrell  
AVP-Assistant General Counsel  
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Enc.