D. Drue Wax, General Counsel SeaBright Insurance Company 2101 4th Avenue, Suite 1600 Seattle, WA 98121 (206) 269-8568

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA WCC NO. 2000-0222

ROBERT FLYNN.

Petitioner

VS.

MONTANA STATE FUND,

Respondent/Insurer.

FILED

JAN 2 3 2006

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

AFFIDAVIT

STATE OF ILLINOIS)
: ss.
COUNTY OF COOK)

- ¶1 I, D. Drue Wax, being first duly sworn upon oath, depose and say:
- ¶2 I, D. Drue Wax, am the General Counsel, Senior Vice President and Secretary of SeaBright Insurance Company ("SeaBright").
- $\P 3$ In my capacity as General Counsel, Senior Vice President and Secretary of SeaBright, I am authorized to make the statements set forth in this affidavit on behalf of SeaBright and to bind SeaBright by these statements.
- ¶4 After a review of our records, I swear under oath that SeaBright should be dismissed from the above-entitled action for any or all of the following reason:

SeaBright has never written workers' compensation insurance in the state of Montana.

- 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 SeaBright. 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 A day of January, 2006.

D. Drue Wax

General Counsel, Senior Vice President and

Au Way

Corporate Secretary

Signed and sworn before me this 2/ day of January, 2006.

OFFICIAL SEAL
D. FOUSEKIS
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION SUPPRES: 10-20-08

(SEAL)

Notary Public for the State of Illinois

Printed Name

Residing at 1155 & Milwacee Are RALLEGOS My Commission Expires 10 28 54



January 23, 2006

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Jackie Bockman
Deputy Clerk of Court
Workers' Compensation Court
1625 116th Avenue
P.O. Box 537
Helena, MT 59624-0537

RE: Flynn v. Montana State Fund, WCC No. 2000-0222

Schmill v. Liberty Insurance Corp, et al., WCC No. 2001-0300

Satterlee v. Lumberman's Mutual Casualty Co.., WCC No. 2003-0840

Dear Ms. Bockman:

Please find enclosed for filing affidavits regarding dismissal of SeaBright Insurance from the above-referenced matters.

Thank you for your assistance with these filings. Please contact me at 206-269-8568 if you have any questions.

Sincerely,

Diana Garrett

Assistant to D. Drue Wax, General Counsel

Encl.

/dlg