

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANRA SCHMILL

JAN - 9 2006

Petitioner

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF California)

: ss.

County of Los Angeles)

¶ 1 I Kevin Grant (NAME), being first duly sworn upon oath, depose and say:

¶ 2 I, Kevin Grant (NAME) am the Vice President, Auto Claims (POSITION) of National American Insurance Company of California (NAME OF INSURER OR SELF-INSURER).

¶ 3 In my capacity as Vice President, Auto Claims (POSITION) of National American Insurance Company of California (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in the affidavit on behalf of National American Insurance Company of California (NAME OF INSURER OR SELF-INSURER) and to bind National American Insurance Company of California (NAME OF INSURER OR SELF-INSURER) by these statements.

¶ 4 After a review of our records, I swear under oath that National American Insurance Company of California (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. 132

_____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;

National American Insurance Company of California (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims for the dates contemplated by the summons;

National American Insurance Company of California (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.

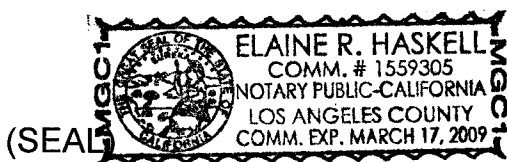
¶ 5 I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of National American Insurance Company of California (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 29th day of December, 2005.

Kevin Grant Kevin Grant
(Name)
Vice President, Auto Claims
(Title)

Signed and sworn to before me this 30th day of December, 2005.



Elaine R. Haskell
Notary Public for the State of CALIFORNIA
Residing at: LAKEWOOD, CA
My Commission Expires: 3-17-2009

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January 6, 2006

Ms. Patricia Kessner
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624

RE: Schmill vs. Liberty Northwest and Montana State Fund
WCC No. 2001-0300

Dear Ms. Kessner:

Enclosed please find the affidavits of Kevin Grant indicating National American Insurance Company of California and Mission American Insurance Company should be dismissed from this case. Please file these affidavits pursuant to the Court's Order.

Your assistance is appreciated.

Sincerely,

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By Leo S. Ward
Leo S. Ward

cc: Kevin Grant (w/encl.)