

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

**WCC No. 2001-0300**

**CASSANDRA SCHMILL**

**Petitioner**

**vs.**

**LIBERTY NORTHWEST INSURANCE CORPORATION**

**Respondent/Insurer**

**MONTANA STATE FUND**

**Intervenor.**

**FILED**

**OCT 11 2006**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

**AFFIDAVIT**

STATE OF California )  
County of Los Angeles ) : ss.

¶1 I, Robert Hernandez (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Robert Hernandez (NAME), am the Sr. Vice-President, Claims (POSITION) of Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Sr. Vice-President (POSITION) of Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER) and to bind Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER) by these statements.

¶4 After a review of our records, I swear under oath that Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER) 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. 310

- \_\_\_\_\_ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- \_\_\_\_\_ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER) has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- \_\_\_\_\_ (NAME OF INSURER OR SELF-INSURER) 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 Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of Zenith Ins. Co. (NAME OF INSURER OR SELF-INSURER). 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 4 day of October, 2006.

Robert Hernandez  
 \_\_\_\_\_  
 (Name)  
 Robert Hernandez  
 Senior Vice-President, Claims  
 \_\_\_\_\_  
 (Title)

Signed and sworn to before me this 2<sup>nd</sup> day of October, 2006.

Diana Freeman  
 \_\_\_\_\_  
 Notary Public for the State of California  
 Residing at: Woodland Hills  
 My Commission Expires: 11-6-2007

(SEAL)

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