

FILED

MAY 21 2012

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000 - 0222

**ROBERT FLYNN and CARL MILLER,
Individually and on Behalf of Others Similarly Situated,**

Petitioners

vs.

MONTANA STATE FUND,

Respondent/Insurer,

and

LIBERTY NORTHWEST INSURANCE CORPORATION,

Intervenor.

AFFIDAVIT

STATE OF Colorado

: ss.

County of Denver

1. I, Diana Barkus, being first duly sworn upon oath, depose and say:
2. I, Diana Barkus, am the Manager for Mid Century Insurance Company.
3. In my capacity as Manager for Mid Century Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of Mid Century Insurance Company and to bind Mid Century Insurance Company by these statements.
4. After a review of our records, I swear under oath that Mid Century Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

DOCKET ITEM NO. 672

- Mid Century Insurance Company has never written workers' compensation insurance in the State of Montana;
- Mid Century Insurance Company does not have any Montana claims;
- Mid Century Insurance Company has no claimants meeting the Court's criteria in this matter as set forth in the summons;
- Mid Century Insurance Company was or is in liquidation during the period in question set forth in the amended 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 counsel for Petitioner[s] may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of Mid Century Insurance Company. After such 90 days, if no objection is lodged by counsel for Petitioner[s], the Court will dismiss the insurer/self-insurer 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 17 day of May 2012.

Diana Barkus
Diana Barkus (Name)

Manager
Manager (Title)

Signed and sworn to before me this 17th day of May 2012.

Stacy Hanes
[Signature of Notary]

Stacy Hanes
[Typed, stamped, or printed Name of Notary]

Notary Public for the State of Colorado

Residing at Denver

My commission expires: _____

(NOTARIAL SEAL)



**My Commission Expires
February 28, 2016**