

Americas Insurance company
("AIC")

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

JAN 12 2006

CASSANORA SCHMILL

Petitioner

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer.

AFFIDAVIT

STATE OF Louisiana)
Parish : ss.
County of Orleans)

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

¶2 I, JONATHAN FRANCIS (NAME), am the Senior Vice President (POSITION) of Americas Insurance Company (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that Americas Insurance Company (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. 138

- Americas Insurance Company (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- Americas Insurance Company (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- Americas Insurance Company (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 Americas Insurance Company (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 3rd day of January, 2005.

Jonathan Francis
 JONATHAN FRANCIS
 (Name)

Senior Vice President, Americas Insurance Company
 (Title)

Signed and sworn to before me this 3rd day of January, 2006

[Signature]
 Notary Public for the State of Louisiana
 Residing at: 201 St. Charles Ave. # 3100, NOLA, 70170
 My Commission Expires: upon my death

(SEAL)

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

and

MONTANA STATE FUND

Intervenor.

FILED

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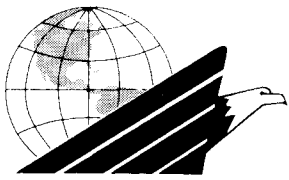
**OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA**

AMENDED SUMMONS AND NOTICE OF ATTORNEY FEE LIEN

A T & T COMMUNICATIONS INC
ACCEPTANCE INDEMNITY INS CO
ACE AMERICAN INSURANCE COMPANY
ACE AMERICAN REINSURANCE CO
ACE FIRE UNDERWRITERS INS CO
ACE INDEMNITY INSURANCE COMPANY
ACE PROPERTY & CASUALTY INS CO
ACIG INS CO
ADVANTAGE WORKERS COMP INS CO
AIG NATIONAL INSURANCE COMPANY
AIG PREMIER INSURANCE COMPANY
AIU INSURANCE CO
ALAMANCE INSURANCE COMPANY
ALASKA NATIONAL INS CO
ALBERTSONS INC
ALEA NORTH AMERICA INS CO
ALLIANZ GLOBAL RISKS US INSURANCE
CO
ALLIED MUTUAL INSURANCE CO
ALLIED PROPERTY & CASUALTY
INSURANCE COMPANY
ALLMERICA FINANCIAL ALLIANCE INS CO

ALLSTATE INSURANCE CO
AMCO INSURANCE COMPANY
AMERICAN ALTERNATIVE INS CORP
AMERICAN AMBASSADOR CASUALTY CO
AMERICAN AUTOMOBILE INS CO
AMERICAN CASUALTY CO OF READING
PA
AMERICAN CENTENNIAL INSURANCE CO
AMERICAN CENTRAL INS CO
AMERICAN COMMERCE INS CO
AMERICAN CONTINENTAL INSURANCE
COMPANY
AMERICAN ECONOMY INS CO
AMERICAN EMPLOYERS INSURANCE CO
AMERICAN FIRE & CASUALTY COMPANY
AMERICAN FUJI FIRE & MARINE INS CO
AMERICAN GUARANTEE & LIABILITY INS
CO
AMERICAN HARDWARE MUTUAL INS CO
AMERICAN HOME ASSURANCE CO
AMERICAN INS CO

DOCKET ITEM NO. 79



Americas Insurance Company

400 POYDRAS STREET, SUITE 1990, NEW ORLEANS, LA 70130
TELEPHONE: 504-528-9555
FAX: 504-523-0084

January 11, 2006

Clerk of Court
P. O. Box 537
Helena, MT 59624-0537

Dear Sir/Madam:

I am forwarding the original signed and notarized affidavits to the Clerk of Court in Helena, MT. The cases are as follows:

- (1) WCC No. 2002-0676 Dale Reesor vs. Montana State Fund
- (2) WCC No. 2000-0222 Robert Flynn and Carl Miller vs. Montana State Fund
- (3) WCC No. 2001-0300 Cassandra Schmill vs. Liberty Northwest Insurance Corp.

If any other information is needed, please feel free to contact me at jjfrancis@omniwhittington.com or 504 528 9555. Thank you very much for all of your help in this matter.

Yours truly,

Jon Francis

JF:mbw
C: Jackie Bockman-Deputy Clerk of Court