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**FILED**

AUG 22 2006

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

Attorneys for, Lumberman's Underwriting Alliance,  
ASARCO, Inc., Benefis Healthcare, Continental Casualty Co.,  
Golden Sunlight Mines, Northwest Healthcare, Corp.,  
Northwestern Energy, LLC, F.H. Stoltze Land &  
Lumber Co., Plum Creek Timber Co. Inc, Rosauers,  
and Safeway.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

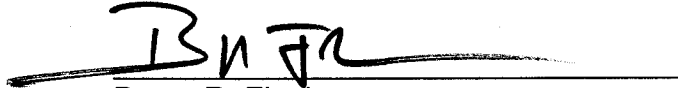
<p>CASSANDRA SCHMILL,  Petitioner,  v.  LIBERTY NORTHWEST INSURANCE CORPORATION,  Respondent/Insurer,  and  MONTANA STATE FUND,  Intervenor.</p>	<p>WCC NO. 2001-0300  <b>MOTION TO DISMISS AND SUPPORTING AFFIDAVIT</b></p>
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COMES NOW Lumberman's Underwriting Alliance ("LUA") , by and through its attorneys of record, and hereby moves this Court for its order dismissing LUA, without prejudice. This motion is supported by the affidavit of Carolyn Van Dusen which is attached hereto as Exhibit A and hereby incorporated by reference.

DOCKET ITEM NO. 071

DATED this 21<sup>st</sup> day of August, 2006.

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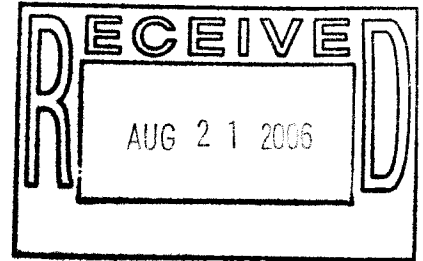
**CERTIFICATE OF SERVICE**

This is to certify that I, Bryce R. Floch sent on this 21<sup>st</sup> day of August, 2006, the forgoing attached **MOTION TO DISMISS AND SUPPORTING AFFIDAVIT Fees** was duly serviced upon the following attorneys of record, by depositing a true copy thereof in the United States mail, postage paid, addressed as:

Laurie Wallace  
PO Box 2020  
Columbia Falls, MT 59912



Bryce R. Floch



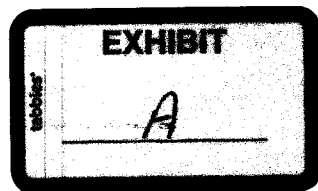
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IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

<p>ROBERT FLYNN and CARL MILLER,          Individually and on Behalf of Others          Similarly Situated,</p> <p style="text-align: right;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>MONTANA STATE FUND</p> <p style="text-align: right;">Respondent/Insurer,</p> <p style="text-align: center;">and</p> <p>LIBERTY NORTHWEST INSURANCE          CORPORATION,</p> <p style="text-align: right;">Intervenor.</p>	<p style="text-align: center;">WCC NO. 2000-0222</p> <p style="text-align: center;"><b>AFFIDAVIT OF CAROLYN VAN DUSEN,          RE: LUMBERMEN'S UNDERWRITING          ALLIANCE</b></p>
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STATE OF Minnesota )  
 : ss.  
 County of Hennepin )



I Carolyn Van Dusen, being first duly sworn upon oath, depose and say:

1. I am the manager of the Workers' Compensation Claims Department for Lumbermen's Underwriting Alliance ("LUA").

2. In my capacity as the manager of the Workers' Compensation Claims Department I am authorized to make the statements set forth in this affidavit on behalf of LUA and to bind LUA by these statements.

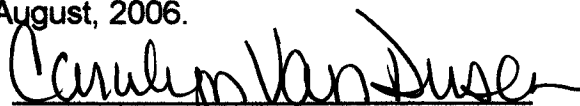
4. After a thorough review of our records, I swear under oath that LUA should be dismissed from the above entitled action for the following reason:

LUA insurance has no OD claimants whose impairment awards were apportioned for non-occupational factors.

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 LUA. 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.

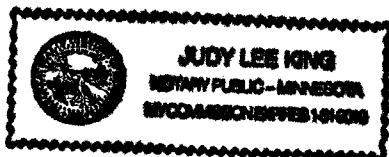
6. I declare under penalty of perjury that the foregoing is correct.

DATED this 16th day of August, 2006.



Carolyn Van Dusen  
Manager, Workers' Compensation  
Lumbermen's Underwriting Alliance

Signed and sworn to before me this 16 day of AUGUST, 2006.



(SEAL)



Notary Public for the State of MN  
Residing at: BUFFALO, MN  
My Commission Expires: 1-31-2010