

FILED

FEB 13 2006

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002 - 0674

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Dale Kisor

Petitioner

vs.

Montana State Fund

Respondent/Insurer.

AFFIDAVIT

STATE OF Rhode Island )  
County of Providence ) : ss.

¶1 I Nancy Resende (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Nancy Resende (NAME), am the Corporate Secretary (POSITION) of York Insurance Company (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Corporate Secretary (POSITION) of York Insurance Company (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of York Insurance Company (NAME OF INSURER OR SELF-INSURER) and to bind York Insurance Company (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that York Insurance Company (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. 367

- York Insurance Company (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 York Insurance Company (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 6<sup>th</sup> day of February, 2006

Nancy Resende  
\_\_\_\_\_  
(Name)

Corporate Secretary  
\_\_\_\_\_  
(Title)

Signed and sworn to before me this 6<sup>th</sup> day of February, 2006.

Loril Maciel  
\_\_\_\_\_  
Notary Public for the State of Rhode Island  
Residing at: 121 Elder Avenue, EAST Prov RI  
My Commission Expires: 12/2008

(SEAL)