

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

FILED

Petitioner

JAN 23 2006

vs.

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF OHIO)
)
County of BUTLER) : ss.

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

¶2 I, Warner Marshall (NAME), am the Manager, Workers' Compensation Claims (POSITION) of * (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Manager, Workers' Compensation Claims (POSITION) of *See below (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of * (NAME OF INSURER OR SELF-INSURER) and to bind * (NAME OF INSURER OR SELF-INSURER) by these statements.

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

- * American Fire & Casualty Company
- * Avomark Insurance Company
- * The Ohio Casualty Insurance Company
- * Ohio Security Insurance Company
- * West American Insurance Company

DOCKET ITEM NO. 161

- _____ (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.

¶15 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 _____ * _____ (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.

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

DATED this 18 day of January, 2006

Wm M. ...
(Name)

Manages Workers Compensation Claims
(Title)

Signed and sworn to before me this 18th day of January, 2006

Nancy L. Praechter
Notary Public for the State of Ohio
Residing at: _____
My Commission Expires: _____

(SEAL)

BAKER
&
HOSTETLER LLP
COUNSELLORS AT LAW

CAPITOL SQUARE, SUITE 2100 • 65 EAST STATE STREET • COLUMBUS, OHIO 43215-4260 • (614) 228-1541 • FAX (614) 462-2616

January 20, 2006

BEN L. PFEFFERLE III
WRITER'S DIRECT DIAL NUMBER (614) 462-2601
E-MAIL: BPFEFFERLE@BAKERLAW.COM

VIA EXPRESS MAIL

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

Re: Cassandra Schmill, Petitioner v. Liberty Northwest Insurance Corporation et al., Respondents

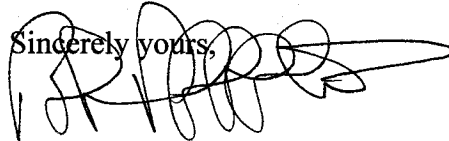
On behalf of: American Fire & Casualty Company
Avomark Insurance Company
The Ohio Casualty Insurance Company
Ohio Security Insurance Company
West American Insurance Company

Dear Sir or Madam:

Enclosed for filing please find an original and two copies of an executed affidavit submitted on behalf of the above referenced insurance companies, provided pursuant to the Court's request of December 7, 2005.

Please return a time-stamped copy of one of the enclosed affidavits in the enclosed self-addressed stamped envelope. Thank you for your attention to this matter.

Sincerely yours,



Ben L. Pfefferle III

cc: Bernadine Topazio, Esq.