

G. Andrew Adamek  
BROWNING, KALECZYC, BERRY & HOVEN, P.C.  
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**FILED**

**JAN 31 2008**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

ATTORNEYS FOR RESPONDENT/INSURER

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

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CASSANDRA M. SCHMILL,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE COMPANY,

Respondent/Insurer.

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**AFFIDAVIT OF RICK CLARK**

STATE OF MONTANA     )  
                                      : ss.  
County of Flathead     )

¶1 I, Rick Clark, being first duly sworn upon oath, depose and say:

¶2 I, Rick Clark, am the Third-Party Administrator (TPA) of Montana Loggers Exchange (MLE).

¶3 In my capacity as TPA of MLE, I am authorized to make the statements set forth in this affidavit on behalf of MLE and to bind MLE by these statements.

¶4 After a review of our records, I swear under oath that MLE should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

  X   MLE has no claimants meeting the Court's criteria in this matter as set forth in the summons.

DOCKET ITEM NO. 408

¶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 MLE. 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.

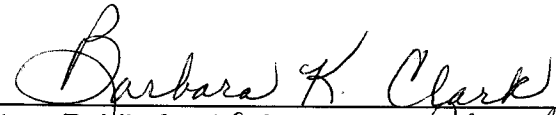
DATED this 29 day of January, 2008.

  
Rick Clark  
Third-Party Administrator

Signed and sworn to before me this 29 day of January, 2008.



BARBARA K. CLARK  
NOTARY PUBLIC-MONTANA  
Residing at Lakeside, Montana  
My Comm. Expires Dec. 18, 2011

  
Notary Public for the State of Montana  
Residing at: Lakeside  
My Commission Expires: 12-18-2011

### CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of January, 2008, a true and correct copy of the foregoing was deposited in the United States mail, postage prepaid, and addressed as follows:

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

  
BROWNING/KALECZYC, BERRY & HOVEN, P.C.