IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2002-0676

DALE REESOR

Petitioner

vs.

FILED

MONTANA STATE FUND

DEC 2 3 2005

Respondent/Insurer

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

STATE OF TENNESSEE)	
)	SS
COUNTY OF DAVIDSON)	

- I, DONALD J. MEYERS, being first duly sworn upon oath, depose and say:
- I, DONALD J. MEYERS, am the Vice President, General Counsel, and Secretary of Caterpillar Insurance Company.

In my capacity as Vice President, General Counsel, and Secretary, I am authorized to make the statements set forth in this affidavit on behalf of Caterpillar Insurance Company and to bind Caterpillar Insurance Company by these statements.

After a review of our records, I swear under oath that Caterpillar Insurance Company should be dismissed from the above-entitled action for any or all of the following reasons (check any and all that apply):

arance has never written w Montana;	orkers	' compensati	on in	surance
		INSURER	OR	SELF-
(NAM	E OF			
3	(NAM	no claimants meeting the Court'	(NAME OF INSURER no claimants meeting the Court's criteria in	(NAME OF INSURER OR no claimants meeting the Court's criteria in this m

(NAME OF INSURER OR SELF-

INSURER) was or is in liquidation during the period in question set forth in the amended summons served upon me.

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 Petitioner's counsel may conduct discovery and investigation for the limited purpose of providing or disproving the foregoing statement(s) made by me on behalf of Caterpillar Insurance Company. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss the insurer/self-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 14th day of December, 2005,

Donald J. Meyers

Vice President, General Counsel & Secretary

Signed and sworn to before me this

_day of December, 2005.

Notary Public for the State of Tennessee

My Commission Expires:

(SEAL)

STATE
OF
TENNESSEE
NOTARY
PUBLIC
ON COUN

Commission Expires MAY 23, 2009