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DEC - 1 2005

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

Attorneys for Berkley Regional Insurance Company

IN THE WORKERS' COMPENSATION COURT

STATE OF MONTANA

ROBERT FLYNN and CARL MILLER,) Individually and on Behalf of Others Similarly) Situated,)	
Petitioners,	WCC No. 2000-0222
-vs-	
MONTANA STATE FUND,	
Respondent/Insurer,)	AFFIDAVIT OF JOHN F. THELEN
and	
LIBERTY NORTHWEST INSURANCE) CORPORATION,	
Intervenor.)	
STATE OF IOWA) : ss.	
County of Polk)	

I, John F. Thelen, being first duly sworn, depose and sayeth as follows:

- That I am the Assistant Secretary of Berkley Regional Insurance 1. Company.
- That I am authorized to make this Affidavit on behalf of Berkley Regional 2. Insurance Company.
 - 3. That I have personal knowledge of the matters set forth in this Affidavit.
- That Berkley Regional Insurance Company has not paid a worker's 4. compensation claim in the State of Montana that is actually or potentially within the class of claims addressed in this litigation, as described in the Summons and Amended Notice of Attorneys' Lien filed May 4, 2005.

Further Affiant sayeth not.

DATED this 17th day of November, 2005.

JOHN F. THELEN

Subscribed and sworn to before me this 12 day of November, 2005.

(signature)

Gregory Kendrick

(print name)

Notary Public for the State of Iowa

Residing at Vobandak

My Commission Expires: 1.22.03