

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

Reesor

Petitioner

vs.

Montana State Fund

Respondent/Insurer.

FILED

DEC 16 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF New York)
: ss.
County of New York)

¶1 I, Susan B. Wilcher (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Susan B. Wilcher (NAME), am the Senior Vice President (POSITION) of AXA Re America Insurance Company (AXA Re) (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Senior Vice President (POSITION) of AXA Re (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of AXA Re (NAME OF INSURER OR SELF-INSURER) and to bind AXA Re (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that AXA Re (NAME OF INSURER OR SELF-INSURER) should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

DOCKET ITEM NO. 327

- AXA Re (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;
- _____ (NAME OF INSURER OR SELF-INSURER) has 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.

¶15 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 counsel for Petitioner[s] may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of AXA Re (NAME OF INSURER OR SELF-INSURER). After such 90 days, if no objection is lodged by counsel for Petitioner[s], the Court will dismiss the insurer/self-insurer from this action based on the sworn statements made by me in this affidavit.

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

DATED this 12th day of December, 2005.

Susan B. Wilcher

(Name)

Senior Vice President

(Title)

Signed and sworn to before me this 12 day of Dec, 2005

Anita R. Vazzano
 Notary Public for the State of New York
 Residing at: Kings County, NY
 My Commission Expires: 1/8/06

(SEAL)