IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN and CARL MILLER, Individually and on Behalf of Other Similarly Situated

FILED

JAN 2 7 2006

Petitioners

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

VS.

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

			AFFIDAVIT	
STATE OF _	Nebraska)) ss.)		
County of	Douglas			

- I, Michael C. Davlin, being first duly sworn upon oath, depose and say:
- I, Michael C. Davlin, am the Vice President of The Protective National Insurance Company of Omaha.

In my capacity as Vice President of The Protective National Insurance Company of Omaha, I am authorized to make the statements set forth in this affidavit on behalf of The Protective National Insurance Company of Omaha and to bind The Protective National Insurance Company of Omaha by these statements.

After a review of our records, I swear under oath that The Protective National Insurance Company of Omaha should be dismissed from the above-entitled action for any or all of the following reasons:

- 4) The Protective National Insurance Company of Omaha does not have any Montana claims;
- 5) The Protective National Insurance Company of Omaha has no claimants meeting the Court's criteria in this matter as set forth in the summons; and

6) The Protective National Insurance Company of Omaha has been in liquidation since February 12, 2004.

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 The Protective National Insurance Company of Omaha. After such 90 days, if no objection is lodged by counsel for Petition(s), the Court will dismiss the Insurer from this action based on the sworn statements made by me in this affidavit.

I declare under penalty of perjury that the foregoing is correct.

DATED this 20th day of January, 2006.

(Harrie)

Vice President

(Title)

Notary Public

Signed and sworn to before me this 20th day of January, 2006.

GENERAL NOTARY - State of Nebraska
CYNTHIA M. KUBAT
My Comm. Exp. June 25, 2006