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**FILED**

MAY - 2 2003

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA

ROBERT FLYNN,

Petitioner,

v.

STATE COMPENSATION INSURANCE  
FUND,

Respondent.

WCC No. 2000-0222

**AFFIDAVIT OF RICHARD ROOT**

STATE OF MONTANA )

: ss.

County of Lewis and Clark )

RICHARD ROOT, being first duly sworn upon his oath, deposes and says:

1. I am the Underwriting Expert for the Montana State Fund ("State Fund").
2. As the Underwriting Expert for the Montana State Fund, I am responsible for and have personal knowledge of the State Fund's rate-making procedures.

3. I am familiar with the Montana Supreme Court's holding in *Flynn v. State Compen. Ins. Fund*, 2002 MT 279, 312 Mont. 410, 60 P.3d 397.
4. If the State Fund were to pay retroactive common fund attorneys' fees pursuant to *Flynn*, the administration of the payments would be passed along to the State Fund's current policyholders in the form of increased premiums.

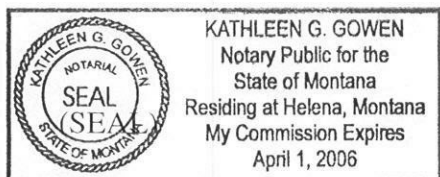
I declare under penalty of perjury that the foregoing is true and correct.

DATED this 1<sup>st</sup> day of May 2003.

*Richard Root*

Richard Root

SIGNED AND SWORN TO before me on May 1, 2003, by Richard Root.



*Kathleen G Gowen*

Notary Public for the State of Montana

Residing at Helena, Montana

My Commission Expires: *April 1, 2006*