

1  EXPEDITE  
2  No Hearing is Set  
3 The Honorable Judge Thomas McPhee

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7 **STATE OF WASHINGTON**  
8 **THURSTON COUNTY SUPERIOR COURT**

9 MIKE KREIDLER,  
10 INSURANCE COMMISSIONER,  
11  
12 Petitioner,

NO. 04-2-02427-4

**SEVENTEENTH QUARTERLY  
REPORT OF RECEIVER**

11 v.

12 CASCADE NATIONAL INSURANCE  
13 COMPANY,  
14 Respondent.

15 Mike Kreidler, Insurance Commissioner of the State of Washington and Statutory  
16 Receiver of Cascade National Insurance Company in Liquidation (“Cascade” or “CNIC”),  
17 James T. Odiome, Deputy Insurance Commissioner and Court-appointed Receiver of Cascade,  
18 and Marshall McGinnis, court-appointed Deputy Receiver of Cascade (collectively the  
19 “Receiver”), by and through their attorneys, Robert M. McKenna, Attorney General, and  
20 Heather L. Polz, Assistant Attorney General, hereby submit the Seventeenth Quarterly Report  
21 of Receiver pursuant to RCW 48.31.040(5), and state as follows:

22 1. *Order of Liquidation.* On November 4, 2005, this Court declared Cascade  
23 insolvent and entered an Order of Liquidation and Approval of Plan of Liquidation (“Order of  
24 Liquidation” or “Order”) pursuant to Chapters 48.31 and 48.99 RCW.

25 2. *Accounting to the Court.* In accordance with the Order of Liquidation, the  
26 Receiver shall file a report with the Court quarterly. In order to ensure that the reports have the

1 most recent financial information, the reports will be filed after the accounts from the prior  
2 month are closed. The estimated filing dates for the reports are: February 15, May 15, August  
3 15, and November 15.

4           3.     *Financial Report.* Attached hereto as Exhibits A, B and C are Cascade's  
5 January 31, 2010 Balance Sheet, and Statement of Receipts and Disbursements, and its  
6 Supplemental Claims Information as of December 31, 2009. The financial figures are derived  
7 from calculations made in accordance with the Receiver's Handbook for Insurance Company  
8 Insolvencies published by the National Association of Insurance Commissioners ("NAIC").

9           The enclosed financial statements have been prepared from available information.  
10 Certain assets and liabilities are estimates. Assets with uncertain realizable value have not  
11 been included. Additional assets resulting from legal and/or collection efforts may be recorded  
12 in the future when realized. The review of incoming claims is an ongoing process. The  
13 estate's largest creditors are various Insurance Guaranty Associations. Current known Class 2  
14 (Loss Claims) liabilities of \$29,049,912 are calculated based upon the Receiver's best estimate  
15 of outstanding loss and loss adjustment expense reserves for automobile claims as of the  
16 review completed for closed files returned to Cascade as of the end of 2008, and estimated  
17 Workers Compensation claims based on the most current actuarial study performed using  
18 claims data as of June 30, 2009. Since the Guaranty Associations are now handling the  
19 automobile claims, the usual and traditional actuarial methodology for estimating loss reserves  
20 is not applicable. The Receiver completed a detailed review of each individual automobile  
21 claim closed and returned to Cascade by all Guaranty Associations as of the end of 2008.  
22 Based upon that review of closed claims and known outstanding claims, the Receiver has  
23 adjusted Class 2 automobile claims liabilities to reflect the Receiver's best estimate of those  
24 liabilities going forward. Note that this adjustment includes a corresponding reduction in  
25 applicable reinsurance recoverable, a Balance Sheet asset. In this review process, the Receiver  
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1 also re-categorized estimated Insurance Guaranty Association unallocated loss adjustment  
2 expenses as Class 1 Liabilities. Due to significant continuing adverse development noted in  
3 the paid and case reserves of the California Workers Compensation business, the Receiver  
4 commissioned an update to the Workers Compensation independent actuarial study using the  
5 latest available claims data as of June 30, 2009. The result of the study confirms continuing  
6 deterioration of Cascade's California Workers Compensation business.

7         As of January 31, 2010, known assets totaled \$19,341,195 with 54% in cash and short-  
8 term investments. The estate's cash and short-term investment decreased significantly as a  
9 result of early access distributions to the insurance guaranty associations totaling \$6 million.  
10 All of Cascade's Alaska automobile claims have been closed. In accordance with Alaska  
11 statutes, Cascade's restricted deposit held by the state was transferred to the Alaska Guaranty  
12 Association, increasing the amount advanced to it by \$312,749. The Receiver has requested  
13 the finalization of the association's previously submitted proof of claim against the estate and  
14 is awaiting their response. Known liabilities totaled \$35,206,702 resulting in a deficiency of  
15 assets over liabilities of \$15,865,508. For the seventeen quarters ending January 31, 2010,  
16 exclusive of the early access distribution of \$6 million, cash disbursements exceeded cash  
17 receipts by \$71,214. Cash receipts were primarily from asset recovery efforts, collection of  
18 loss recoverable from reinsurers, refund of state premium taxes and recovery of salvage and  
19 subrogation on paid loss claims. Operating expenses continue to be well within amounts  
20 budgeted by the Receiver. Based on electronic claims data received from the guaranty  
21 associations as of December 31, 2009, a total of \$14,458,984 of loss claims and allocated loss  
22 adjustment expenses have been paid. *See* the Supplemental Claims Information, Exhibit C for  
23 details.

24         4.         *Proof of Claims.* In accordance with paragraph 3.5 of the Plan of Liquidation,  
25 the Receiver issued Proof of Claim forms to all policyholders and other potential claimants.  
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1 All claimants had until March 4, 2006, to file a timely Proof of Claim form. Claims continue  
2 to be reviewed. Some have been denied. The Receiver is seeking additional information from  
3 some claimants. The Receiver anticipates that there may be some claims that will be rejected  
4 in whole or part, which will be disputed by the claimant and will require a hearing for ultimate  
5 resolution.

6 5. *Operations.* The Receiver received approval by the Court to cease all  
7 operations of its subsidiary, MBR Corporation DBA Allied Pacific Adjusting Group  
8 (“Allied”), effective April 14, 2006. All Allied assets were disposed of or sold, with all funds  
9 received from the sale maintained in a separate account. The funds were subsequently  
10 disbursed and documents to dissolve the corporation were filed with all appropriate  
11 jurisdictions. All activities required to cease all operations of Allied have now been  
12 completed.

13 6. *Marshalling Assets.* The Receiver completed a global reconciliation of  
14 accounts current for its former general agents, Kenneth I. Tobey, Inc. and the Statewide  
15 General Insurance Agency, and has billed them for closing amounts totaling over \$1 million.  
16 Both general agents dispute the global reconciliations presented by the Receiver.

17 The Office of the Insurance Commissioner (“OIC”) initiated a license revocation action  
18 against K.I. Tobey for failure to pay and mishandling of trust funds, and K.I. Tobey has  
19 voluntarily accepted revocation. Settlement negotiations between OIC and K.I. Tobey failed,  
20 and K.I. Tobey filed for bankruptcy in Atlanta, Georgia. A trustee was subsequently appointed  
21 by the bankruptcy court. The Receiver is pursuing the claim in the bankruptcy court, but the  
22 likelihood of recovery is unknown. On October 23, 2009, the case was converted from  
23 Chapter 11 to Chapter 7.

24 In an effort to marshal the assets of Cascade, the Receiver has initiated an adversarial  
25 claim for wrongfully withheld premiums against Statewide General Insurance Agency and  
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1 Marcel Matar. This adversarial claim has been filed with the receivership court. Statewide has  
2 been served, and its attorneys have filed notices of appearance. Mr. Matar was personally  
3 served in Pasadena, California on Thursday, January 28, 2010. An Answer was filed after the  
4 Receiver filed a motion for default. Mr. Matar is claiming lack of funds. The Receiver's  
5 counsel requested information regarding the financial status of Mr. Matar and his business in  
6 order to establish whether there are resources available to repay Cascade. The information  
7 provided was limited and is not sufficient, particularly with respect to the financial status of  
8 Mr. Matar, who personally guaranteed the obligation to Cascade. Mr. Matar's counsel has  
9 filed a Notice of Substitution, but the Receiver has filed an objection to the change in  
10 representation on the basis of the Rules of Professional Conduct ("RPC"), RPC 1.9.

11 The Receiver is also pursuing amounts owed by Mainstay, one of Cascade's workers'  
12 compensation accounts in California, which include payment for premium, paid claims, and  
13 reserves. Cascade has requested payment and information required under the policy with  
14 Mainstay for Cascade to conduct a premium audit. Mainstay has not provided payment, but  
15 has provided some audit information. Mainstay and Cascade are continuing to communicate  
16 about these issues, and a demand for payment is being made.

17 The Receiver, through counsel, continues to pursue various legal avenues that could  
18 result in recovery of assets to the receivership estate. The Receiver filed a Complaint for  
19 Damages in the Superior Court of the State of Washington for King County, Cause No. 06-2-  
20 13068-5-SEA, against several defendants, including Danny Pixler, Anthony Huff, American  
21 Staff Resources of California, Inc., Certified Services, Inc., and Midwest Merger Management,  
22 LLC. The Complaint alleges that defendants failed to comply with the contract payment terms  
23 and failed to fund reserves while Cascade's obligation to provide workers' compensation  
24 coverage under the policies continued. Cascade's demands for compliance and payment went  
25 unanswered. The Complaint also alleges that Cascade was victimized in a deceptive scheme,  
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1 and seeks damages in excess of \$18.7 million arising from the workers' compensation  
2 coverage which was not paid for by Defendants. This case was removed to the U.S. District  
3 Court for the Western District of Washington, No. C06-697 RSL. The parties engaged in  
4 extensive discovery, depositions, and motions practice. A mediation was held in Seattle on  
5 August 12, 2008 but was unsuccessful. A second mediation was held on November 18, 2009  
6 and was unsuccessful. The trial date was reset from September 2008 to March 2009, and the  
7 Court has recently continued the trial date to May 2010. Criminal proceedings were initiated  
8 against defendant Danny Pixler in Florida. Defendant Pixler has entered into a plea agreement  
9 in those proceedings and is scheduled to begin incarceration in late 2009. Defendant Pixler is  
10 also currently negotiating a plea agreement in response to allegations by the IRS. The SEC has  
11 initiated civil proceedings against defendant Huff and trial in that action is expected to begin  
12 on February 16, 2010.

13 After filing suit against the Defendants, the Receiver learned that Certified HR  
14 Services, a subsidiary of Defendant Certified Services, Inc. ("Certified Services"), had entered  
15 into bankruptcy proceeding in the U.S. District Court, Southern District of Florida, Case No.  
16 05-22912-BKC-RBR. The Receiver ultimately entered into an agreement with the bankruptcy  
17 trustee and obtained a Court order establishing that none of Cascade's claims against the  
18 Defendants in the Washington litigation were affected by the Florida bankruptcy action, and  
19 preserving the possibility of recovery against the consolidated Certified HR Services/Certified  
20 Services bankruptcy estate. The Receiver subsequently filed a \$2 million claim against the  
21 bankruptcy estate and it is uncertain when or whether there will be actual payment on that  
22 claim.

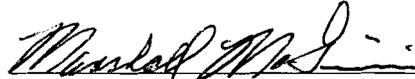
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1           The Receiver had filed a civil action in King County Superior Court, No. 06-2-34413-  
2 8-SEA, to recover damages for officer/director actions that harmed Cascade. A favorable  
3 settlement has been reached and the action has been dismissed.

4           RESPECTFULLY SUBMITTED this 16th day of February, 2010

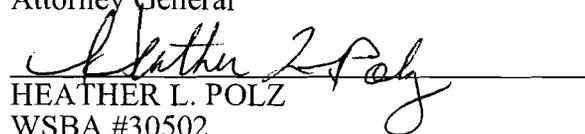
5 

6 MARSHALL MCGINNIS

7 *Deputy Receiver*

8 Presented by:

9 ROBERT M. MCKENNA  
10 Attorney General

11 

HEATHER L. POLZ

12 WSBA #30502

Assistant Attorney General

13 *Attorneys for the Insurance Commissioner*

**Cascade National Insurance Company in Liquidation  
Balance Sheet  
As of January 31, 2010**

		1/31/2010	
<b>ASSETS</b>			
Operating cash		25,505	
ST investments		10,469,718	
Cash & ST Investments	(1)		10,495,223
Advances to Guaranty Associations		6,312,749	
Reinsurance recoverable (net)	(2)	2,524,668	
Rental deposit		8,555	
Total Other Assets			8,845,972
<b>TOTAL ASSETS</b>	(3)		<b>19,341,195</b>
 <b>LIABILITIES</b>			
Secured Claims		-	
Class 1	(4)	5,941,323	
Class 2	(5)	29,049,912	
Class 3		-	
Class 4		-	
Class 5		55,284	
Class 6		138,863	
Class 7		21,321	
Class 8		-	
Class 9		-	
<b>TOTAL LIABILITIES</b>			<b>35,206,702</b>
<b>Excess (Deficiency) of Assets Over Liabilities</b>			<b>(15,865,508)</b>
<b>TOTAL</b>			<b>19,341,195</b>

**Note:** The information contained in this report is prepared by the receiver from information available to, known or estimated by the receiver as of the date of the report. The receiver makes no warranty as to the accuracy of the information or of the opinions or evaluations contained in this report and expressly disclaims any liability arising from the statements of fact, evaluation or opinion contained in the report.

- (1) Cash & ST investments include \$133,706 of restricted state deposits.
- (2) Reinsurance recoverable includes \$2.5 million of ceded loss, loss adjustment expenses and related incurred but not reported losses estimated for Company's automobile business.
- (3) Assets reported in this statement do not include all possible recoveries that may result from various legal and/or collection efforts.
- (4) The Class 1 Liability represents the remainder of the six-year operating expense budget for the receivership and estimated unallocated loss adjustment expenses of the Insurance Guaranty Associations.
- (5) Automobile loss reserves are the best estimates based on detailed review of each individual automobile claim closed and returned to the estate by all guaranty associations as of the end of 2008. These estimates will continue to be updated as more claim files are closed and returned to the estate. For workers' compensation policies, the receivership, with the help of an independent consulting actuary, updated its Class 2 workers' compensation liabilities using paid losses and loss reserves data from the California Guaranty Association as of 6/30/09. Additionally, the Class 2 liabilities exclude \$2.7 million of reserves for reimbursable workers' compensation losses for which the receivership is currently holding a standby letter of credit.

## EXHIBIT B

**Cascade National Insurance Company in Liquidation**  
**Statement of Receipts and Disbursements**  
**Period Ending January 31, 2010**

	<u>3 Months Ending 1/31/2010</u>	<u>Since Date of Liquidation Order</u>
<b>RECEIPTS</b>		
Reinsurance recoveries	-	2,515,531
Agents balances	-	142,718
Salvage & subrogation recoveries	577	297,331
Recovery of taxes previously paid	-	283,221
Asset Recovery	-	1,500,000
Other receipts	340	264,784
Receipts Before Investment Activities	<u>917</u>	<u>5,003,583</u>
Investment receipts	2,618	1,494,148
Proceeds from sales & maturity	-	915,000
Receipts from Investment Activities	<u>2,618</u>	<u>2,409,148</u>
<b>TOTAL CASH RECEIPTS</b>	<u><b>3,535</b></u>	<u><b>7,412,732</b></u>
<b>DISBURSEMENTS &amp; DISTRIBUTIONS</b>		
Claims processing expenses	-	506,948
Legal fees	85,277	2,231,859
Audit fees	-	-
Consulting fees	17,338	415,315
Salaries	203,755	1,898,672
Employee benefits	529	77,080
Payroll & other taxes	9,270	111,137
Rent & related expenses	9,821	172,018
Equipment expenses	-	113,096
Office expenses	4,362	122,951
Other disbursements	2,359	56,323
Disbursements	<u>332,711</u>	<u>5,705,399</u>
Early Access Distributions	-	6,000,000
Disbursements Before Investment Activities	<u>332,711</u>	<u>11,705,399</u>
Investment Expenses	1,461	13,508
Purchase of investments	293	1,765,039
Disbursements for Investment Activities	<u>1,754</u>	<u>1,778,547</u>
<b>TOTAL CASH DISBURSEMENTS &amp; DISTRIBUTIONS</b>	<u><b>334,465</b></u>	<u><b>13,483,946</b></u>
<b>Net Cash Receipts over/(under) Disbursements</b>	<u><b>(330,931)</b></u>	<u><b>(6,071,214)</b></u>
Cash at beginning of period	6,435	773,413
Net Cash Receipts over/(under) Disbursements	(330,931)	(6,071,214)
Cash transferred from/(to) ST investment	350,000	5,323,306
Cash at end of period	<u>25,505</u>	<u>25,505</u>

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**Cascade National Insurance Company in Liquidation  
Supplemental Claims Information  
Claims and Adjusting Expenses Paid by Insurance Guaranty Funds  
As of December 31, 2009**

	<b>Auto</b>	<b>Workers Compensation</b>	<b>Total</b>
Alaska	754,382	-	754,382
California	758,663	9,113,504	9,872,167
Oregon	965,782	-	965,782
Washington	2,866,653	-	2,866,653
	<u>5,345,480</u>	<u>9,113,504</u>	<u>14,458,984</u>

## Notes:

- The above amounts do not include reserves established by the insurance guaranty associations for outstanding claims nor the estate's residual liabilities on these claims.

**Cascade National Insurance Company in Liquidation  
Supplemental Claims Information  
Claim Counts by Loss Event  
As of December 31, 2009**

	<b>Auto (1)</b>		<b>Workers Compensation</b>		<b>Total</b>	
	Transferred to IGF	Closed by IGF	Transferred to IGF	Closed by IGF	Transferred to IGF	Closed by IGF
Alaska	6	6	-	-	6	6
California	186	183	366	257	552	440
Oregon	63	62	-	-	63	62
Washington	178	161	-	-	178	161
	<u>433</u>	<u>412</u>	<u>366</u>	<u>257</u>	<u>799</u>	<u>669</u>

## Note:

- (1) A substantial number of closed auto claims are claims closed by the insurance guaranty associations without loss payment. These claims may have been settled by the claimants' own insurance carrier. As a result, these insurance carriers may have recovery rights against the estate of Cascade.



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EXPEDITE  
 No Hearing is Set  
The Honorable Judge Thomas McPhee

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

MIKE KREIDLER,  
INSURANCE COMMISSIONER,  
  
Petitioner,  
  
v.  
  
CASCADE NATIONAL INSURANCE  
COMPANY,  
  
Respondent.

NO. 04-2-02427-4  
CERTIFICATE OF SERVICE

This will hereby certify that on the 16<sup>th</sup> day of February, 2010, I mailed a true and correct copy of the **Seventeenth Quarterly Report of Receiver, Exhibits A, B, and C, and Certificate of Service** via the U.S. Mail, first-class postage prepaid, in sealed envelopes, from Olympia, Washington, to the following interested parties:

- Elizabeth J. Anderson, Sr. VP  
**Columbia Bank**  
Special Credits Department  
1301 "A" Street  
Tacoma, WA 98401
  
- Harold Anderson  
P.O. Box 3526  
Bend, OR 97707  
*Former President of Cascade Majority Shareholder*

///  
///

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23 Eric Mendoza  
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CA9-702-03-03, POB 479  
25 Pasadena, CA 91102-6102  
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26

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26

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*Attorneys for Claimant James T. Feltman*

7  
8 DATED this 16<sup>th</sup> day of February, 2010.

9  
10   
11 DARLA AUMILLER  
Legal Assistant

