

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

MAR - 7 2012

Cassandra Schmill

Petitioner

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

vs.

Liberty Northwest Insurance Corp., et al.

Respondent/Insurers

AFFIDAVIT

STATE OF New Jersey)
County of Middlesex) : ss.

¶1 I _____ (NAME), being first duly sworn upon oath, depose and say:

¶2 I, Charles Kroh (NAME), am the Senior Vice President (POSITION) of American Alternative Insurance Company ("American Alternative") (NAME OF INSURER OR SELF-INSURER).

¶3 In my capacity as Senior Vice President (POSITION) of American Alternative (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of American Alternative (NAME OF INSURER OR SELF-INSURER) and to bind American Alternative (NAME OF INSURER OR SELF-INSURER) by these statements.

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

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- _____ (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;
- _____ (NAME OF INSURER OR SELF-INSURER) does not have any Montana claims;
- American Alternative (NAME OF INSURER OR SELF-INSURER) has no claimants meeting the Court's criteria in this matter as set forth in the summons; and Flynn III, 2011 MT 300.
- _____ (NAME OF INSURER OR SELF-INSURER) was or is in liquidation during the period in question set forth in the amended summons served upon me.

¶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 American Alternative (NAME OF INSURER OR SELF-INSURER). 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 _____ day of _____, 2012

Clay

 (Name)
Senior Vice President

 (Title)

Signed and sworn to before me this 1st day of March, 2012

Lauren M. Lupica

 Notary Public for the State of NJ
 Residing at: Princeton, NJ
 My Commission Expires: 08-21-12

(SEAL)