Thomas M. Welsch, Esq. Poore, Roth & Robinson, P.C. 1341 Harrison Avenue Butte, Montana 59701 Telephone: (406) 497-1200

FILED

DEC - 1 2005

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

Facsimile: (406) 782-0043

Attorneys for Berkley Regional Insurance Company

## IN THE WORKERS' COMPENSATION COURT

## STATE OF MONTANA

DALE REESOR,		}
Petitioner,		) ) WCC No. 2002-0676
MONTANA STATE FUND,		) ) AFFIDAVIT OF JOHN F. THELEN
Respondent/Insurer		
STATE OF IOWA	) : ss.	
County of Polk	)	

- I, John F. Thelen, being first duly sworn, deposes and sayeth as follows:
- 1. That I am the Assistant Secretary of Berkley Regional Insurance Company.
- 2. That I am authorized to make this Affidavit on behalf of Berkley Regional Insurance Company.
  - 3. That I have personal knowledge of the matters set forth in this Affidavit.

## 1. AFFIDAVIT OF JOHN THELEN

DOCKET ITEM NO. 330

4. That Berkley Regional Insurance Company has not paid a worker's compensation claim in the State of Montana that is actually or potentially within the class of claims addressed in this litigation, as described in the Summons and Amended Notice of Attorney Lien filed April 22, 2005.

Further Affiant sayeth not.

DATED this 17<sup>th</sup> day of November, 2005.

JOHN F. THELEN

Subscribed and sworn to before me this 17th day of November, 2005.

GREG KENDRICK
GREGON Number 714594
Lenuery 22, 2008

Gregory Kendrick

(print name)

(signature)

Notary Public for the State of Iowa

My Commission Expires: 1.22.07