WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000-0222

ROBERT FLYNN

and

CARL MILLER, Individually and on Behalf of Others Similarly Situated

FILED

Petitioners

JAN - 3 2007

VS.

OFFICE OF WORKERS' COMPENSATION JUDGE HELEVA, MONTANA

MONTANA STATE FUND

Respondent/Insurer

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Intervenor.

AMERISURE MUTUAL INSURANCE COMPANY

AFFIDAVIT

STATE OF MICHIGAN)
	: ss
COUNTY OF OAKLAND)

- 1. I, Carol A. Taylor, being first duly sworn upon oath, depose and say:
- 2. I, Carol A. Taylor, am the Vice President Counsel of Amerisure Mutual Insurance Company.
- 3. In my capacity as Vice President Counsel of Amerisure Mutual Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of Amerisure Mutual Insurance Company and to bind Amerisure Mutual Insurance Company by these statements.
- 4. After a review of our records, I swear under oath that Amerisure Mutual Insurance Company should be dismissed from the above-entitled action, as Amerisure Mutual Insurance Company has paid one half of claimant Dennis Gates' attorney's fees incurred for social security benefits, which were offset against his workers' compensation benefits. These payments were made as follows: 1/12/06 to Dennis Gates and Attorney Robert Ogg in the amount of \$1,473, and 1/12/06 to Rex Palmer in the amount of \$491.

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 Amerisure Mutual Insurance Company. 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 8th day of January, 2007. Carol A. Taylor (Name) Vice President - Counsel (Title) Signed and sworn to before me this 8th day of January, 2007. PATRICIA A. PHILLIPS Notary Public, State of Michigan County of Livingston My Commission Expires Apr. 14 Residing at: Acting in the County SEAL My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2007, a true and correct copy of the foregoing was served upon the following by U.S. mail, hand-delivery, Federal Express, UPS, or facsimile:

Workers' Compensation Court	{ } U.S. Mail
1625 Eleventh Avenue	{ } Hand Delivered
Helena, Montana 59620-1601	{ } Federal Express
	{X} UPS
	{ } Facsimile

Sarmelita A. Sastillon



The Advantage of Partnership

Amerisure Mutual Insurance Company Amerisure Insurance Company

CAROL A. TAYLOR

Vice President - Counsel & Compliance Officer

VIA UPS NEXT DAY AIR

January 8, 2007

Workers' Compensation Court 1625 Eleventh Avenue Helena, Montana 59620-1601

Re:

Robert Flynn and Carl Miller v Montana State Fund and Liberty Northwest

Insurance Corporation

Amerisure Mutual Insurance Company

Affidavit and Certificate of Service

Our File: Corporate Litigation – Suits Against the Company

Dear Sirs/Madam:

Enclosed please find a completed and notarized affidavit with respect to the captioned matter.

If you have any questions in this regard, please feel free to contact my office at your convenience.

Sincerely,

Carol A. Taylor

csc

Enclosure

cc (w/ encl.): Mr. Rex Palmer

Attorneys Inc., P.C.

301 W. Spruce

Missoula, MT 59802

I:\mellie\subpoena\flynn-miller response to summons - ltr to palmer.doc