

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF
MONTANA
WWC NO. 2001-0300

CASSANDRA SCHMILL

FILED

Petitioner

JAN 2 8 2006

Vs.

OFFICE OF
WORKERS' COMPENSATION
HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF IOWA)
 : ss.
County of Polk)

¶1 I, Sam Waters, being first duly sworn upon oath, depose and say:

¶2 I, Sam Waters, am the Assistant Vice President of GuideOne Mutual Insurance Company.

¶3 In my capacity as Assistant Vice President of GuideOne Mutual Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of GuideOne Mutual Insurance Company and to bind GuideOne Mutual insurance Company by these statements.

¶4 After a review of our records, I swear under oath that GuideOne Mutual Insurance Company 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. 177

- _____ (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;
- X GuideOne Mutual Insurance Company 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 GuideOne Mutual Insurance Company. 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 23rd day of January, 2006
[Signature]
 (Name)

AVP GuideOne Mutual Ins Co
 (Title)

Signed and sworn to before me this 23rd day of January, 2006.

Marcia Dykstra
 Notary Public for the State of Idaho
 Residing at: GuideOne Insurance
 My commission Expires: 1-26-07

(SEAL)