

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

FILED

Petitioner

JAN - 9 2006

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF IOWA)
) : ss.
County of POLK)

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

¶2 I, David McNeill (NAME), am the Assistant General Counsel (POSITION) of Western Agricultural Insurance Company (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that Western Agricultural Insurance Company (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. 136

- Western Agricultural Insurance Company (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 Western Ag. 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 3rd day of January, 2006.

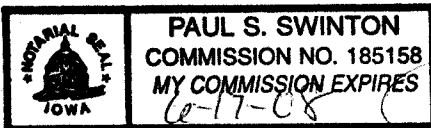
David A. McNeill

David A. McNeill (Name)

Assistant General Counsel

(Title)

Signed and sworn to before me this 3rd day of January, 2006.



(SEAL)

Paul S. Swinton
 Notary Public for the State of Iowa
 Residing at: Polk County, Iowa
 My Commission Expires: _____

Morain & Pugh, P.L.C.
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*ALSO ADMITTED IN MISSOURI
** ALSO ADMITTED IN MISSOURI & KANSAS

DATE: 1/4/06

Workers Compensation Court of Montana

CLERK OF COURT:

PLEASE FILE THE ENCLOSED PLEADING AND RETURN 1 FILE-STAMPED
COPY(IES) TO ME IN THE ENCLOSED SELF-ADDRESSED STAMPED ENVELOPE.

THANK YOU FOR YOUR ASSISTANCE.