

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

Cassandra Schmill,
Petitioner
vs.

Liberty Northwest Insurance Corporation
Respondent/Insurer

FILED

MAY - 8 2006

AFFIDAVIT

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

STATE OF WASHINGTON)

: ss.

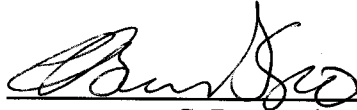
County of Spokane)

- ¶ 1. I, C. Bruce DiLuzio, being first duly sworn upon oath, depose and say:
- ¶ 2. I, C. Bruce DiLuzio, am Vice President, Law and Administration of Teck Cominco American Incorporated.
- ¶ 3. In my capacity as Vice President, Law and Administration of Teck Cominco American Incorporated, I am authorized to make the statements set forth in this affidavit on behalf of Teck Cominco American Incorporated and to bind Teck Cominco American Incorporated by these statements.
- ¶ 4. After a review of our records, I swear under oath that Teck Cominco American Incorporated should be dismissed from the above entitled action for any or all of the following reasons:
- Teck Cominco American Incorporated has never written workers compensation insurance in the state of Montana;
 - Teck Cominco American Incorporated does not have any Montana claims;
 - Teck Cominco American Incorporated has no claimants meeting the Court's criteria in this matter as set forth in the summons;
 - Teck Cominco American Incorporated 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 counsel for Petitioner[s] may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of Teck Cominco American Incorporated. After such 90 days, if no objection is lodged by counsel for Petitioner[s], 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.

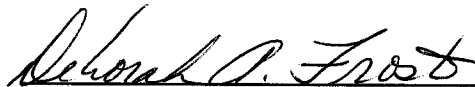
DATED this 5th day of May 2006.



C. Bruce DiLuzio

Vice President, Law and Administration

Signed and sworn to before me this 5th day of May 2006.



Notary Public for the State of Washington

Residing at Spokane

My Commission Expires: 5/11/07

(Notarial Seal)

