

**IN THE WORKERS' COMPENSATION COURT OF THE
STATE OF MONTANA**

WCC. No. 2001-0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

and

MONTANA STATE FUND

Intervenor.

AFFIDAVIT RE MAJESTIC INSURANCE COMPANY

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

1. I, Donald R. Bellinger, first being duly sworn upon oath, depose and say:

2. I, Donald R. Bellinger, am the Vice President, Claims of Majestic Insurance Company ("Majestic").

3. In my capacity as Vice President, Claims of Majestic, I am authorized to make the statements set forth in this affidavit on behalf of Majestic and to bind Majestic by these statements.

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

(a) Majestic has never written workers' compensation insurance in the state of Montana;

(b) Majestic does not have any Montana workers' compensation claims; and

(c) Majestic has no claimants meeting the Court's criteria in this matter as set forth in the summons.

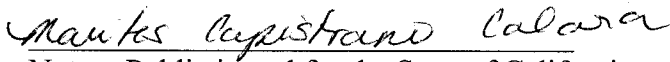
5. I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which counsel for Petitioner may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of Majestic. After such 90 days, if no objection is lodged by counsel for petitioner, the Court will dismiss Majestic from this action based on the sworn statements made by me in this affidavit.

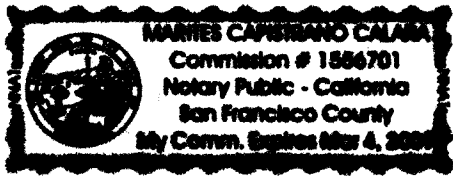
6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 25, 2006


Donald R. Bellinger

Subscribed and sworn to before me
this 25 day of September, 2006.


Notary Public in and for the State of California
My Commission Expires: 3/4/09



This page is attached to page 1 Affidavit of
Donald R. Bellinger. WCC No. 2001-0300

KEVIN J. MCGRATH
ATTORNEY AT LAW
SUITE 122
3030 BRIDGEWAY
SAUSALITO, CALIFORNIA 94965
TELEPHONE (415) 332-0420
FACSIMILE (415) 332-0421

September 26, 2006

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

RE: Schmill v. Liberty NW Ins. Corp., et al. -WCC No. 2001-0300
Response to Amended Summons and Notice of Attorney Fee Lien

Dear Ms. Bockman:

The undersigned represents Majestic Insurance Company. I am licensed as an attorney in California only and request permission from the Court to appear specially in this case for the limited purpose of seeking dismissal of Majestic.

I enclose for filing an Affidavit which responds to the Amended Summons and Notice of Attorney Fee Lien dated December 7, 2005. We trust that this is a sufficient to request that Majestic be dismissed from this case.

Please contact the undersigned if anything further is required from us for this purpose. Also, please add the undersigned to your list for receipt of notices in this case. My e-mail address is kevmcg@sbcglobal.net.

Very truly yours,



Kevin McGrath

Enclosure

Cc: Donald R. Bellinger, Majestic Ins. Co. (w/o encl.)
Laurie Wallace, Esq., Bothe & Lauridsen, P.C. (w/encl.)