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FILED

FEB 8 2006

OFFICE OF
 WORKERS' COMPENSATION JUDGE
 HELENA, MONTANA

Attorneys for Hortica f/k/a Florists' Mutual Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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

STATE OF IOWA)
) :ss
 County of)

1. I, Brent Bates, being first duly sworn upon oath, depose and says:
2. I, Brent Bates, am the Senior Vice President - Director of Claims and Corporate Secretary/Counsel for Hortica f/k/a Florists' Mutual Insurance Company;
3. In my capacity as of Senior Vice President - Director of Claims and Corporate Secretary/Counsel of Hortica f/k/a Florists' Mutual Insurance Company, I am authorized to make the statements set for in this affidavit on behalf of Hortica f/k/a Florists' Mutual Insurance Company and to bind Hortica f/k/a Florists' Mutual insurance Company by these statements;

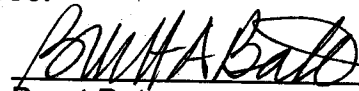
4. After a review of our records, I swear under oath that Florists' Mutual Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons:

- Hortica f/k/a Florists' Mutual Insurance Company has never written workers' compensation insurance in the state of Montana;
- Hortica f/k/a Florists' Mutual Insurance Company does not have any Montana claims;
- Hortica f/k/a Florists' Mutual Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Hortica f/k/a Florists' Mutual 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 Hortica f/k/a Florists' 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.

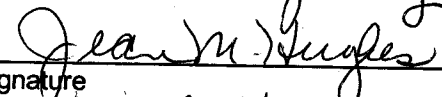
6. I declare under penalty of perjury that the foregoing is correct.

DATED this 27th day of January, 2006.


Brent Bates,
Senior Vice President - Director of
Claims and Corporate
Secretary/Counsel

SUBSCRIBED AND SWORN TO before me this 27th day of January, 2005.




Signature
Jean M. Hughes
Print Name

Notary Public for the State of ~~Iowa~~ Illinois
Residing at Edwardsville, Iowa Illinois
My Commission Expires: 12/13/06

2. AFFIDAVIT OF BRENT BATES

LAW OFFICES

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February 6, 2006

Jackie 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 an executed affidavit signed by Brent Bates, the Senior Vice President-Director of Claims and Corporate Secretary/Counsel for Hortica f/k/a Florists' Mutual Insurance Company in which he testifies that Florists' Mutual Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the Summons. Please file this affidavit at your convenience and consider this letter an affidavit of request for dismissal of Florist's Mutual Insurance Company from the above matter.

Very truly yours,



Daniel J. Whyte

DJW/mg
Enclosure
cc: Brent Bates