## IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

## CASSANDRA SCHMILL

Petitioner

FILED

VS.

LIBERTY NORTHWEST INSURANCE CORPORATION

OCT - 2 2006

Respondent/Insurer

OFFICE OF WORKERS' COMPENSATION JUDGE HELENA, MONTANA

## MONTANA STATE FUND

Intervenor

## **AFFIDAVIT**

STATE OF CONNECTICUT ) : ss. County of Fairfield )

- 1. I, Peter H. Lovell, being first duly sworn upon oath, depose and say:
- 2. I, Peter H. Lovell, am the Vice President & Assistant General Counsel of Clearwater Select Insurance Company f/k/a Overseas Partners US Reinsurance Company ("CSIC").
- 3. In my capacity as Vice President and Assistant General Counsel of CSIC, I am authorized to make the statements set forth in this affidavit on behalf of CSIC and to bind CSIC by these statements.
- 4. After a review of our records, I swear under oath that CSIC should be dismissed from the above-entitled action for any or all of the following reasons (check any or all that apply):
  - CSIC has never written workers' compensation insurance in the state of Montana;
  - CSIC does not have any Montana claims;
  - CSIC has no claimants meeting the Court's criteria in this matter as set forth in the summons;
  - CSIC was or is in liquidation during the period in question set forth in the amended summons served upon me.

- 5. 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 CSIC. 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.
- 6. I declare under penalty of perjury that the foregoing is correct.

DATED this 26th day of September, 2006.

Peter H. Love

Vice President and Assistant General Counsel

Clearwater Select Insurance Company

f/k/a Overseas Partners US Reinsurance Company

Corinne Brennan

Notary Public for the State of Connecticut

Residing at: 114 Woodside Green, Stamford, CT 06905

My Commission Expires: February 28, 2010

(SEAL)