

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANDRA SCHMILL

DEC 23 2005

Petitioner

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

STATE OF TENNESSEE)
) ss.
COUNTY OF DAVIDSON)

I, DONALD J. MEYERS, being first duly sworn upon oath, depose and say:

I, DONALD J. MEYERS, am the Vice President, General Counsel, and Secretary of Caterpillar Insurance Company.

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

After a review of our records, I swear under oath that Caterpillar Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons (check any and all that apply):

Caterpillar Insurance has never written workers' compensation insurance in the State of Montana;

_____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;

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(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.

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 providing or disproving the foregoing statement(s) made by me on behalf of Caterpillar Insurance Company. 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.

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

DATED this 14th day of December, 2005.

[Handwritten Signature]

Donald J. Meyers
Vice President, General Counsel & Secretary

Signed and sworn to before me this 14 day of December, 2005.

[Handwritten Signature]

Notary Public for the State of Tennessee
Residing at: NASHVILLE, TN
My Commission Expires: May 23, 2009

(SEAL)



My Commission Expires MAY 23, 2009