

WCC No. 2001- 0300

JAN 13 2006

CASSANDRA SCHMILL

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Petitioner

vs.

LIBERTY MUTUAL INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF NORTH DAKOTA)

: ss.

County of Burleigh)

¶1 I, Leon Zander, being first duly sworn upon oath, depose and say:

¶2 I, Leon Zander, am an Claims Supervisor of Dakota Fire Insurance Company.

¶3 In my capacity as Claims Supervisor of Dakota Fire Insurance Company, I am authorized to make the statements set forth in this Affidavit on behalf of Dakota Fire Insurance Company and to bind Dakota Fire Insurance Company by these statements.

¶4 After a review of our records, I swear upon oath that Dakota Fire Insurance Company should be dismissed from the above entitled action for any and all of the following reasons:

Dakota Fire Insurance Company has no claimant meeting the Court's criteria as set forth in the Summons.

¶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 Dakota Fire Insurance Company. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss Dakota Fire Insurance Company from this action based upon the sworn statements made by me in this Affidavit.

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

DATED this 4th day of JANUARY, 2006.

Leon Zander
Leon Zander
Claims Supervisor

Signed and sworn to before me this 4 day of January 2006
2006.

Connie Holzer
Notary Public for the State of North Dakota
Residing at: Bismarck, ND
My Commission Expires: _____

(SEAL)

