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**FILED**

**OCT 26 2007**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

Attorneys for Vanliner Insurance Company

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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CASSANDRA SCHMILL,	)	WCC NO. 2001-0300
	)	
Petitioner,	)	
	)	
v.	)	<b>AFFIDAVIT OF JEANNINE NOVAK</b>
	)	
LIBERTY NORTHWEST INSURANCE	)	
CORPORATION,	)	
	)	
Respondent/Insurer,	)	
	)	
MONTANA STATE FUND,	)	
	)	
Intervenor.	)	

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STATE OF MISSOURI            )  
  :ss  
County of                        )

1. I, Jeannine Novak, being first duly sworn upon oath, depose and says:
2. I, Jeannine Novak, am the Workers' Compensation Claims Manager for Vanliner Insurance Company;
3. In my capacity as Workers' Compensation Claims Manager, I am authorized to make the statements set for in this affidavit on behalf of Vanliner Insurance Company and to bind Vanliner insurance Company by these statements.

4. After a review of our records, I swear under oath that Vanliner Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons:

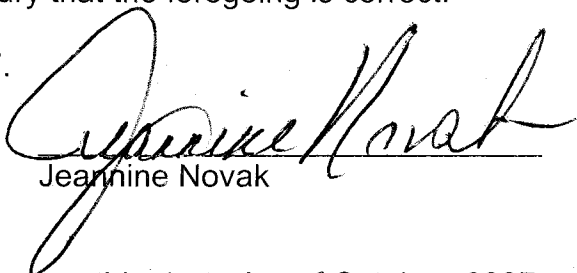
- Vanliner Insurance Company has never written workers' compensation insurance in the state of Montana;
- Vanliner Insurance Company does not have any Montana claims;
- Vanliner Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Vanliner Insurance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

5. I have personally reviewed all Montana workers' compensation claims dating back to 1986 and have concluded that there were no occupational disease claims, and therefore no circumstances under which Vanliner would have reduced benefits for non-occupational disease conditions. This is supported by Exhibit A, attached to this Affidavit.

6. 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 Vanliner Insurance 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.

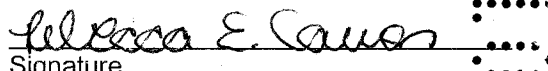
6. I declare under penalty of perjury that the foregoing is correct.

DATED this 17 day of October, 2007.

  
Jeanine Novak

SUBSCRIBED AND SWORN TO before me this 17 day of October, 2007.

REBECCA E. CARRON  
Notary Public - Notary Seal  
STATE OF MISSOURI  
(S E ASL) Louis County  
My Commission Expires July 25, 2010  
Commission #06918925

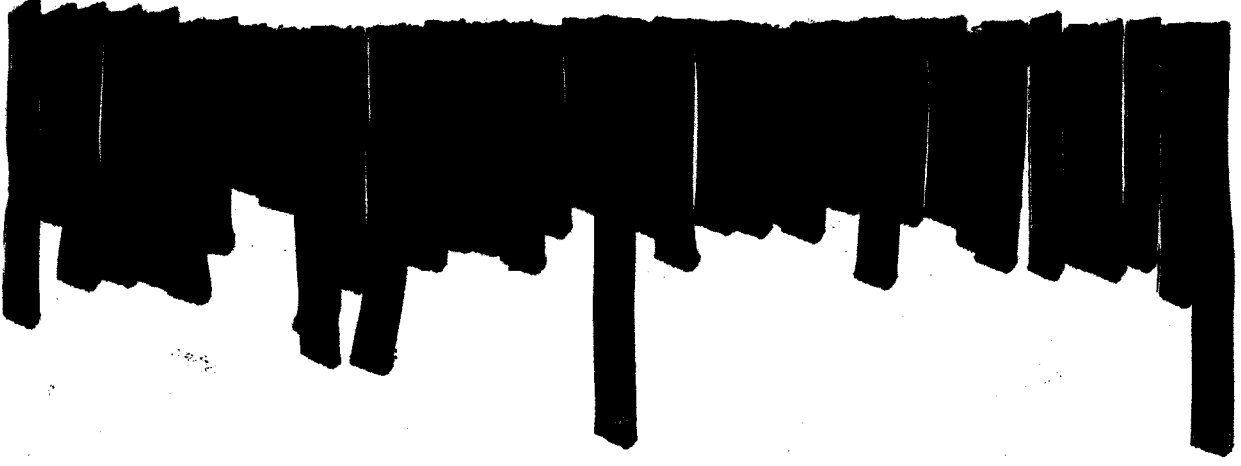
  
Signature  
Rebecca E. Carron  
Print Name  
Notary Public for the State of Missouri  
Residing at St. Louis County, Missouri  
My Commission Expires: 7/25/10

2. AFFIDAVIT OF PAUL JOHNSON

MONTANA CLAIM LISTING SINCE 1986

CLAIM #	INSURED NAME	DOI	ACCIDENT DESCRIPTION/INJURY
86-01244	[REDACTED]	06/17/86	MOVING FILE CABINET - INJURED BACK
87-03464	[REDACTED]	02/24/87	SHOULDER INJURY
99-127270	[REDACTED]	10/18/99	FELL OFF LADDER - FRACTURED FOOT
00-130369	[REDACTED]	03/10/00	TRIP OFF DECK OF TRAILER - SPRAIN ANKLE
89-10028	[REDACTED]	06/22/89	CONTUSION RIGHT WRIST
89-10765	[REDACTED]	12/22/89	EYE INJURY
90-10900	[REDACTED]	02/22/90	FRACTURE TO RIGHT RING FINGER
90-13188	[REDACTED]	03/22/90	HAND INJURY
90-12398	[REDACTED]	06/18/90	THUMB SPRAIN
90-18411	[REDACTED]	01/30/91	BACK SPRAIN
91-18932	[REDACTED]	03/08/91	NO INFORMATION AVAILABLE
91-21316	[REDACTED]	06/04/91	NO INFORMATION AVAILABLE
91-23206	[REDACTED]	07/18/91	NECK INJURY
91-22805	[REDACTED]	08/01/91	CARRYING BOXES - KNEE INJURED
91-25373	[REDACTED]	10/27/91	FRACTURED RIGHT WRIST
91-29235	[REDACTED]	02/29/92	LIFTING FREEZER - INJURED BACK
92-32910	[REDACTED]	07/17/92	INJURED HEAD AND WRIST
92-33820	[REDACTED]	07/17/92	CLEANING EXHAUST - INJURED FOOT
92-36798	[REDACTED]	11/23/92	REFRIGERATOR FELL ON CLMT - INJURED LEG
93-39343	[REDACTED]	02/24/93	SETTING WASHER DOWN - INJURED BACK
93-42104	[REDACTED]	03/25/93	CARRING WALL PIECE - INJURED BACK
93-44121	[REDACTED]	04/14/93	FELL BETWEEN TRAILOR AND DOCK - INJURED HIP AND ELBOW
93-40917	[REDACTED]	05/02/93	STRAP BROKE - BROKEN GLASSES/EYE INJURY
93-40863	[REDACTED]	05/02/93	NO INFORMATION AVAILABLE
93-45883	[REDACTED]	11/15/93	SLIP ON ICE - INJURED WRIST
93-47891	[REDACTED]	11/21/93	ERROR DURING SET UP - WRONG POLICY - FILE CLOSED
93-48286	[REDACTED]	11/21/93	STRAINED LEFT CHEST MUSCLE
93-50066	[REDACTED]	11/21/93	ERROR DURING SET UP - WRONG POLICY - FILE CLOSED
94-47115	[REDACTED]	12/22/93	FELL OFF WALKBOARD - INJURED ANKLE
94-54238	[REDACTED]	01/12/94	FELL OFF WALKBOARD - INJURED ANKLE
95-65626	[REDACTED]	09/12/94	CLAIM DENIED - NO INFORMATION AVAILABLE
		04/27/95	RIGHT SHOULDER TENDONITIS

95-62260  
 95-68377  
 95-67657  
 96-73292  
 96-79194  
 96-80499  
 97-104348  
 97-83802  
 97-101483  
 97-101123  
 97-103589  
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 01-3234



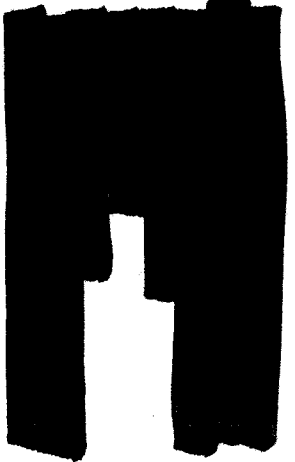
07/21/95 FRACTURED FINGER IN THREE PLACES  
 12/02/95 INJURED HAND - CAUGHT BETWEEN WALKBOARD AND SIDEWALK  
 12/12/95 FELL OFF LADDER - INJURED SHOULDER  
 06/13/96 CARRYING DRYER - INJURED HIP  
 12/19/96 CARRYING CART DOWN STAIRS - INJURED ANKLE  
 12/29/96 SLIP ON ICE - INJURED WRIST & KNEE  
 01/24/97 RAN OVER FOOT WITH FORKLIFT - FRACTURED FOOT AND TOE  
 06/05/97 DENIED - INFECTION IN LEG/SURGERY FOR PERSONAL HEALTH CONDITION  
 09/03/97 HIT BY LOAD WHEN IT FELL OUT OF TRAILOR - LACERATED HEAD  
 09/03/97 DROVE FORKLIFT INTO TRAILOR WHEN TIRE BLEW - ALLEGED HEARING LOSS  
 10/17/97 BEDCHAIR FELL OFF DECKING - INJURED BACK  
 10/31/97 LIFTING HIDE-A-BED - INJURED BACK  
 12/02/97 UNLOADING TRAILOR - INJURED GROIN  
 12/31/97 WALKBOARD SLIPPED - INJURED BACK AND FRACTURED RIB  
 01/07/98 CART FELL ON ANKLE - FRACTURED ANKLE  
 02/25/98 MOVING ARMOIRE - INJURED RIGHT ARM  
 03/09/98 PICKING UP PACKING PADS - BACK INJURY  
 06/25/98 CLAIMANT SLIPPED WHEN CARRYING SOFA - BROKEN TEETH  
 06/25/98 CLAIM DELETED - SET UP ON WRONG POLICY  
 07/26/98 CAUGHT HAND BETWEEN WASHER & DOOR - HAND CONTUSION  
 08/24/98 CABINET FELL ON FOOT - FRACTURED TOE  
 10/13/98 PULLING DOLLY - INJURED SHOULDER  
 10/18/98 UNLOADING TRAILOR - INJURED BACK  
 10/22/98 MOVING DRESSER - INJURED NECK  
 02/10/99 ERROR DURING SET UP - WRONG POLICY - FILE CLOSED  
 02/10/99 LOADING CABINET AND FELL - INJURED KNEE  
 07/27/99 LIFTING FURNITURE - INJURED BACK  
 09/08/99 FELL OFF WALKBOARD - INJURED KNEE  
 10/18/99 FELL OFF LADDER - FRACTURED FOOT  
 03/10/00 STEP OFF DECK OF TRAILER - INJURED FOOT  
 01/18/00 UNLOADING FURNITURE - STRAINED HAND  
 02/18/00 CARRYING ENTERTAINMENT CENTER - INJURED BACK  
 03/14/00 CONTINUOUS DRIVING - PAIN IN BOTH WRISTS  
 04/24/00 MOVING FURNITURE - EXPERIENCED PAIN IN CHEST  
 09/21/00 SLIP OUT OF TRUCK - SHOULDER STRAIN  
 01/17/01 MOVING PIANO - INJURED KNEE  
 05/07/01 SUPERVISING JOB - LEG PAIN

01-3608  
01-6377  
01-7429  
02-9763  
02-12715  
03-18818  
03-21844  
03-29700  
04-43021  
04-34074  
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05-46709  
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05-48966  
05-54100  
05-50603  
05-50915  
05-52148  
05-55197  
05-55847  
06-57958  
06-63723



06/06/01 CARRYING DRESSER - INJURED ANKLE  
09/07/01 UNLOADING TRUCK - INJURED BACK  
11/05/01 MOVING FURNITURE - LACERATED HEAD  
01/24/02 AUTO ACCIDENT - HEAD INJURY  
06/21/02 FELL OFF LADDER - INJURED NECK, BACK, SHOULDER AND HAND  
01/14/03 PUTTING DOCK PLATE IN TRAILER - INJURED ARM  
04/16/03 LOADING TRUCK - INJURED BACK  
10/29/03 FELL OFF LADDER - INJURED NECK, BACK AND HIP  
04/01/04 LIFTING ITEMS - INJURED BACK  
04/06/04 LIFTING BOX - INJURED BACK  
04/15/04 AUTO ACCIDENT - KNEE INJURY  
04/20/04 STEPPED IN POT HOLE - INJURED BACK  
05/25/04 HIT BY BOARD WITH NAIL - LACERATED CHEEK  
05/28/04 FELL OFF WALKBOARD - INJURED ANKLE  
06/28/04 STEP ON TIRE TO CHANGE WIPER BLADE - KNEE STRAIN  
07/12/04 MOVING FILE CABINET - INJURED KNEE  
07/14/04 SAFE FELL ON CLAIMANT - INJURED ELBOW  
10/05/04 AIR COMPRESSOR TIPPED OVER - INJURED THUMB  
11/15/04 CAUGHT HAND ON RAMP - INJURED THUMB  
11/26/04 LIFTING BOOKSHELF - INJURED BACK  
12/20/04 DROPPED BRICK - INJURED FOOT  
01/07/05 FELL WHEN CARRYING A TRUNK - INJURED HEAD  
01/31/05 HIT WITH PRY BAR - LACERATED CHIN  
02/22/05 LOADING GIRL SCOUT COOKIES - INJURED BACK  
02/25/05 CAUSE UNKNOWN - LACERATION  
03/01/05 RUNNING FROM CUSTOMERS DOGS - INJURED KNEE  
04/15/05 LIFTING A HEAVY BOX - INJURED BACK  
05/13/05 METAL FLEW IN EYE - EYE INJURY  
06/11/05 SAFE FELL ON CLAIMANT - INJURED KNEE  
06/11/05 DUPLICATE OF 48966 - DELETE  
07/21/05 LIFTING FURNITURE - INJURED SHOULDER  
08/15/05 LADDER FELL - CHIPPED TOOTH  
09/12/05 WALKBOARD FELL ON CLAIMANT - FOOT CONTUSION  
12/08/05 SLIPPED ON WALKBOARD - INJURED BACK, LEFT ARM AND SHOULDER  
12/20/05 CUTTING BOX - LACERATED FINGER  
01/03/06 OPENING TOOL - PUNCTURE TO FOREARM  
08/11/06 MOVING DRESSER - LACERATED KNEE

06-64425  
06-65287  
06-65824  
07-68709  
07-69219  
07-70702  
07-73477  
07-74302



09/13/06 FELL OFF PACK TRUCK - DISTAL RADIAL HEAD FRACTURE  
10/05/06 LIFTING PIANO - INJURED BACK  
12/23/06 LIFTING BOXES - INJURED BACK  
01/30/07 FELL OFF PORCH - INJURED ANKLE  
02/14/07 FELL OFF TRAILER - LACERATION TO FOREHEAD  
04/09/07 CLAIMANT FELL OUT OF TRUCK - INJURED BACK  
05/30/07 SET UP INCORRECT - FILE DELETED  
05/30/07 RIGHT ARM LACERATION

**KELLER, REYNOLDS, DRAKE  
JOHNSON & GILLESPIE, P.C.**

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**SPEED MEMO**

October 22, 2007

**RE: Vanliner Ins. Co.  
*Schmill v. Liberty Northwest, et al.*  
WCC No. 2001-0300**

Enclosed for filing please find the **AFFIDAVIT OF JEANNINE NOVAK**, in the above-entitled matter. Thank you for your assistance in this matter.

Daniel J. Whyte

**TO: CLARA WILSON  
CLERK OF WORKERS'  
COMPENSATION COURT  
P O BOX 537  
HELENA MT 59624**