

D. Drue Wax, General Counsel
SeaBright Insurance Company
2101 4th Avenue, Suite 1600
Seattle, WA 98121
(206) 269-8568

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC NO. 2003-0840

CATHERINE SATTERLEE, et al.,

FILED

Petitioners

JAN 23 2006

vs.

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

LUMBERMAN'S MUTUAL CASUALTY COMPANY, et al.,

Respondent/Insurer.

AFFIDAVIT

STATE OF ILLINOIS)
 : ss.
COUNTY OF COOK)

¶1 I, D. Drue Wax, being first duly sworn upon oath, depose and say:

¶2 I, D. Drue Wax, am the General Counsel, Senior Vice President and Secretary of SeaBright Insurance Company ("SeaBright").

¶3 In my capacity as General Counsel, Senior Vice President and Secretary of SeaBright, I am authorized to make the statements set forth in this affidavit on behalf of SeaBright and to bind SeaBright by these statements.

¶4 After a review of our records, I swear under oath that SeaBright should be dismissed from the above-entitled action for any or all of the following reason:

SeaBright has never written workers' compensation insurance in the state of Montana.

¶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 SeaBright. 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 21 day of January, 2006.

D. Drue Wax
General Counsel, Senior Vice President and
Corporate Secretary

Signed and sworn before me this 21 day of January, 2006.

Notary Public for the State of Illinois

Laura Forsyth

Printed Name

Residing at 1155 N. W. 11th Street Apt 2626 15
My Commission Expires 10.28.06



(SEAL)