



Julie Pollack
Associate General Counsel

**VIA CERTIFIED MAIL – RETURN RECEIPT
REQUESTED**

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

Swiss Reinsurance America Corporation
175 King St.
Armonk, NY 10504
USA
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FILED

September 18, 2005

SEP 20 2006

**Schmill v. Montana State Fund, WCC NO. 2001-0300
North American Specialty Insurance Company**

Dear Sir of Madam:

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

I write on behalf of Swiss Reinsurance America Corporation's corporate affiliate, North American Specialty Insurance Company, which is in receipt of the Summons and Notice of Attorney Fee Lien in the above referenced matter.

Please be advised that North American Specialty Insurance Company assumed a limited number of workers' compensation insurance policies in the State of Montana. However, after a diligent review of its records, NAS has established that it has no claims with potential exposure in this matter. In light of this and in reliance upon the attached affidavit, we request the dismissal of North American Specialty Insurance Company from the above-captioned matter. It is our understanding that this can be accomplished without the necessity of a formal pleading. If the Court disagrees or has any questions, please contact the undersigned.

Sincerely,


Julie Pollack

Encl.

cc: The Honorable James Jeremiah Shea
Workers Compensation Court of the
State of Montana
P.O. Box 537
Helena, MT 59624-0537
VIA U.S. MAIL

Laurie Wallace, Esq.
Bothe & Lauridsen, P.C.
P.O. Box 2020
Columbia Falls, MT 59912
VIA CERTIFIED MAIL – RETURN
RECEIPT REQUESTED

DOCKET ITEM NO. 282

WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL)
) WCC No. 2001-0300
)
vs.)
)
LIBERTY NORTHWEST INS. CORP.)
and MONTANA STATE FUND)
)

AFFIDAVIT OF ALFRED W. BODI FOR AND
ON BEHALF OF NORTH AMERICAN SPECIALTY INSURANCE COMPANY

STATE OF NEW HAMPSHIRE)
) ss.
COUNTY OF HILLSBOROUGH)

Alfred W. Bodi, being first duly sworn, on oath deposes and says:

- 1. I am employed by North American Specialty Insurance Company ("NAS") as Senior Vice President, Claims. In my capacity as Senior Vice President, Claims, I am authorized to make the statements set forth in this affidavit on behalf of NAS and to bind NAS by these statement. As part of my employment responsibilities, I am responsible for supervising the handling and management of workers compensation claims under policies issued by NAS.
2. At my direction and under my supervision, employees of NAS have conducted a diligent search of NAS' records and located sixteen workers compensation claims by Montana claimants under policies either issued or assumed by NAS. NAS did not, for any of these sixteen claims, take apportionment deductions for non-occupational factors in the Occupational Disease Act and not in the Workers' Compensation Act.
3. After review of our records, I swear under oath that NAS should be dismissed from the above-entitled action because, as set forth in paragraph 3 of this Affidavit, NAS has no claimants meet the Court's criteria in this matter as set forth in the summons.
4. 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 Petitioners' counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of NAS. After such 90 days, if no objection is lodged by the Petitioners' counsel, the Court will dismiss NAS from this action based on the sworn statements made by me in this affidavit
5. The above is true and correct to the best of my knowledge.

Alfred W. Bodi.
Dated: Sept 15, 2006

So subscribed and sworn to before me this 15 day of Sept, 2006,
Notary Public for the State of New Hampshire
My Commission Expires:

EUNICE C. KOUVELIOTIS, Notary Public
My Commission Expires January 4, 2010