IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300



CASSANDRA SCHMILL

JAN 4 2006

Petitioner

OFFICE OF WORKER'S COMPENSATION JUDGE HELENA, MONTANA

VS.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

MONTANA STATE FUND

Intervenor.

AFFIDAVIT

COMMONWEALTH OF MASSACHUSETTS) : SS. COUNTY OF MIDDLESEX)

- 1. I Sandra MacGregor O'Brien being first duly sworn upon oath, depose and say:
- 2. I, Sandra MacGregor O'Brien, am Counsel of American Mutual Liability Insurance Company (in Liquidation).
- 3. In my capacity as Counsel of American Mutual Liability Insurance Company, I am authorized to make the statements set forth in this affidavit on behalf of American Mutual Liability Insurance Company and to bind American Mutual Liability Insurance Company by these statements.
- 4. After a review of our records, I swear under oath that American Mutual Liability Insurance Company should be dismissed from the above entitled action for the following reason

American Mutual Liability Insurance Company does not have any Montana claims. American Mutual Liability Insurance Company had one workers compensation claim with a date of loss of November 16, 1988 however the liability for this claim and for all claims of American Mutual Liability Insurance Company with accident dates on and after January 1, 1988 were assumed by American Policyholders' Insurance Company (now American Policyholders' Liquidating Trust) pursuant to an intercompany reinsurance agreement.

- 5. I understand that the Montana Workers' Compensation Court may allow a period of up to 90 days from the date of the filing of this affidavit within which Petitioner's counsel may conduct discovery and investigation for the limited purpose of proving or disproving the foregoing statement made by me on behalf of American Mutual Liability Insurance Company. After such 90 days, if no objection is lodged by the Petitioner's counsel, the Court will dismiss American Mutual Liability Insurance Company 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 22 day of December, 2005.

Sandra MacGregor O'Brien

Counsel

Signed and sworn to before me this 22wd day of December, 2005.

Notary Public for the Commonwealth of

Massachusetts

Residing at: Methur

My commission expires: 1-20-06



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December 27, 2005

Ms. Jackie Bockman Deputy Clerk Workers' Compensation Court P.O. Box 537 Helena, Montana 59624-0357

Re: Request for Dismissal from Common Fund Matters

Dear Ms. Bockman:

Enclosed please find affidavits that have been prepared on behalf of American Mutual Liability Insurance Company (in Liquidation) and AMI Liquidating Trust, the successor to the former operations of American Mutual Insurance Company of Boston.

Effective November 1, 2005 the Massachusetts Supreme Judicial Court for Suffolk County, the supervisory court for the liquidation of American Mutual Liability Insurance Company and American Mutual Insurance Company of Boston approved the sale of the charter, licenses and minimum surplus to Liberty Mutual Group Inc. The remainder of all other liabilities and assets were transferred to the AMI Liquidating Trust.

If you should have any questions regarding these affidavits please feel free to contact me.

Very truly yours,

Sandra MacGregor O'Brien

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Counsel