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FILED

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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Attorneys for The Navigators Group, Inc.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

| | | |
|-----------------------------|---|------------------------------------|
| CASSANDRA SCHMILL, |) | WCC NO. 2001-0300 |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | AFFIDAVIT OF ELLIOT S. OROL |
| |) | |
| LIBERTY NORTHWEST INSURANCE |) | |
| CORPORATION, |) | |
| |) | |
| Respondent/Insurer, |) | |
| |) | |
| MONTANA STATE FUND, |) | |
| |) | |
| Intervenor. |) | |

STATE OF NEW YORK)
 :ss
County of)

1. I, Elliot S. Orol, being first duly sworn upon oath, depose and says:
2. I, Elliot S. Orol, am the Senior Vice President, General Counsel and Chief Compliance Officer;
3. In my capacity as Senior Vice President, General Counsel and Chief Compliance Officer of The Navigators Group, Inc., I am authorized to make the statements set for in this affidavit on behalf of The Navigators Group, Inc., and to bind The Navigators Group, Inc., by these statements;


4. After a review of our records, I swear under oath that The Navigators Group, Inc., should be dismissed from the above-entitled action for any or all of the following reasons:

- ✓ The Navigators Group, Inc., has never written workers' compensation insurance in the state of Montana;
- The Navigators Group, Inc., does not have any Montana claims;
- The Navigators Group, Inc., has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- The Navigators Group, Inc., 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 The Navigators Group, Inc. 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.

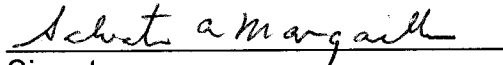
6. I declare under penalty of perjury that the foregoing is correct.

DATED this 20 day of December, 2005.



Elliot S. Orol,
Senior Vice President, General Counsel
and Compliance Officer

SUBSCRIBED AND SWORN TO before me this 20th day of December, 2005.



Signature

Print Name
Notary Public for the State of New York
Residing at _____, New York
My Commission Expires: _____

(S E A L)

SALVATORE A. MARGARELLA
Notary Public, State of New York
No. 4798764
Qualified in Richmond County
Commission Expires April 30, 2007 SM

LAW OFFICES

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February 1, 2006

Jacqueline Bockman
Deputy Clerk of Court
Workers' Compensation Court
1625 Eleventh Avenue
Helena, MT 596024

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

Dear Jackie:

Enclosed please find the Affidavit of Elliot S. Orol on behalf of The Navigators Group, Inc. As you will see from the Affidavit, The Navigators Group has never written workers' compensation insurance in the State of Montana. As a result, The Navigators Group request that they be dismissed from this action.

Very truly yours,



Daniel J. Whyte

DJW/mg
Enclosure