

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

CASSANDRA SCHMILL

Petitioner

FILED

vs.

OCT - 2 2006

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

MONTANA STATE FUND

Intervenor

AFFIDAVIT

STATE OF CONNECTICUT)
 : ss.
County of Fairfield)

1. I, Peter H. Lovell, being first duly sworn upon oath, depose and say:
2. I, Peter H. Lovell, am the Vice President & Assistant General Counsel of Clearwater Insurance Company ("CIC").
3. In my capacity as Vice President and Assistant General Counsel of CIC, I am authorized to make the statements set forth in this affidavit on behalf of CIC and to bind CIC by these statements.
4. After a review of our records, I swear under oath that CIC should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

- CIC has never written workers' compensation insurance in the state of Montana;
- CIC does not have any Montana claims;
- CIC has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- CIC was or is in liquidation during the period in question set forth in the amended summons served upon me.

DOCKET ITEM NO. 306

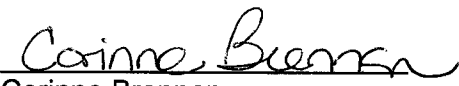
5. I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which Petitioner's counsel may conduct discovery and investigation for the limited purpose of providing or disproving the foregoing statement(s) made by me on behalf of CIC. 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.



Peter H. Lovell
Vice President and Assistant General Counsel
Clearwater Insurance Company



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

(SEAL)