

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2003-0840

FILED

Catherine E. Satterlee, et al.

DEC 12 2005

Petitioner

vs.

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Lumberman's Mutual Casualty Co., et al.

Respondent/Insurer.

AFFIDAVIT

STATE OF Missouri)
: ss.
County of St. Louis)

¶1 I J. Dale Koester (NAME), being first duly sworn upon oath, depose and say:

¶2 I, J. Dale Koester (NAME), am the Asst. VP/Surety Bond Manager (POSITION) of Lyndon Property Ins. Co. ("Lyndon") (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Asst. VP/Surety Bond (POSITION) of Lyndon (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Lyndon (NAME OF INSURER OR SELF-INSURER) and to bind Lyndon (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that Lyndon (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. 276

- Lyndon (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.

¶5 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 Lyndon (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.

¶6 I declare under penalty of perjury that the foregoing is correct.

DATED this 7th day of December, 2005.

[Signature]

 (Name)
Asst VP/Surety Bond Mgr

 (Title)

Signed and sworn to before me this 7th day of December, 2005.

MARGARET E. LOCOCO
 Notary Public - Notary Seal
 STATE OF MISSOURI
 St. Charles County
 Commission #05672901
 My Commission Expires: 2-27-09
 (SEAL)

Margaret E. Lococo
 Notary Public for the State of Missouri
 Residing at: St. Charles County
 My Commission Expires: 2-27-09

Asset Protection Division
One Chesterfield Place
14755 North Outer Forty, Ste 400
St. Louis, MO 63017
636-536-5600 / 800-950-6060
636-536-5643 FAX



December 7, 2005

VIA CERTIFIED MAIL

The Honorable James Jeremiah Shea
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

RE: Catherine E. Satterlee, et al. v. Lumberman's Mutual Casualty Company, et al.
WCC No. 2003-0840

Robert Flynn, et al. v. Montana State Fund, et al.
WCC No. 2000-0222

Dear Judge Shea:

Pursuant to the Court's request of December 6, 2005, enclosed are affidavits for the above-referenced cases.

If you have any questions or need further information, please contact me at (636) 536-5737. Thank you.

Sincerely,

Melissa Ayers
Regulatory Analyst

Enclosures