

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANTA STATE FUND

Intervenor.

FILED

JAN 26 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF IOWA)
 : ss.
County of Polk)

¶ 1 I, **JOHN F. THELEN**, being first duly sworn upon oath, depose and say:

¶ 2 I, **JOHN F. THELEN**, am an **ASSISTANT SECRETARY** of **UNION INSURANCE COMPANY**.

¶ 3 In my capacity as **ASSISTANT SECRETARY** of **UNION INSURANCE COMPANY** I am authorized to make the statements set forth in this affidavit on behalf of **UNION INSURANCE COMPANY** and to bind **UNION INSURANCE COMPANY** by these statements.

¶ 4 After a review of our records, I swear under oath that **UNION INSURANCE COMPANY** should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

- UNION INSURANCE COMPANY** has never written workers' compensation insurance in the state of Montana;

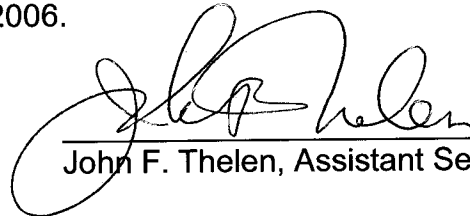
DOCKET ITEM NO. 199

- UNION INSURANCE COMPANY** does not have any Montana claims;
- UNION INSURANCE COMPANY** has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- UNION INSURANCE COMPANY** 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 **UNION 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.

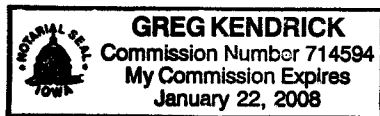
¶6 I declare under penalty of perjury that the foregoing is correct.

DATED this 19 day of January, 2006.

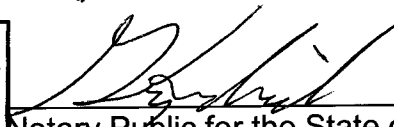


 John F. Thelen, Assistant Secretary

Signed and sworn to before me this 19~~th~~ day of January, 2006.



(SEAL)



 Notary Public for the State of Iowa
 My Commission Expires: 1.22.08

LAW OFFICES OF
POORE, ROTH & ROBINSON, P.C.

A PROFESSIONAL CORPORATION

1341 HARRISON AVENUE

P. O. BOX 2000

BUTTE, MONTANA 59702

TELEPHONE (406) 497-1200

FAX (406) 782-0043

E-MAIL pr@prrlaw.com

January 25, 2006

DONALD C. ROBINSON
ROBERT C. BROWN
J. RICHARD ORIZOTTI
BRENDON J. ROHAN
JOHN P. DAVIS
THOMAS M. WELSCH
PATRICK M. SULLIVAN
TINA L. MORIN
LEE BRUNER
LISA A. LEVERT

RONALD A. THUESEN
CHARLES K. SMITH
MATTHEW D. NEILL

OF COUNSEL

ROBERT A. POORE
URBAN L. ROTH

JAMES A. POORE, JR.
(1916-2002)

Ms. Patricia J. Kessner
Clerk of Court
Workers' Compensation Court
1625 11th Avenue
P.O. Box 537
Helena, Montana 59624

Re: Robert Flynn and Carol Miller, et al. v. Montana State Fund and
Liberty Northwest Insurance Corporation
WCC No. 2000-0222

Dear Ms. Kessner:

Enclosed for filing in the above-captioned matter are the original and one copy of the following:

1. Affidavit of Leo Winstead on behalf of Midwest Employers Casualty Company;
2. Affidavit of Carol J. Lapunzina on behalf of Starnet Insurance Company;
3. Affidavit of John F. Thelen on behalf of Continental Western Insurance Company;
4. Affidavit of John F. Thelen on behalf of Berkley Regional Company; and
5. Affidavit of John F. Thelen on behalf of Union Insurance Company.

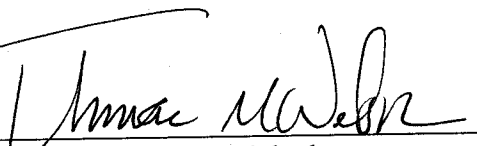
Ms. Patricia J. Kessner
January 25, 2006
Page 2 . . .

Please acknowledge receipt and filing date of the same by returning conformed copies in the stamped, pre-addressed envelope enclosed for your convenience.

Thank you.

Very truly yours,

POORE, ROTH & ROBINSON, P.C.

By 
Thomas M. Welsch

TMW:ct
Enclosures
cc: Rexford L. Palmer, Esq.