

FILED

MAR 13 2006

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF MONTANA)
) ss.
County of SILVER BOW)

¶1 I TAD DALE (NAME), being first duly sworn upon oath, depose and say:

¶2 I, TAD DALE (NAME), am the VICE PRESIDENT OF HUMAN RESOURCES (POSITION) of MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER)

¶3 In my capacity as VICE PRESIDENT OF HUMAN RESOURCES (POSITION) of MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statement set forth in this affidavit on behalf of MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER) and to bind MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER) should be dismissed from the above entitled action for any or all of the following reasons (check any or all that apply):

- _____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance the state of Montana;
- _____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER) 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 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 court may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of MONTANA RESOURCES, LLP (NAME OF INSURER OR SELF-INSURER). After such 90 days, if no objection is lodged with 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 13th day of MARCH, 2006.

Tad Dale
 TAD DALE (Name)
 VICE PRESIDENT OF HUMAN RESOURCES OF
 MONTANA RESOURCES, LLP (Title)

Signed and sworn to before me this 13th day of MARCH, 2006

Mary M Beards
 Notary Public for the State of MONTANA
 Residing at: Butte MT
 My Commission Expires: July 24, 2006



Datsopoulos, MacDonald & Lind, P.C.

Attorneys at Law

Milton Datsopoulos
Dennis E. Lind
William K. VanCanagan
Rebecca L. Summerville
David B. Cotner
Paul T. Ryan
William V. Ballew
Darla J. Keck

Central Square Building
201 West Main Street, Suite 201
Missoula, Montana 59802
Phone: (406) 728-0810
Fax (406) 543-0134
email @dmllaw.com

Ronald B. MacDonald (1946-2002)

Terance P. Perry
Edward A. Murphy
Thad A. Huse
Molly K. Howard
Phil McCreedy
Trent N. Baker
James K. Ycates
Erika R. Peterman

March 13, 2006

Sent via U.S. Mail and Facsimile: 406-444-7798

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

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

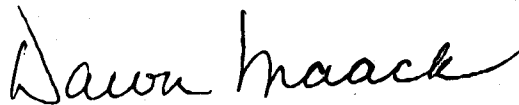
Dear Ms. Bockman:

Enclosed please find for filing Montana Resources, L.L.P.'s Affidavit with regard to the above cause.

Thank you for your assistance in this matter.

Very truly yours,

DATSOPOULOS, MacDONALD & LIND, P.C.



Dawn Maack, Legal Assistant to
Rebecca L. Summerville

c: Laurie Wallace, Bothe & Lauridsen, P.C. (via U.S. Mail & Facsimile: 406-982-0207)