

FILED

DEC 19 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2003-0840

Catherine Saterlee

Petitioner

vs.

Lumberman's Mutual Casualty.

Respondent/Insurer.

AFFIDAVIT

STATE OF MASSACHUSETTS)

County of Suffolk)

: ss.

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

¶2 I, DAVID CARIGLIA (NAME), am the Vice President, WC Plans (POSITION) of Lumber Mutual (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that Lumber Mutual (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. 280

- _____ (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;
- Lumber Mutual (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 Lumber Mutual (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 9th day of December, 2005

[Signature]

(Name)

Vice President, WC Claims

(Title)

Signed and sworn to before me this 9th day of December, 2005.

[Signature]

Notary Public for the State of Massachusetts
Residing at: Middlesex County
My Commission Expires: 10/8/2010

(SEAL)



CHRISTOPHER K. DeBRUIN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 8, 2010

c
MAXON R. DAVIS
GREGORY J. HATLEY
DENNIS J. TIGHE
PAUL R. HAFFEMAN
KEVIN C. MEEK
JAMES A. DONAHUE

LAW OFFICE OF
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FILE NO. 6064/6083/6093/6094/6177

December 16, 2005

Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
PO Box 537
Helena MT 59624-0537

Re: *Satterlee et al. v Lumber Mutual Insurance Company, et al.*
Workers' Compensation Court No. 2003-0840

Hiett v. Missoula County Public Schools, et al.
Workers' Compensation Court No. 2001-0278

Flynn v. Montana State Fund
Workers' Compensation Court No. 2000-0222

Dale Reesor v. Montana State Fund
Workers' Compensation Court No. 2003-0676

Schmill v. Liberty Northwest Insurance Company
Workers' Compensation Court No. 2001-0300

Dear Ms. Kessner:

Enclosed please find the following documents regarding the above-referenced matters:

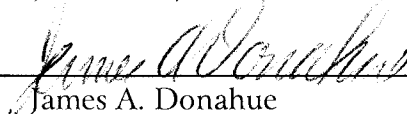
- 1) Notice of Filing of Affidavit of Dismissal (except in *Schmill* Notice of Appearance and Filing of Affidavit of Dismissal); and
- 2) Affidavit

Please file these documents and notify us of the date of filing via the self-addressed, pre-stamped envelope.

Very truly yours,

DAVIS, HATLEY, HAFFEMAN & TIGHE P.C.

By


James A. Donahue

JAD:aje
Enclosures