

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

FILED

DEC 27 2005

LIBERTY NORTHWEST INSURANCE CORPORATION

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF Pennsylvania )  
County of Cumberland ) : ss.

¶1 I, R. Peter Ericson (NAME), being first duly sworn upon oath, depose and say:

¶2 I, R. Peter Ericson (NAME), am the General Counsel (POSITION) of PHICO Ins. Co. (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as General Counsel (POSITION) of PHICO Ins. Co. (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of PHICO Ins. Co. (NAME OF INSURER OR SELF-INSURER) and to bind PHICO Ins. Co. (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that PHICO Ins. Co. (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. 111

- \_\_\_\_\_ (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;
- PHICO Ins. Co. (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 PHICO Ins. Co. (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 15<sup>th</sup> day of December, 2005.

[Signature]  
\_\_\_\_\_  
(Name)

General Counsel  
\_\_\_\_\_  
(Title)

Signed and sworn to before me this 15<sup>th</sup> day of December, 2005.

[Signature]  
\_\_\_\_\_  
Notary Public for the State of Pennsylvania  
Residing at: \_\_\_\_\_  
My Commission Expires: PENNSYLVANIA

(SEAL)

Notarial Seal  
Jillene Paukert, Notary Public  
Silver Spring Twp., Cumberland County  
My Commission Expires Feb. 12, 2009

PHICO  
NECO Claims

DEC 13 2005

Received

PHICO Insurance Company (In Liquidation)  
One PHICO Drive (17050-2797)  
P.O. Box 85  
Mechanicsburg, PA 17055-0085  
Tel 800.382.1378 717.766.1122  
Fax 717.766.2837

**PHICO**  
(In Liquidation)

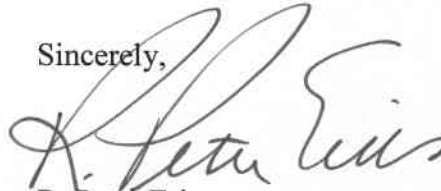
December 15, 2005

Workers' Compensation of the State of Montana  
1625 11<sup>th</sup> Avenue  
P.O. Box 537  
Helena, MT 59624-0537

Re: Cassandra Schmill v. Liberty Northwest Insurance Corporation  
WCC No. 2001-0300

Enclosed is a completed affidavit asserting the fact that PHICO Insurance Company is in liquidation, having been so placed pursuant to an order of the Commonwealth Court of Pennsylvania on February 1, 2002. If you have any questions, please contact me.

Sincerely,



R. Peter Ericson  
General Counsel/Vice President, Claims

Enclosure

cc. Laurie Wallace, Esq., Bothe & Lauridsen, P.O. Box 2020, Columbia Falls, MT 59912

General Counsel/Vice President, Claims  
R. Peter Ericson

PHICO