

Kelly M. Wills
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595

Attorneys for Republic Western Insurance Co.

FILED

JUL 12 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA M. SCHMILL,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Respondent/Insurer

And

MONTANA STATE FUND,

Intervenor.

WCC No. 2001-0300

**AFFIDAVIT OF
SANDY I. MAYERNIK**

STATE OF MONTANA)
 : ss.
County of Cascade)

I, Sandy I. Mayernik, being first duly sworn upon oath, depose and say:

1. I am a workers' compensation claim adjuster employed by Crawford & Co., P.O. Box 3007, Great Falls, Montana 59403, third party administrator for Republic Western Insurance Co. (RWIC) in the State of Montana.

2. In my capacity as a representative of the third party administrator for Republic Western Insurance Co., I am authorized to make, to the best of my knowledge, the statements set forth in this Affidavit on behalf of Republic Western Insurance Co. and bind Republic Western Insurance Co. by these statements.

DOCKET ITEM NO. 266

3. In my capacity as a representative of the third party administrator for Republic Western Insurance Co., I have handled workers' compensation claims for Amerco (U-Haul), an entity insured by Republic Western Insurance Co. One of my responsibilities as a representative of the third party administrator for Republic Western Insurance Co. was to review all claims known to have been handled on behalf of Republic Western Insurance Co. and its policy holder Amerco (U-Haul) by Crawford & Co., to determine whether any or all of the claims involved facts to which the criteria detailed in *Schmill v. Liberty Northwest* apply. After review of our records, I swear under oath that Republic Western Insurance Co. should be dismissed from the above entitled action for the following reason:

- Republic Western Insurance Co. has no claimants meeting the Court's criteria in this matter as set forth in the Summons.

4. 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 may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statements made by me on behalf of Republic Western Insurance Co. After such 90 days, if no objection is lodged by counsel for Petitioner, the Court will dismiss RWIC from this action based on the sworn statements made by me in this Affidavit.

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

DATED this 29 day of ~~May~~, 2006.

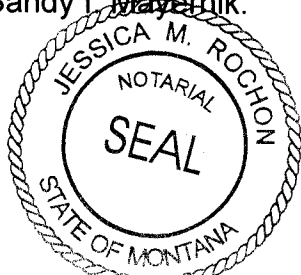
June

Sandy I. Mayernik

Sandy I. Mayernik
Third Party Administrator for Republic
Western Insurance Co.

SIGNED AND SWORN TO before me on _____,
2006, by Sandy I. ~~Mayernik~~.

June 29th



Jessica M. Rochon
Notary Public for the State of Montana

Printed Name: *Jessica M. Rochon*

Residing at: *Great Falls*

My Commission Expires: *March 11, 2009*

CERTIFICATE OF SERVICE

The undersigned, a representative of GARLINGTON, LOHN & ROBINSON, PLLP, hereby certifies that on the 11th day of July, 2006, a true and correct copy of the foregoing AFFIDAVIT OF SANDY I.MAYERNIK was mailed, postage prepaid, to the following:

Laurie Wallace, Esq.
Bothe & Lauridsen
P.O. Box 2020
Columbia Falls, MT 59912

A handwritten signature in cursive script, appearing to read "Shonda Robinson", is written over a horizontal line.