

Bockman, Jacqueline

From: Francis, Jon [jjfrancis@omniwhittington.com]
Sent: Thursday, August 18, 2005 3:36 PM
To: Bockman, Jacqueline
Cc: Madden, Mary Lynn
Subject: RE: Common Fund

Thank you,

Our response, if acceptable, is that in Flynn, Reesor and Satterlee and in fact in all past and future cases in relation to the Montana Workers' compensation fund Americas Insurance Company denies that it has ever underwritten or accepted by way of reinsurance any workers compensation business risk located in Montana that may have been subject to guarantee fund regulation. By location we mean either that the risk or the insured was located in Montana. To my knowledge, Americas Insurance Company has never underwritten Workers' Compensation Insurance anywhere.

We do hope that this meets with your approval and brings an end to this matter.

Kind regards

Jon Francis
Senior Vice President

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-----Original Message-----

From: Bockman, Jacqueline [mailto:jbockman@mt.gov]
Sent: Thursday, August 18, 2005 4:15 PM
To: Francis, Jon
Subject: RE: Common Fund

Mr. Francis:

Thank you for your response in the common fund matters. The Court records reflect that you did file a responsive letter in the *Flynn* common fund case. The petitioner's counsel in the *Flynn* matter, Rex Palmer, is putting together a list of respondent insurers who can be dismissed. When we receive that list, we will issue an Order dismissing them from the case. If an insurance company has never written workers' compensation insurance policies in Montana, they will be dismissed. If, however, they have issued policies but do not have claims that are applicable to the case, they will be asked to file an affidavit, setting out this information under oath. Then the Court will dismiss them.

Our records do not show that you have filed a response in the *Reesor* matter. Please file a response at your earliest convenience. The same holds true in *Reesor* -- if your company has never issued workers' compensation insurance in Montana, the petitioner's counsel will notify the Court, and the Court will issue an order dismissing you.

Regarding *Satterlee*, I see that Americas Insurance Company was named in the notice (see docket item