

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001—300

CASSANDRA SCHMILL

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

FILED

AUG 29 2016

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

AFFIDAVIT OF PAUL F. GRAVES


STATE OF WISCONSIN

County of Dane

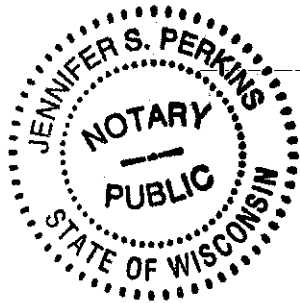
I, Paul F. Graves, being first duly sworn upon oath, depose and state:

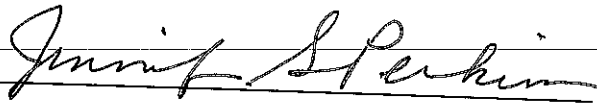
1. I am an attorney licensed in the state of Wisconsin and am employed as Counsel by QBE Americas, Inc. ("QBEAI").
2. As an attorney employed by QBEAI, I provide legal advice and counsel to the companies of QBE North America, including Regent Insurance Company ("Regent"), Unigard Insurance Company ("Unigard") and General Casualty Company of Wisconsin ("General Casualty"). All three of these insurance companies are affiliated with one another as they are wholly but indirectly owned by their Australian parent company, QBE Insurance Group, Limited.
3. In my capacity as Counsel, I am authorized to make the statements set forth in this affidavit on behalf of Regent, Unigard, and General Casualty and to bind them by these statements.
4. After a review of our records, I swear under oath that Regent, Unigard and General Casualty should be dismissed from the above-entitled action because, after a diligent search, I can find no indication that any of these companies had any claimants meeting the Court's criteria in this matter as set forth in the Summons. A description of this search and its findings follows.
5. I asked a data analyst within our Claims Department to produce a list of any and all Montana workers compensation claims opened by Regent, Unigard, or General Casualty between July 1, 1987 and June 22nd, 2001 that were coded as occupational disease claims.
6. The search described in paragraph 5, above, identified only five files that met the stated criteria.
7. Two of these files were immediately identified as not raising any concerns of an apportionment being taken. One claim was for a cut/smashed finger that had somehow been miscoded. The other was a claim on which no payments were made before closing.

8. I reviewed what information/materials remained of the remaining three claims. I could find no indication or suggestion that any apportionment was taken so as to withhold any amounts owed to the claimants in any of these three matters.
9. 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 statement made by me on behalf of Regent, Unigard and General Casualty. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss these insurers from this action based on the sworn statements made by me in this affidavit.
10. I declare under penalty of perjury that the foregoing is correct.


Paul F. Graves
Counsel, QBE North America

Subscribed and sworn before me this 23rd day of August, 2016.




Notary Public for the State of Wisconsin
My Commission Expires: 9-20-2019