

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

AUG 18 2016

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT

STATE OF NEW HAMPSHIRE

COUNTY OF STRAFFORD

Jeffrey Scott, hereby deposes and says:

1. I am Vice President and Manager of Liberty Mutual Insurance Company, Commercial Insurance Claims, Workers' Compensation.

2. In this capacity, I am authorized to make the statements set forth in this affidavit on behalf of Liberty Mutual Group, Inc. ("Liberty") and bind the company thereto.

3. Liberty has researched the following companies and based on the available data, I swear under oath that American Ambassador Casualty Company, American States Preferred Insurance Company, Cumis Insurance Society Inc., Liberty Insurance Underwriters Inc., National Insurance Association, Safeco Insurance Company of Illinois and Wausau Business Insurance Company should be dismissed from the above-entitled action for the reasons that follow.

4. American Ambassador Casualty Company, American States Preferred, Liberty Insurance Underwriters Inc., National Insurance Association and Safeco Insurance Company of

DOCKET ITEM NO. 683

Illinois did not write any workers' compensation policies in Montana during the relevant time period.

5. Wausau Business Insurance Company has no claimants meeting the Court's criteria in this matter.

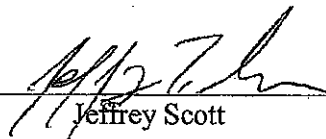
6. Upon information and belief, the existing workers' compensation business of Cumis Insurance Society, Inc. was transferred to Liberty Mutual Insurance Company effective October 1, 2007.

7. Our research has revealed no OD workers' compensation claims for Cumis Insurance Society, Inc.

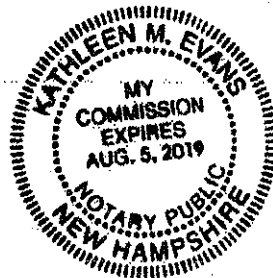
8. I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of filing this affidavit within which Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of Liberty Mutual Group, Inc. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss the named entities from this action based on the sworn statements made by me in this affidavit.

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

Dated this 8th day of August, 2016


Jeffrey Scott

Signed and sworn to before me this
8th day of August, 2016
Kathleen M. Evans
Notary Public for the State of New Hampshire
Residing at: Madbury, N.H.
My Commission Expires: 8-5-19



Poole, Jacqueline

From: Larry Jones <lwjones@willslawpc.com>
Sent: Thursday, August 18, 2016 2:28 PM
To: Poole, Jacqueline
Cc: Laurie Wallace (laurie@bothelauridsen.com)
Subject: Schmill v. Liberty Northwest Ins. Corp. WCC No. 2001-0300
Attachments: Skm501-33-016080813080.pdf

Jackie,

The attached affidavit relates to certain insurers Liberty previously identified as having been affiliated with Liberty Mutual. Laurie asked me regarding their status as possible common fund insurers and the affidavit addresses the status of each. This affidavit should resolve the status of all Liberty Mutual affiliated companies as not being part of the common fund.

Laurie and I have implemented the plan for payment of common fund benefits to common fund claimants and the Court has set an attorney fee hearing for the end of this month. Let me know if you have any questions.

Larry W. Jones

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