

WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL)

WCC No. 2001-0300

vs.)

FILED

LIBERTY NORTHWEST INS. CORP.)
and MONTANA STATE FUND)

JAN 23 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

**AFFIDAVIT OF ANDREA J. MORGAN FOR AND ON
BEHALF OF SWISS REINSURANCE AMERICA CORPORATION**

STATE OF NEW YORK)

) ss.

COUNTY OF WESTCHESTER)

1. Andrea J. Morgan, being first duly sworn, on oath deposes and says:
2. I am employed by Swiss Reinsurance America Corporation ("SRA") as the Director, Claims Management.
3. In my capacity as Director, Claims Management, of SRA, I am authorized to make the statements set forth in this affidavit on behalf of SRA and to bind SRA by these statements. As part of my employment responsibilities, I am responsible for supervising the handling and management of claims for SRA.
4. After review of our records, I swear under oath that SRA should be dismissed from the above-entitled action for any or all of the following reasons:
 - (a) SRA is a professional reinsurer and has never written any written workers' compensation insurance in the state of Montana; and
 - (b) SRA does not have any claims against it under Montana workers' compensation insurance policies.
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 Petitioners' counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of SRA. After such 90 days, if no objection is lodged by the Petitioners' counsel, the Court will dismiss SRA from this action based on the sworn statements made by me in this affidavit

DOCKET ITEM NO. 1165

6. The above is true and correct to the best of my knowledge.

Andrea J. Morgan

Andrea J. Morgan

Dated: January 9, 2006

So subscribed and sworn to before me this ____ day of January, 2006,

Paul H. Stanton

Notary Public for the State of New York

My Commission Expires: 12/31/06

PAUL H. STANTON
Notary Public, State of New York
No. 31-4675108
Qualified in Westchester County
Commission Expires 12-31-06

SWISS RE**Julie Pollack**
Associate General Counsel**VIA FACSIMILE (406-444-7798) and U.S. MAIL****Clerk of Court
Workers Compensation Court of the State of Montana
P.O. Box 537
Helena, MT 59624-0537****Swiss Reinsurance America Corporation
175 King St.
Armonk, NY 10504
USA
Direct line (914) 828-8633
Direct fax (914) 828-7633
Julie_Pollack@swisre.com****Schmill v. Montana State Fund, WCC NO. 2001-0300****January 23, 2005****Dear Sir of Madam:**

I write on behalf of Swiss Reinsurance America Corporation and its affiliate, North American Elite Insurance Company. We are in receipt of the Summons and Notice of Attorney Fee Lien in the above referenced matter.

Please be advised that:

- Swiss Reinsurance America Corporation ("SRA") is a professional reinsurer. SRA has never written workers' compensation insurance in the State of Montana
- North American Elite Insurance Company ("NAE") has never written workers' compensation insurance in the State of Montana.

In light of the foregoing and in reliance upon the attached affidavits, we request the dismissal of SRA and NAE from the above-captioned matter. It is our understanding that this can be accomplished without the necessity of a formal pleading. If the Court disagrees or has any questions, please contact the undersigned.

We are continuing to investigate the records of our other affiliates named in the summons, North American Specialty Insurance Company and Fort Wayne Health & Casualty Insurance Company. We therefore respectfully request that the Court allow us thirty days from the date of this letter to investigate and provide the Court with a response as respects these entities.

Sincerely,

Julie Pollack

SWISS RE



cc: **The Honorable James Jeremiah Shea**
Workers Compensation Court of the State of Montana
P.O. Box 537
Helena, MT 59624-0537

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