

**FILED**

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA <sup>JAN 17 2006</sup>

WCC No. 2001- 0300

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

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**CASSANDRA SCHMILL**

**Petitioner**

**vs.**

**LIBERTY MUTUAL INSURANCE CORPORATION**

**Respondent/Insurer**

**MONTANA STATE FUND**

**Intervenor.**

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**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 Employers Mutual Casualty Company.

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

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

Employers Mutual Casualty Company has no claimant meeting the Court's criteria as set forth in the Summons.

DOCKET ITEM NO. 141

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

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

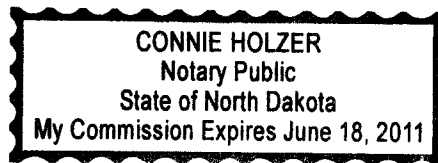
DATED this 4th day of January, 2006.

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)



1/13/2006

The Honorable James Shea  
Workers' Compensation Court  
PO Box 537  
Helena, MT 59624-0537

Re: *Schmill v. Montana State Fund et al.*  
WCC No. 2001-00300

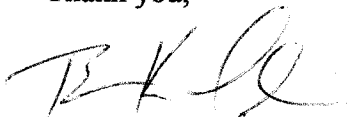
Your Honor:

Per the instructions contained in the Amended Summons and Notice of Attorney Fee Lien, filed December 7, 2005 in the above-reference case, please find enclosed Affidavits requesting dismissal, and the basis therefor, for the following companies:

EMCASCO Insurance Company  
Dakota Fire Insurance Company  
Union Insurance Company of Providence  
Employers Mutual Casualty Company

If the Court has any questions or is in need of any further information, please feel free to contact me at 515-362-7594 or [Brian.K.Lohse@EMCIns.com](mailto:Brian.K.Lohse@EMCIns.com).

Thank you,



Brian K. Lohse  
Associate Staff Attorney  
EMC Insurance Companies

Cc: Leon Zander

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