## IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

#### WCC No. 2000-0222

# ROBERT FLYNN AND CAROL MILLER, INDIVIDUALLY AND ON BEHALF OF OTHERS SIMILARLY SITUATED

Petitioner

VS.

FILED

#### **MONTANTA STATE FUND**

JAN 2 6 2006

Respondent/Insurer

and

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

### LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

#### **AFFIDAVIT**

STATE OF MISSOURI	)
	: ss.
County of St. Louis	)

- ¶ 1 I, LEO WINSTEAD, being first duly sworn upon oath, depose and say:
- ¶2 I, LEO WINSTEAD am a VICE PRESIDENT of MIDWEST EMPLOYERS CASUALTY COMPANY.
- In my capacity as VICE PRESIDENT OF CLAIMS of MIDWEST EMPLOYERS CASUALTY COMPANY, I am authorized to make the statements set forth in this affidavit on behalf of MIDWEST EMPLOYERS CASUALTY COMPANY and to bind MIDWEST EMPLOYERS CASUALTY COMPANY by these statements.
- After a review of our records, I swear under oath that **MIDWEST EMPLOYERS CASUALTY COMPANY** should be dismissed from the above- entitled action for any or all of the following reasons (check any or all that apply):

	MIDWEST	EMPL
ASUALTY COMPANY does		
	MIDWEST	EMPL
ASIIALTY COMPANY has	no claimants mee	ting the
iteria in this matter as set for	th in the summons;	1
	th in the summons:	

¶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 Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement(s) made by me on behalf of MIDWEST EMPLOYERS CASUALTY COMPANY. After such 90 days, if no objection is lodged by the Petitioner's counsel, 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 <u>l</u> day of January, 2006.

Leo Winstead, VP—Claims

Signed and sworn to before me this 16th day of January, 2006.

Notary Public for the State of Missouri

Lela I Plansard

Residing at: St. Charles County
My Commission Expires: December 1, 2008