

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

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Cassandra M. Schmill

Petitioner

vs.

Liberty Northwest Insurance Company

Respondent/Insurer.

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**FILED**

OCT - 2 2006

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

**AFFIDAVIT**

STATE OF ILLINOIS            )  
  : ss.  
County of McLean            )

¶1 I, Jeffrey Gendron, being first duly sworn upon oath, depose and say:

¶2 I, Jeffrey Gendron, am the Senior Vice-President, Property/Casualty Operations of **Modern Service Insurance Company**.

¶3 In my capacity as the Senior Vice-President, Property/Casualty Operations of **Modern Service Insurance Company**, I am authorized to make the statements set forth in this affidavit on behalf of **Modern Service Insurance Company** and to bind **Modern Service Insurance Company** by these statements.

¶4 After a review of our records, I swear under oath that **Modern Service Insurance Company** should be dismissed from the above entitled action for any or all of the following reasons (check any or all that apply):

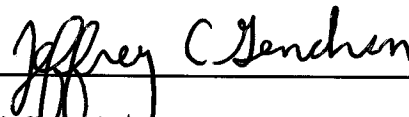
DOCKET ITEM NO. 302

- Modern Service Insurance Company** has never written workers' compensation insurance in the state of Montana;
- Modern Service Insurance Company** does not have any Montana claims;
- Modern Service Insurance Company** has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Modern Service 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 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 **Modern Service Insurance Company**. 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.

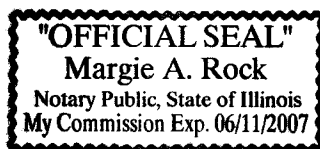
DATED this 26th day of September, 2006.

  
\_\_\_\_\_  
Jeffrey C. Gendron  
Senior Vice-President  
Property/Casualty Operations  
**Modern Service Insurance Company**

Signed and sworn to before me this 26th day of September, 2006.

  
\_\_\_\_\_  
Notary Public for the State of Illinois  
Residing at: Roberts, Illinois  
My Commission Expires: 6/11/07

(SEAL)



Paul M. Harmon, General Counsel & Secretary  
Kathy Smith Whitman, Deputy General Counsel

Jerry W. Quick, Senior Counsel  
David B. Stumpf, Senior Counsel

# Office of the General Counsel

Chad G. Allen  
Jonathan F. Allen  
Andrew S. Bender  
Brian G. Cahill  
Carol G. Crissman  
Virginia L. Eves  
Laura L. Harmon  
James M. Jacobs  
Joshua R. Johnson  
Matthew T. Jontry  
Kristen L. Kroger  
John R. Novack  
Linda B. Potts  
Jennifer L. Vance  
Joy L. Vokac

September 27, 2006

The Honorable James J. Shea  
Montana Worker's Compensation Court  
P.O. Box 537  
Helena, MT 59624-0537

RE: Schmill v. Liberty Northwest Insurance Company  
Montana Worker's Compensation Court Case No. 2001-0300

Your Honor:

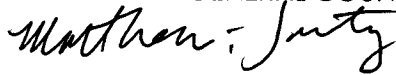
This Office is counsel for the following companies ("Companies") in connection with the above-captioned Common Fund case:

- COUNTRY Mutual Insurance Company
- COUNTRY Casualty Insurance Company
- COUNTRY Preferred Insurance Company
- Modern Service Insurance Company

Enclosed please find four (4) dismissal Affidavits executed on behalf of the Companies by Jeffery C. Gendron. As indicated in the Affidavits, while these Companies are currently licensed to do business in Montana as property/casualty insurers, none of the Companies have ever written worker's compensation coverage in Montana and each requests dismissal from this action.

Sincerely,

OFFICE OF THE GENERAL COUNSEL



Matthew T. Jontry

Enclosures

cc: Laurie Wallace, Esq.

**ILLINOIS AGRICULTURAL ASSOCIATION® and AFFILIATED COMPANIES**  
1701 Towanda Avenue/P. O. Box 2901/Bloomington, Illinois 61702-2901  
Telephone: 309/557-2542 - To call writer direct: 309/557-2223  
Internet E-Mail: [mjontry@ilfb.org](mailto:mjontry@ilfb.org)  
Fax: 309/557-2211

Agricultural Support Association • AgriVisor® Services, Inc. • CC Services, Inc. • Cotton States Investment Company • Cotton States Life Insurance Company<sup>SM</sup> • Cotton States Marketing Resources, Inc.® • Cotton States Mutual Insurance Company<sup>SM</sup> • COUNTRY® Capital Management Company • COUNTRY Casualty Insurance Company® • COUNTRY Investors Life Assurance Company® • COUNTRY Life Insurance Company® • COUNTRY® Mutual Funds Trust • COUNTRY Mutual Insurance Company® • COUNTRY Preferred Insurance Company® • COUNTRY Trust Bank® • CSI Brokerage Services, Inc. • East Side Jersey Dairy, Inc. • Holyoke Mutual Insurance Company in Salem • Holyoke Square, Inc. • IAA Credit Union • IAA Foundation • Ice Cream Specialties, Inc. • Illinois Agricultural Auditing Association • Illinois Agricultural Holding Co. • Illinois Agricultural Service Company • Middlesex Mutual Assurance Company • Midfield Corporation • Modern Service Insurance Company • MSI Preferred Insurance Company • Mutual Service Casualty Insurance Company • Mutual Service Life Insurance Company • PFD Supply Corporation • Prairie Farms Dairy, Inc. • Shield Insurance Company