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

FILED

VS.

JAN 2 6 2006

MONTANTA STATE FUND

OFFICE OF WORKERS' COMPENSATION JUDGE HELEVA, MONTANA

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

AFFIDAVIT

STATE OF IOWA)	
	:	SS
County of Polk)	

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- ¶ 1 I, **JOHN F. THELEN**, being first duly sworn upon oath, depose and say:
- ¶2 I, JOHN F. THELEN, am the SECRETARY of CONTINENTAL WESTERN INSURANCE COMPANY.
- ¶3 In my capacity as SECRETARY of CONTINENTAL WESTERN INSURANCE COMPANY, I am authorized to make the statements set forth in this affidavit on behalf of CONTINENTAL WESTERN INSURANCE COMPANY and to bind CONTINENTAL WESTERN INSURANCE COMPANY by these statements.
- ¶4 After a review of our records, I swear under oath that **CONTINENTAL WESTERN INSURANCE COMPANY** should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):

	CONTINENTAL WESTERN INSURANCE COMPANY has never written workers' compensation insurance in the state of Montana;
	CONTINENTAL WESTERN INSURANCE COMPANY does not have any Montana claims;
×	CONTINENTAL WESTERN INSURANCE COMPANY has no claimants meeting the Court's criteria in this matter as set forth in the summons;
	CONTINENTAL WESTERN INSURANCE COMPANY was or is in liquidation during the period in question set forth in the amended summons served upon me.
of up to 90 days from may conduct discover the foregoing state INSURANCE CON Petitioner's counseless.	that the Montana Workers' Compensation Court may allow a period rom the date of filing this affidavit within which Petitioner's counsel very and investigation for the limited purpose of proving or disproving ement(s) made by me on behalf of CONTINENTAL WESTERN MPANY . After such 90 days, if no objection is lodged by the I, the Court will dismiss the insurer/self-insurer from this action based ments made by me in this affidavit.
¶6 I declare und	der penalty of perjury that the foregoing is correct.
DATED this	day of January, 2006. John F. Thelen, Secretary
Signed and s	sworn to before me this <u>1916</u> day of January, 2006.
Contract Con	GREG KENDRICK Ommission Number 714594 My Commission Expires January 22, 2008 Notary Public for the State of Iowa
(SEAL)	Residing at: lowa My Commission Expires: / 22/03

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