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

Respondent/Insurer

JAN 2 6 2006

and

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTAWA

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

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STATE OF IOWA) : ss.

County of Polk)

- ¶ 1 I, **JOHN F. THELEN,** being first duly sworn upon oath, depose and say:
- ¶2 I, JOHN F. THELEN, am an ASSISTANT SECRETARY of BERKLEY REGIONAL INSURANCE COMPANY.
- ¶3 In my capacity as ASSISTANT SECRETARY of BERKLEY REGIONAL INSURANCE COMPANY I am authorized to make the statements set forth in this affidavit on behalf of BERKLEY REGIONAL INSURANCE COMPANY and to bind BERKLEY REGIONAL INSURANCE COMPANY by these statements.
- ¶4 After a review of our records, I swear under oath that **BERKLEY REGIONAL INSURANCE COMPANY** should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):
 - BERKLEY REGIONAL INSURANCE COMPANY has never written workers' compensation insurance in the state of Montana;

}	BERKLEY REGIONAL INSURANCE COMPANY does not have any Montana claims;
ì	BERKLEY REGIONAL INSURANCE COMPANY has no claimants meeting the Court's criteria in this matter as set forth in the summons;
]	BERKLEY REGIONAL INSURANCE COMPANY was or is in liquidation during the period in question set forth in the amended summons served upon me.
may conduct of the foregoing INSURANCE Petitioner's con	stand that the Montana Workers' Compensation Court may allow a period ays from the date of filing this affidavit within which Petitioner's counsel discovery and investigation for the limited purpose of proving or disproving statement(s) made by me on behalf of BERKLEY REGIONAL COMPANY . After such 90 days, if no objection is lodged by the unsel, the Court will dismiss the insurer/self-insurer from this action based tatements made by me in this affidavit.
¶6 I declare	e under penalty of perjury that the foregoing is correct.
	this day of January, 2006. John F. Thelen, Assistant Secretary
Signed a	and sworn to before me this Mb day of January, 2006.
	GREG KENDRICK Commission Number 714594 My Commission Expires January 22, 2008 Notary Public for the State of Iowa
(CEAL)	

Notary Public for the State of Iowa
My Commission Expires: 1.22.08

(SEAL)

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