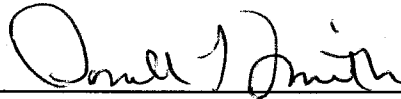


5. I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which Petitioner's counsel may conduct discovery and investigation for the limited purpose of providing or disproving the foregoing statement(s) made by me on behalf of OARC. After such 90 days, if no objection is lodged by 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 26th day of September, 2006.



Donald L. Smith
General Counsel
Odyssey America Reinsurance Corporation



Corinne Brennan
Notary Public for the State of Connecticut
Residing at: 114 Woodside Green, Stamford, CT 06905
My Commission Expires: February 28, 2010

(SEAL)