

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANDRA SCHMILL

DEC 14 2005

Petitioner

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

STATE OF TENNESSEE)
: ss.
County of Davidson)

- 1. I, John B. Allyn, being first duly sworn upon oath, depose and say:
- 2. I, John B. Allyn, am the Vice President, General Counsel and Secretary of Permanent General Assurance Corporation.
- 3. In my capacity as Vice President, General Counsel and Secretary of Permanent General Assurance Corporation, I am authorized to make the statements set forth in this affidavit on behalf of Permanent General Assurance Corporation and to bind Permanent General Assurance Corporation by these statements.
- 4. After a review of our records, I swear under oath that Permanent General Assurance Corporation should be dismissed from the above-entitled action for any or all of the following reasons:

 X Permanent General Assurance Corporation has never written workers' compensation insurance in the State of Montana; and

DOCKET ITEM NO. 85

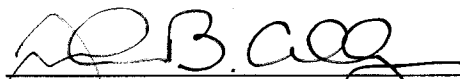
X Permanent General Assurance Corporation does not have any Montana claims.

_____ Permanent General Assurance Corporation has no claimants meeting the Court's criteria in this matter as set forth in the summons.

_____ Permanent General Assurance Corporation was or is in liquidation during the period in question set forth in the amendment 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 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 Permanent General Assurance Corporation. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss Permanent General Assurance Corporation 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 12th day of December, 2005.



John B. Allyn
Vice President, General Counsel and
Secretary

Signed and sworn to before me this 12th day of December, 2005.



Notary Public for the State of Tennessee
Residing at:
1201 Gallion Road
Cumberland Furnace, TN 37051
My Commission Expires: 1-28-06

