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January 26, 2006

FILED

JAN 27 2006

Judge James Jeremiah Shea
Workers Compensation Court
P O Box 537
Helena, Mt 59624-0357

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Re: Reesor v. State Fund
WCC No. 2002-0676

Dear Judge Shea:

In accordance with the Court's Order dated 12/6/05 (Docket #324), I reviewed several insurance company affidavits requesting dismissal without prejudice in the Reesor common fund action. Oddly, several insurers filed new affidavits despite the fact that the Court had previously dismissed them. Nevertheless, based on the statements contained in these affidavits, and in reliance on their truthfulness, I stipulate that the Court may dismiss the following insurance companies without prejudice:

<u>Insurance Company</u>	<u>Affidavit #</u>	
American Agricultural Insurance	335	Previously Dismissed 6/27/05
Americas Insurance Companies (AIC)	338	
Armed Forces Insurance	326	
AXA Re America Ins. Co.	327	Previously Dismissed 8/1/05
AXA Corporate Solutions Ins. Co.	328	Previously Dismissed 8/1/05
Caterpillar Insurance	331	+299
Lumber Mutual Insurance Company	330	Previously Dismissed 6/27/05
National Indemnity Co.	339	
Triad Guaranty Company	325	Previously Dismissed 6/27/05

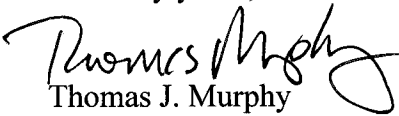
DOCKET ITEM NO. 351

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In addition, the Court asked for the status of the dismissal request by North American Speciality Ins. Co. ("NAS"). I reviewed the NAS response to petitioner's discovery requests, and the affidavit of Alfred W. Bodi. In reliance on the truthfulness of Mr. Bodi's affidavit and the NAS discovery responses, I stipulate that North American Speciality Ins. Co may be dismissed without prejudice. I herewith enclose a copy of North American Speciality Insurance Company's affidavit and discovery responses for the Court record.

Please contact me if you have any questions about this matter. Thank you.

Sincerely yours,


Thomas J. Murphy

TJM/ljp

enc.: Affidavit of Alfred W. Bodi & Attachments 12/8/05

cc. Each Insurer (listed above)

Maxon Davis w/o enc.

Thomas Welsch w/o enc.

WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

DALE REESOR)

WCC No. 2002-0676

FILED

vs.)

MONTANA STATE FUND)

JAN 27 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT OF ALFRED W. BODI FOR AND ON BEHALF OF
NORTH AMERICAN SPECIALITY INSURANCE COMPANY

STATE OF NEW HAMPSHIRE)

COUNTY OF) ss.

H. Stratham

Alfred W. Bodi, being first duly sworn, on oath deposes and says:

1. I am employed by North American Specialty Insurance Company ("NAS") as Senior Vice President, Claims. As part of my employment responsibilities, I am responsible for supervising the handling and management of workers compensation claims under policies issued by NAS.
2. At my direction and under my supervision, employees of NAS have conducted a diligent search of NAS' records and located eight workers compensation claims by Montana claimants under policies issued by NAS and eight other workers compensation claims by Montana claimants under policies issued by other insurers and assumed by NAS on or before the date of this Affidavit.
3. Attached is a true and correct copy of data collected from the NAS claim system, reflecting all Montana claimants under workers compensation insurance policies issued or assumed by NAS and the date of birth of each such claimant.
4. On the basis of this diligent search of its claim systems, NAS has determined that it has no claims under workers compensation insurance policies from Montana claimants who are 65 years of age or older as of the date of this Affidavit.
5. The above is true and correct to the best of my knowledge.

Alfred W. Bodi
Dated: December 8, 2005

So subscribed and sworn to before me this 8th day of December, 2005,

Eunice C. Kouveliotis
Notary Public for the State of New Hampshire
My Commission Expires: _____

EUNICE C. KOUVELIOTIS, Notary Public
My Commission Expires January 4, 2010

Montana Workers Compensation Claims Under Policies Issued or Assumed by North American Speciality Ins. Co.

Company	Claim Number	Named Insured	Policy Periods	Policy Number	Date of Birth	Injured Worker 65 years old or older Yes or No
North American Specialty	AGNA99000177	TDJ Mgmt	03/08/99-03/08/00	AGW0000062-00	10/30/1965	No
North American Specialty	AGNA99000377	TDJ Mgmt	03/08/99-03/08/00	AGW0000062-00	8/22/1980	No
North American Specialty	AGNA99000601	TDJ Mgmt	03/08/99-03/08/00	AGW0000062-00	2/7/1960	No
North American Specialty	AGNA99000713	TDJ Mgmt	03/08/99-03/08/00	AGW0000062-00	5/19/1982	No
North American Specialty	AGNA99001708	TDJ Mgmt	03/08/99-03/08/00	AGW0000062-00	4/8/1970	No
North American Specialty	AGNA99001837	TDJ Mgmt	03/08/99-03/08/00	AGW0000062-00	9/11/1979	No
North American Specialty	AHD0000051569	Big Sky Fire Protection	06/01/01-06/01/02	AHW0003218-00	1/3/1971	No
North American Specialty	AHD0000052268	Big Sky Fire Protection	06/01/01-06/01/02	AHW0003218-00	7/26/1954	No

Montana Workers Compensation Claims Under Policies Issued or Assumed by North American Speciality Ins. Co.

Company	Claim Number	Named Insured	Policy Periods	Policy Number	Date of Birth	Injured Worker 65 years old or older Yes or No
Superior National	Underwriters Claim Number	Named Insured	Policy Periods	Policy Number	Date of Birth	Injured Worker 65 years old or older Yes or No
Superior National	689-0103028	Big Bear Stores	12/14/99 - 12/14/00	WSC0167960	6/8/1947	No
Superior National	689-0101041	Computer Claims Administrators	01/01/00-01/01/01	W010212520	7/9/1979	No
Superior National	689-0101047	McDonnell-Wilken Enterprises	02/01/00-02/01/01	W020172102	12/5/1944	No
Superior National	689-0101060	Colstrip Electric	01/01/00-01/01/01	W010171548	6/6/1975	No
Superior National	689-0107536	East West Partners	01/01/00 - 01/01/01	W010212595	4/2/1954	No
Superior National	689-0101096	Montana Entertainment	02/01/00-02/01/01	W020215080	9/7/1980	No
Superior National	689-0137065	Chaffin Inc	01/29/00-01/29/01	W010214599	5/2/1949	No
Superior National	689-20523182	MacKenzie Disposal	01/19/00-01/19/01	W010214159	10/1/1948	No