

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANDRA SCHMILL

DEC 22 2005

Petitioner

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF Texas)
County of Tarrant) : ss.

¶1 I, Marla Dena Lee (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Marla Dena Lee (NAME), am the Assoc. General Counsel (POSITION) of Triton Ins. Co. (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that Triton (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. 104

- Triton (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;
- _____ (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 Triton (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.

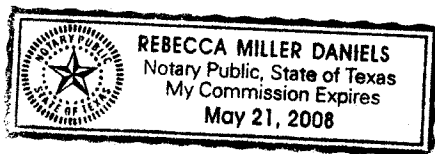
¶6 I declare under penalty of perjury that the foregoing is correct.

DATED this 15th day of December, 2005.

[Signature]
(Name)

Reserve General Counsel
(Title)

Signed and sworn to before me this 15th day of December, 2005.



(SEAL)

Rebecca Daniels
Notary Public for the State of Texas
Residing at: Fort Worth, TX
My Commission Expires: 5/21/2008

Triton Insurance Company

3001 Meacham Blvd., Suite 200
Fort Worth, Texas 76137
Phone: 817/ 348-7525
Fax: 817/ 348-7530
E-mail: leem@citifinancial.com

December 15, 2005

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

Re: *Cassandra Schmill vs. Liberty Northwest Insurance Corporation and Montana State Fund*
Amended Summons and Notice of Attorney Fee Lien, Case No. WCC No. 2001-0300

Dear Sir or Madam:

We acknowledge receipt of the above-referenced Notice.

Triton Insurance Company primarily writes collateral protection insurance and credit involuntary unemployment insurance coverages on a group basis through a relationship with financial institutions. Triton does not now nor has it ever written workers' compensation insurance coverage. Therefore, we have completed the attached Affidavit in order to be dismissed from the above-referenced action.

Sincerely,
TRITON INSURANCE COMPANY



Marla Deña Lee
Associate General Counsel

MDL/rh

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