

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

AFFIDAVIT

JAN 23 2006

STATE OF NEW JERSEY)
: ss.
County of Somerset)

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA


1. I, David Leskauskas, being first duly sworn upon oath, depose and say:
2. I, David Leskauskas, am the Senior Vice President of Claims for Mitsui Sumitomo Marine Management (U.S.A.), Inc. ("MSMM"), manager for and on behalf of Mitsui Sumitomo Insurance Company of America ("MSIA") and Mitsui Sumitomo Insurance USA Inc. ("MSU").
3. In my capacity as Senior Vice president of MSMM, I am authorized to make the statements set forth in this affidavit on behalf of MSIA and MSU and to bind MSIA and MSU by these statements.
4. After a review of our records, I swear under oath that MSIA and MSU should be dismissed from the above-entitled action for the following reason: MSIA and MSU have no claimants meeting the Court's criteria in the matter set forth in the summons.
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 statements made by me on behalf of MSIA and MSU. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss MSIA and MSU 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 18th day of January, 2006.



David Leskauskas - Senior Vice President

Signed and sworn to before me this 18 day of JANUARY, 2006.


Timothy S. Kelsey, Esq.
Attorney at Law - State of New Jersey

DOCKET ITEM NO. 159



Mitsui Sumitomo Insurance Group

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January 18, 2006

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624-0537

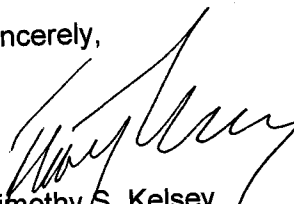
Re: **WCC No. 2001-0300**
Schmill v. Liberty Northwest Insurance Company

To Whom It may Concern:

Pursuant to an Amended Summons and Notice of Attorney Fee Lien in the above referenced matter, enclosed is an affidavit on behalf of Mitsui Sumitomo Insurance Company of America and Mitsui Sumitomo Insurance USA Inc. requesting these two entities be dismissed from this action.

Please feel free to contact me if there are any questions or concerns. Thank you.

Sincerely,



Timothy S. Kelsey
Assistant Counsel

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

Mitsui Sumitomo Marine Management (U.S.A.), Inc., for
Mitsui Sumitomo Insurance USA Inc.
Mitsui Sumitomo Insurance Company of America
15 Independence Boulevard, P.O. Box 4602, Warren, NJ 07059-0602