

Robert F. James
Mary K. Jaraczski
UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.
#2 Railroad Square, Suite B
P.O. Box 1746
Great Falls, MT 59403
Telephone: (406) 771-0007
Facsimile: (406) 452-9360

FILED

FEB 7 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Attorneys for American Summit Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,

Petitioner,

-vs-

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Respondent/Insurer,

and

MONTANA STATE FUND,

Intervenor.

WCC NO. 2001-0300

**MOTION TO DISMISS AMERICAN
SUMMIT INSURANCE COMPANY**

Respondent/Insurer American Summit Insurance Company files this Motion to Dismiss in response to the Summons which issued on December 7, 2005. American Summit Insurance Company requests dismissal on the grounds stated in the Affidavit of John PlesKovitch. Mr. PlesKovitch's Affidavit is filed herewith in support of the motion.

Motion to Dismiss American Summit Insurance Company

DOCKET ITEM NO. 216

In his Affidavit, Mr. PlesKovitch swears that he has reviewed the company's records and that American Summit Insurance Company has never written workers' compensation insurance in the state of Montana; American Summit Insurance Company has no Montana claims; and American Summit Insurance Company has no claimants who meet the Court's criteria in this matter as set forth in the Summons.

For the reasons stated, American Summit Insurance Company respectfully requests the Court order that it be dismissed from this case.

DATED this 6th day of February, 2006.

UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.

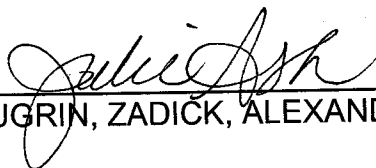
By: MK Jaraczski
Mary K. Jaraczski
#2 Railroad Square, Suite B
P.O. Box 1746
Great Falls, Montana 59403
Attorneys for American Summit Insurance
Company

CERTIFICATE OF MAILING

I hereby certify that the foregoing was duly served upon the respective attorneys for each of the parties entitled to service by depositing a copy in the United States mails at Great Falls, Montana, enclosed in a sealed envelope with first class postage prepaid thereon and addressed as follows:

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

DATED this 6 day of February, 2006.



UGRIN, ZADICK, ALEXANDER & HIGGINS, P.C.

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Attorneys for American Summit Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,)	
)	
Petitioner,)	WCC NO. 2001-0300
)	
-vs-)	
)	
LIBERTY NORTHWEST INSURANCE)	
CORPORATION,)	AFFIDAVIT OF JOHN
)	PLESKOVITCH
Respondent/Insurer,)	
)	
and)	
)	
MONTANA STATE FUND,)	
)	
Intervenor.)	
)	
)	

State of Arizona)
 : ss
 Maricopa County)

¶ 1. I, John PlesKovitch, being first duly sworn upon oath, depose and say:

¶ 2. I, John PlesKovitch, am the Vice-President, Director of Operations, for American Summit Insurance Company.

¶ 3. In my capacity as Vice-President, Director of Operations, for American Summit Insurance Company, I am authorized to make the following statements set forth in this Affidavit on behalf of American Summit Insurance Company and to bind American Summit Insurance Company to the statements herein.

¶ 4. After a review of our records, I swear under oath that American Summit Insurance Company should be dismissed from the above-entitled action for the following reasons:

American Summit Insurance Company has never written workers' compensation insurance in the state of Montana.

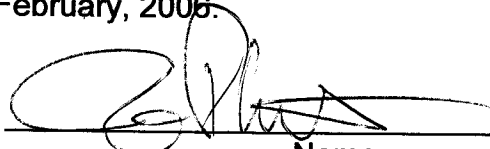
American Summit Insurance Company has no Montana claims.

American Summit Insurance Company has no claimants who meet the Court's criteria in this matter as set forth in the Summons.

¶ 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 counsel for Petitioner may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of American Summit Insurance Company. After such 90 days, if no objection is lodged by counsel for Petitioner, 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 3rd day of February, 2006.



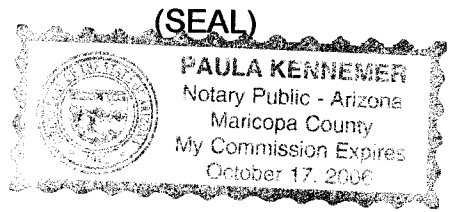
Name

VICE PRESIDENT

Title

SIGNED AND SWORN TO before me this 3rd day of February, 2006.

Paula Kennemer
Printed Name: Paula Kennemer
Notary Public for the State of Arizona
Residing in Phoenix, Arizona
My commission expires: 10-17-06



UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.

JOHN D. ALEXANDER
NANCY P. CORY
MARK F. HIGGINS
ROBERT F. JAMES
Mary K. Jaraczski
CATHY J. LEWIS
MARK D. MEYER
NEIL E. UGRIN
ROGER T. WITT
GARY M. ZADICK

ATTORNEYS AT LAW
2 RAILROAD SQUARE, SUITE B
P.O. BOX 1746
GREAT FALLS, MONTANA 59403-1746

TELEPHONE
(406)771-0007

FAX
(406)452-9360

E-MAIL
uazh@uazh.com

February 6, 2006

Our File: AM 18-01

**BY FACSIMILE AND
REGULAR MAIL**

Montana Workers Compensation Court
Jackie Bockman, Clerk of Court
P.O. Box 537
Helena, MT 59624-0537

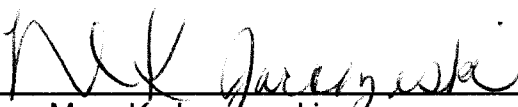
**Re: WCC No. 2001-0300
Schmill v. Liberty Northwest Ins. Co.**

Dear Ms. Bockman:

Enclosed for filing please find the Motion to Dismiss American Summit Insurance Company. Please conform the copy and return to me in the self-addressed, stamped envelope provided. Thank you.

Sincerely yours,

Ugrin, Alexander, Zadick & Higgins, P.C.

By: 
Mary K. Jaraczski

cc: J. PlesKovitch (w/enclose)