

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

FILED

DEC 23 2005

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

AFFIDAVIT

STATE OF Ohio )  
: ss.  
County of Cuyahoga )

¶1 I, ERIC S. GORDON (NAME), being first duly sworn upon oath, depose and say:

¶2 I, ERIC S. GORDON (NAME), am the Corporate Counsel (POSITION) of Bristol West Insurance (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Corporate Counsel (POSITION) of Bristol West Ins. Company (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Bristol West Ins. (NAME OF INSURER OR SELF-INSURER) and to bind Bristol West Company (NAME OF INSURER OR SELF-INSURER) by these statements. Ins. Company

¶4 After a review of our records, I swear under oath that Bristol West Ins. 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):

- Bristol West Ins. Co. (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.

¶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 Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of Bristol West Ins. Co. (NAME OF INSURER OR SELF-INSURER). After such 90 days, if no objection is lodged by the Petitioner's counsel, 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 16<sup>th</sup> day of December, 2005

[Signature]  
 \_\_\_\_\_  
 (Name)  
Corporate Counsel  
 \_\_\_\_\_  
 (Title)

Signed and sworn to before me this 16<sup>th</sup> day of Dec, 2005

Christine Tiedemann  
 Notary Public for the State of OHIO  
 Residing at: 3577 Hammond Blvd  
 My Commission Expires: \_\_\_\_\_

(SEAL)



CHRISTINE TIEDEMANN  
 NOTARY PUBLIC  
 SUMMIT CTY, STATE OF OHIO  
 MY COMMISSION EXPIRES  
 AUGUST 14, 2006



Apex Adjustment Bureau, Inc.  
Bayview Adjustment Bureau, Inc.  
Bristol West Casualty Insurance Company  
Bristol West Insurance Company

Bristol West Insurance Services of California, Inc.  
Bristol West Insurance Services, Inc. of Florida  
Bristol West Insurance Services of Nevada, Inc.  
Bristol West Insurance Services of Texas, Inc.  
Coast National Holding Company

Coast National Insurance Company  
Insurance Data Systems, G.P.  
Coast National General Agency, Inc.  
Security National Insurance Company

Eric S. Gordon, Esq.  
Direct Line 216.674.7095  
Fax 216.446.4599  
Eric.Gordon@Bristolwest.com

December 16, 2005

State of Montana  
Workers' Compensation Court  
P.O. Box 537  
Helena, Montana 59624-0537

**RE: Schmill v. Liberty NW Ins. Corp.  
Affidavit of Bristol West Insurance Company (NAIC # 19658)**

To Whom It May Concern:

Enclosed is the affidavit of Bristol West Insurance Company is the above-referenced matter. As indicated in the affidavit, Bristol West Insurance Company should be dismissed from this matter due to the fact that the company has never written workers' compensation coverage in the State of Montana.

Thank you in advance for your assistance and should you have any questions, please feel free to contact the undersigned directly at (216) 675-7095.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Gordon', with a long horizontal flourish extending to the right.

Eric S. Gordon  
Associate General Counsel  
Bristol West Insurance Company

Cc: Ms. Laurie Wallace, Bothe & Lauridsen, P.C., P.O. Box 2020, Columbia Falls, Montana 59912