

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001 - 0300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer,

MONTANA STATE FUND

Intervenor.

FILED

APR 10 2012

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF Wisconsin _____)

: ss.

County of Portage _____)

I, Eric M. Fugina _____ (NAME), being first duly sworn upon oath, depose and say:

I, Eric M. Fugina _____ (NAME), am the Claims Technical Specialist, Sr. _____
_____ (POSITION) of Dairyland Insurance Co. _____.

In my capacity as Claims Technical Specialist, Sr. _____ (POSITION) of Dairyland Insurance Co. I am authorized to make the statements set forth in this affidavit on behalf of Dairyland Insurance Co. and to bind Dairyland Insurance Co. by these statements.

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

Dairyland Insurance Co. has never written workers' compensation insurance in the state of Montana;

Dairyland Insurance Co. does not have any Montana claims;

✓ Dairyland Insurance Co. has no claimants meeting the Court's criteria in this matter as set forth in the summons;

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 Dairyland Insurance Co. 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.

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

DATED this 4th day of April, 2012.

ERIC M. FUGINA,

(Name)

Claims Technical Specialist, Sr.

(Title)

Signed and sworn to before me this 4th day of April, 2012.

Patricia Mueske

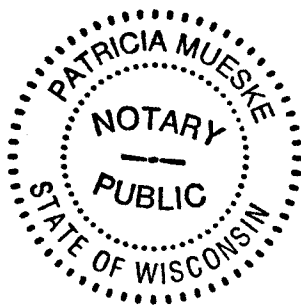
[Signature of Notary]

Patricia Mueske

[Typed, stamped, or printed Name of

Notary]

(NOTARIAL SEAL)



Notary Public for the State of Wisconsin

Residing at Wood County

My commission expires: January 18, 2015