D. Drue Wax, General Counsel SeaBright Insurance Company 2101 4th Avenue, Suite 1600 Seattle, WA 98121 (206) 269-8568

2062698911

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA WCC NO. 2001-0300

CASSANDRA SCHMILL.

FILED

Petitioner

JAN 2 3 2006

VS.

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION,

Respondent/Insurer,

MONTANA STATE FUND.

Intervenor.

AFFIDAVIT

STATE OF ILLINOIS) : ss. COUNTY OF COOK)

- ¶1 1, D. Drue Wax, being first duly sworn upon oath, depose and say:
- $\P 2$ I, D. Drue Wax, am the General Counsel, Senior Vice President and Secretary of SeaBright Insurance Company ("SeaBright").
- ¶3 In my capacity as General Counsel, Senior Vice President and Secretary of SeaBright, I am authorized to make the statements set forth in this affidavit on behalf of SeaBright and to bind SeaBright by these statements.
- ¶4 After a review of our records, I swear under oath that SeaBright should be dismissed from the above-entitled action for any or all of the following reason:

SeaBright has never written workers' compensation insurance in the state of Montana.

- I understand that the Montana Workers' Compensation Court may allow a period ¶5 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 SeaBright. After such 90 days, if no objection is lodged by counsel for Petitioner(s), the Court will dismiss the insurer/selfinsurer 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. **¶**6

DATED this \mathcal{A} day of January, 2006.

2062698911

D. Drue Wax

General Counsel, Senior Vice President and

a. Aug way

Corporate Secretary

Signed and sworn before me this 2/2 day of January, 2006.

OFFICIAL SEAL D FOUSEKIS

(SEAL)

Notary Public for the State of Illinois

Residing at 11554 Milos Kap AR My Commission Expires