

Steven W. Jennings
Crowley, Haughey, Hanson,
Toole & Dietrich P.L.L.P.
P. O. Box 2529
Billings, MT 59103-2529
(406) 252-3441
Attorneys for Great West Casualty Company

FILED

OCT 16 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,

Petitioner,

vs.

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Respondent/Insurer,

and

MONTANA STATE FUND,

Intervenor.

WCC No. 2001-0300

MOTION TO DISMISS


COMES NOW Great West Casualty Company, and pursuant to this Court's memo to all common fund counsel establishing the Affidavit process for dismissal (document #297 on this Court's Rausch Website), submits this motion to dismiss. This Motion is supported by the following brief and attached affidavit.

BRIEF

Upon review of its files, Great West Casualty Company, has sworn and affirmed that it has no claimants meeting this Court's criteria as set forth in the *Summons* issued in this case. Accordingly, Great West Casualty Company respectfully requests this Court to issue an order dismissing it, with prejudice, from the case.

Dated this 16th day of October 2006.

CROWLEY, HAUGHEY, HANSON,
TOOLE & DIETRICH P.L.L.P.
Attorneys for Great West Casualty Company

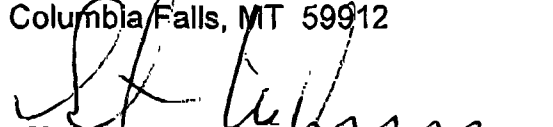

STEVEN W. JENNINGS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following
counsel of record, by the means designated below, this 16th day of October 2006:

- U.S. Mail
- FedEx
- Hand-Delivery
- Facsimile
- Email

Ms. Laurie Wallace
Bothe & Lauridsen, P.C.
P. O. Box 2020
Columbia Falls, MT 59912


STEVEN W. JENNINGS

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.

AFFIDAVIT

STATE OF NEBRASKA)
 : ss.
County of Dakota)

¶1 I, Terry J. Keime, being first duly sworn upon oath, depose and say:

¶2 I, Terry J. Keime, am the Vice President, Workers Compensation of Great West Casualty Company.

¶3 In my capacity as Vice President, Workers Compensation of Great West Casualty Company, I am authorized to make the statements set forth in this affidavit on behalf of Great West Casualty Company and to bind Great West Casualty Company by these statements.

¶4 After a review of our records, I swear under oath that Great West Casualty Company should be dismissed from the above-entitled action for the following reason:

Great West Casualty Company has no claimants meeting the Court's criteria in this matter as set forth in the summons.

¶15 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 a limited purpose of proving or disproving the foregoing statement made by me on behalf of Great West Casualty Company. 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.

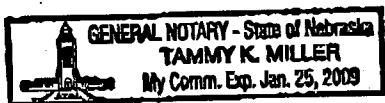
¶16 I declare under penalty of perjury that the foregoing is correct.

DATED this 12th day of October, 2006.

[Signature]
(Name)

Vice President, Workers Compensation
(Title)

Signed and sworn to before me this 12th day of October, 2006.



(SEAL)

[Signature]
Notary Public for the State of Nebraska
Residing at: Hubbard, NE
My Commission Expires: Jan. 25, 2009

CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH P.L.L.P.

ATTORNEYS AT LAW
500 TRANSWESTERN PLAZA II
490 NORTH 31ST STREET
P.O. BOX 2529
BILLINGS, MONTANA 59103-2529
TELEPHONE: (406) 252-3441

Date: October 16, 2006

FAX CORRESPONDENCE:

TO: Workers' Compensation Court

FAX #: (406) 444-7798

FROM: Steven W. Jennings

RE: Schmill v. Liberty NW/Montana State Fund

THIS TRANSMISSION CONSISTS OF 9 PAGES (INCLUDING THIS COVER PAGE).

A HARD COPY OF THIS FAX **WILL** BE SENT BY MAIL TODAY.

IF FAX IS NOT FULLY RECEIVED, CALL (406) 252-3441, AND ASK FOR **JENNILEE BAEWER**.

FOR RETURN FAX MESSAGES, SEND TO: (406) 252-5292 - (PRIMARY NUMBER)

DOCUMENTS TRANSMITTED: Great West Casualty's Motion to Dismiss.
COMMENTS: Please file the attached document. If you have any questions, please contact me at 406.252-3441. Thank you!

Notice: This electronic fax transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this fax transmission in error, please destroy it without copying it, and notify the sender by reply fax or by calling the Crowley Law Firm, so that our address record can be corrected. Thank you.

File No. 21-701-001