

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

**FILED**

Petitioner

JAN 3 2006

vs.

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

**AFFIDAVIT**

STATE OF Ohio )

: ss.

County of Franklin )

¶1 I, Douglas L. Hertlein (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Douglas L. Hertlein (NAME), am the Chief Deputy Liquidator (POSITION) of Credit General Insurance Company (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that Credit General 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. 124

- \_\_\_\_\_ (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;
- Credit General Insurance Company (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 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 Credit General Insurance Company (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.

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

DATED this 30<sup>th</sup> day of December, 2005.

Douglas T. Hunt  
 \_\_\_\_\_  
 (Name)  
Chief Deputy Liquidator  
 \_\_\_\_\_  
 (Title)

Signed and sworn to before me this 30<sup>th</sup> day of December, 2005.

Daniel J. Hunter  
 \_\_\_\_\_  
 Notary Public for the State of Ohio  
 Residing at: 11450 US Rte 42, Plain City Ohio 43064  
 My Commission Expires: lifetime - may need

(SEAL)



DANIEL J. HUNTER  
 Attorney At Law  
 Notary Public, State of Ohio  
 My Commission Has No Expiration  
 Section 147.03 R.C.

**Office of the Ohio Insurance Liquidator**

1366 Dublin Road  
Columbus, Ohio 43215-1093

Ann Womer Benjamin  
Liquidator

Telephone: 614/487-9200  
Fax: 614/487-9418

December 30, 2005

Workers' Compensation Court  
P.O. Box 537  
Helena, MT 59624-0537

**Re: Credit General Insurance Company, In Liquidation**  
**Petitioner: Cassandra Schmill**  
**WCC No. 2001-0300**

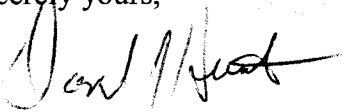
Dear Sir or Madam:

Per the instructions of the petition regarding the above-referenced matter, enclosed is the original executed and notarized Affidavit of Douglas L. Hertlein, Chief Deputy Liquidator of the Credit General Insurance Company. We are also enclosing a copy of the Affidavit. Please file-stamp and return the copy to us with the self-addressed stamped envelope.

Please note that we file this Affidavit with reservations, as we do not agree that this Court has jurisdiction over an Ohio insurance company, in liquidation.

Please feel free to contact me if you have any additional questions.

Sincerely yours,



Daniel J. Hunter  
General Counsel

Enclosure