

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

FILED

WCC No. 2001-0300

MAY 17 2012
Mac

Cassandra Schmill

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

Petitioner

vs.

Liberty Northwest Insurance Corp., et al.

Respondent/Insurers

AFFIDAVIT

STATE OF CALIFORNIA)
: ss.
County of Alameda)

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

¶2 I, Lisa Simone (NAME), am the Vice President, Claims (POSITION) of Everest National Insurance Company ("Everest") (NAME OF INSURER OR SELF-INSURER).

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

¶4 After a review of our records, I swear under oath that Everest (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):

DOCKET ITEM NO. 531

- _____ (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;
- Everest (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.

¶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 Everest (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.

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

DATED this 10 day of May, 2012

Lisa Simone
(Name)

Vice President
(Title)

Signed and sworn to before me this 10th day of May, 2012

Eileen M. Friel
Notary Public for the State of New Jersey
Residing at: Somerset County, New Jersey
My Commission Expires: _____

(SEAL)

