IN THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA WCC No. 2003-0840

CATHERINE SATTERLEE, et al.

FILED

Petitioners

JAN 2 4 2006

VS.

OFFICE OF
WORKERS' COMPENSATION JUDGE
LUMBERMAN'S MUTUAL CASUALTY COMPANY, et al. HELENA MONTANA

Respondent/Insurer.

AFFIDAVIT

STATE OF

OHIO)

· ss.

County of

FRANKLIN)

- ¶1 I, <u>Charles D. Hamm</u> (NAME), being first duly sworn upon oath, depose and say:
- ¶2 I, <u>Charles D. Hamm</u> (NAME), am the <u>President</u> (POSITION) of <u>Evergreen National Indemnity</u> Company (NAME OF INSURER OR SELF-INSURER).
- In my capacity as <u>President</u> (POSITION) of <u>Evergreen National Indemnity Company</u> (NAME OF INSURER OR SELF-INSURER), I am authorized to make the statements set forth in this affidavit on behalf of <u>Evergreen National Indemnity Company</u> (NAME OF INSURER OR SELF-INSURER) and to bind <u>Evergreen National Indemnity Company</u> (NAME OF INSURER OR SELF-INSURER) by these statements.
- After a review of our records, I swear under oath that <u>Evergreen National Indemnity Company</u>

 (NAME OF INSURER OR SELF-INSURER) should be dismissed from the above-titled action for any or all of the following reasons (check any or all that apply):

Evergreen National Indemnity Company (NAME OF INSURER OR SELF-INSURER) has never written workers' compensation insurance in the state of Montana;	
have any Montana claims; (NAM	E OF INSURER OR SELF-INSURER) does not
(NAME OF INSURER OR SELF-INSURER) has no claimants meeting the Court's criteria in this matter as set forth in the summons;	
liquidation during the period in question set forth	E OF INSURER OR SELF-INSURER) was or is in 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 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 Evergreen National Indemnity Company (NAME OF INSURER OR SELF-INSURER). 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 forego	oing is correct.
DATED this day of Onuary	(Name) (Title)
Signed and sworn to me this \\ \frac{1}{0} \tag{day of }	Anuary , 2006. Datricia a. Burrell
PATRICIA A.BURRELL Notary Public State of Onic Notary Public State of Onic Ny Commission Expires 09-26-07	Residing at: 5311 Kunntting Woods. Dr. Watering Oh 4308) My commission expires: 09 - 24 - 87