

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA
WCC No. 2003-0840

AFFIDAVIT IN SUPPORT OF REQUEST TO DISMISS **FILED**
LYNDON PROPERTY INSURANCE COMPANY

JUN - 9 2005

In Re:

Catherine E. Satterlee, et al., Petitioners

vs.

Lumberman's Mutual Casualty Company, et al., Respondents/Insurers

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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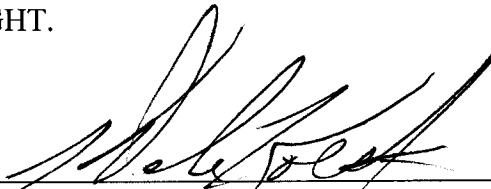
Comes the Affiant, J. Dale Koester, and after having been first duly sworn, states
as follows:

1. I hold the position of Assistant Vice President/Surety Bond Manager of Lyndon Property Insurance Company (hereinafter, "Lyndon").
2. Lyndon is a property & casualty insurance company, chartered in 1978 in the State of Missouri.
3. Lyndon received its Certificate of Authority to conduct business in Montana on August 7, 1980.
4. Lyndon has never written Workers' Compensation Insurance in Montana.
5. Upon application from Stone Container Corporation, on June 19, 2002 Lyndon issued a Workers' Compensation Self Insurer's Bond in support of Stone Container Corporation's qualification as a Self Insurer of its workers' compensation risks, Compensation Plan No. 1, in Montana.
6. In issuing the aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation, Lyndon was functioning as Surety, but not as an Insurer.
7. Surety for a bond in support of a Self Insurer under Compensation Plan No. 1 does not meet the definition of an "Insurer" as set forth in Montana Code Annotated 2003, 39-71-116(14), therefore Lyndon cannot be construed as an Insurer by reason of its obligation of suretyship.

8. The aforementioned Workers' Compensation Self Insurer's Bond on behalf of Stone Container Corporation was replaced by an Irrevocable Letter of Credit on June 30, 2004, and the Bond was exonerated and released as of that date.

9. Lyndon has no further liability under the Workers' Compensation Self Insurer's Bond formerly issued on behalf of Stone Container Corporation, and Lyndon has never issued any other workers compensation self insurer's bonds in Montana.

FURTHER AFFIANT SAYETH NAUGHT.



J. Dale Koester
Assistant Vice President/Surety Bond Manager
For Lyndon Property Insurance Company

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me by J. Dale Koester this the 9th day of
June, 2005.

My Commission expires: March 28, 2008



NOTARY PUBLIC

