

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

FILED

DEC 23 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF Iowa)
: ss.
County of Linn)

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

¶2 I, Neal R. Scharmer (NAME), am the Vice President & General Counsel (POSITION) of United Fire & Casualty (NAME OF INSURER OR SELF-INSURER), the parent corporation for Texas General Indemnity, a Colorado corporation

¶3 In my capacity as Vice President & General Counsel (POSITION) of United Fire & Casualty (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Texas General Indemnity (NAME OF INSURER OR SELF-INSURER) and to bind Texas General Indemnity (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that Texas General Indemnity (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):

- _____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- Texas General Indemnity (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- Texas General Indemnity (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.

** I have reviewed the Statutory Annual Statements for Texas General Indemnity and believe that Texas General Indemnity has not recorded any earned workers compensation premiums since at least 1980,

¶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 Texas General Indemnity (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.

** and we have no recollection of ever writing work comp insurance in the State of Montana.

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

DATED this 19th day of December, 2005.

Neil R. Johnson

(Name)

Vice President & General Counsel

(Title)

Signed and sworn to before me this 19 day of Dec., 2005



(SEAL)

Nancy L. Descombes

Notary Public for the State of Iowa

Residing at: Cedar Rapids, IA

My Commission Expires: 10/22/06