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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

CASSANDRA M. SCHMILL,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE COMPANY,

Respondent/Insurer.

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 American Interstate Insurance Company (AIIC).

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

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

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

DOCKET ITEM NO. 409

¶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 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 AIIIC. 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.

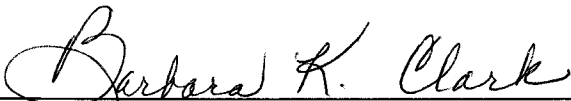
¶16 I declare under penalty of perjury that the foregoing is correct.

DATED this 25 day of January, 2008.



Rick Clark
Third-Party Administrator

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



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



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