

FILED

JUL - 6 2009

Hearing Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:

NO. D 07-0350

JOHN HANLEY d/b/a JURISCO,

JOHN HANLEY d/b/a JURISCO'S
MOTION TO CONTINUE HEARING

Licensee.

John Hanley d/b/a Jurisco ('Jurisco') requests that the hearing on the OIC's Order Revoking License be continued for 90 days. Jurisco's request should be granted for the reasons outlined below.

Jurisco's counsel is unavailable and unable to prepare for the July 20, 2009 hearing. Jurisco retained Mike DeLeo of Eisenhower & Carlson to defend it with regard to the OIC's allegations. No other attorney within Mr. DeLeo's firm is familiar with this case and can help prepare to defend it. Mr. DeLeo has at least four dispositive hearings in other cases scheduled to be heard prior to the July 20, 2009 hearing in this case. Additionally, Mr. DeLeo has three depositions to defend during that time, a full day mediation scheduled for July 17, 2009, and a full day or longer arbitration scheduled for July 15, 2009. Mr. DeLeo is facing further deadlines in other cases in addition to the foregoing.

Consequently, Mr. DeLeo is completely unable to prepare for the hearing scheduled for July 20, 2009. If Jurisco's motion to continue the hearing date is not granted, Mr. DeLeo has no choice but to withdraw.

JOHN HANLEY d/b/a JURISCO'S MOTION... - 1

08563672.DOC

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EISENHOWER & CARLSON, PLLC

Washington Mutual Tower
1201 Third Avenue, Suite 1650
Seattle, WA 98101
Tel: 206.382.1830
Fax: 206.382.1920

1 Jurisco is requesting a continuance of 90-days because Mr. DeLeo has a trial, which is
2 expected to take at least a week, beginning September 14, 2009 in Snohomish County Superior
3 Court. Although Jurisco and its counsel would like to conclude this matter sooner, 90 days is
4 necessary so that Jurisco's counsel can prepare. The OIC produced thousands of pages of
5 documents and it will take dozens and possible hundreds of hours to get through everything. The
6 OIC has spend years creating this situation, and Jurisco should be allowed a few additional
7 weeks to prepare. This is particularly true here where the remedy sought is the revocation of Mr.
8 Hanley's license.

9 The settlement proposed by the OIC and accepted by Jurisco required significant work by
10 Jurisco unrelated to this dispute. One element of the OIC's settlement with Jurisco was for
11 Jurisco to show that it had no other outstanding obligations to past customers. This required
12 Jurisco to go through each and every file generated in the last few years in order to prove a
13 negative. This monumental task required Jurisco to spend every spare minute on that effort.
14 More specifically, Jurisco was required to focus on files that are not related to the OIC's Order
15 Revoking License. I repeat, a part of the OIC's settlement was for Jurisco to review all of the
16 files that are not part of the OIC's Order Revoking License and show that it did not owe refunds.
17 Consequently, Jurisco was required to focus its efforts on bonds completely unrelated to this
18 dispute and it was all required by the OIC.

19 In sum, as a direct result of the OIC's settlement Jurisco was spending every spare minute
20 on files unrelated to the upcoming hearing. The effort to address those other files was a
21 tremendous strain on Jurisco. For the OIC to force Jurisco to spend its energy elsewhere and
22 then schedule this hearing for July 20, 2009 is, nicely stated, unfair. Consequently, because the
23 OIC required Jurisco to expend its efforts on files unrelated to this hearing then unilaterally
24 reneged on the settlement, Jurisco should be allowed at least 90 days to prepare for the hearing.
25 Refusing Jurisco's request for a continuance under these circumstances is effectively depriving
26 Jurisco of its right to a hearing thereby depriving Jurisco of its right to due process.

JOHN HANLEY d/b/a JURISCO'S MOTION... - 2

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1 Jurisco could not prepare for hearing while seeking to complete its settlement with the
2 OIC. In her ruling, Chief hearing officer, Patricia Peterson, states: "It is expected that parties
3 prepare for hearing even though they are negotiating terms of settlement." Unfortunately,
4 however, Chief Hearing Officer Peterson's statement is inaccurate. It was impossible for Jurisco
5 to prepare for the hearing while seeking to conclude the settlement with the OIC. As mentioned
6 above, the OIC had Jurisco engaged in other efforts completely separate and apart from the files
7 subject to the dispute here.

8 Jurisco is a very small business and has limited resources. Jurisco was only able to run
9 its business and focus on completing the settlement with the OIC. There was no time available
10 to simultaneously prepare for this hearing.

11 Also, to state the obvious, engaging in discovery is completely inconsistent with
12 attempting to complete the settlement with the OIC.

13 Denying Jurisco's Request would be Unconstitutional. Article 1, § 3 of the Washington
14 State Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without
15 due process of law." Here, the OIC is seeking to deprive John Hanley d/b/a Jurisco of his
16 property right without due process. The OIC agreed to a settlement. The OIC agreed to draft an
17 outline of terms. The OIC also asked Jurisco to show that no refunds were due on bonds
18 unrelated to this dispute, diverting Jurisco's efforts. Thus, by agreeing to as settlement, forcing
19 Jurisco to use its limited resources elsewhere, and then renegeing on its promises, the OIC is
20 seeking to deprive Jurisco of its right to due process—which is precisely what our Constitution
21 prohibits.

22 Conclusion. Jurisco should be allowed a fair hearing. In light of the OIC's settlement,
23 which required Jurisco to show that no refunds were due to customers on bonds unrelated to this
24 dispute, Jurisco was no able to prepare for this hearing. Thus, once OIC refused to honor its
25 settlement agreement Jurisco was forced to change course. Yet, Jurisco's counsel is not available
26 on July 20, 2009 and will not be available until following a trial scheduled to begin September

JOHN HANLEY d/b/a JURISCO'S MOTION... - 3

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Mike DeLeo

From: Singer, Alan (OIC) [AlanS@OIC.WA.GOV]
Sent: Friday, January 16, 2009 12:06 PM
To: DeLeo, Mike S.
Subject: RE: Jurisco

Hi Mike,

Thanks for the update as to the discovery materials. Perhaps we can talk again after you review a written outline of some proposed terms (which I plan to prepare and send you for discussion, hopefully soon), but in the meantime the companies we discussed are: (1) Accredited Surety and Casualty, CBIC (Contractors Bonding and Insurance Company), (3) Fidelity & Guaranty Insurance Company, (4) Fidelity and Guaranty Insurance Underwriters, Inc., (5) Hartford Insurance Company the Midwest, (6) Old Republic Surety Company, (7) RLI Insurance Company, and (8) Seaboard Surety Company.

Alan

Alan Michael Singer
Staff Attorney
Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255
360-725-7046
360-586-0152 Fax

From: DeLeo, Mike S. [mailto:MDeLeo@Eisenhowerlaw.com]
Sent: Thursday, January 15, 2009 11:15 AM
To: Singer, Alan (OIC)
Subject: RE: Jurisco

Alan,

The documents I mailed were returned since my staff used the address in our address book for you instead of the revised information below. I probably provided bad instructions. Nonetheless, I clarified and we are re-sending out today.

John's approved me pursuing the outlined agreement we discussed very generally. Of course, the devil is in the details. I look forward to working with you on this. I'm somewhat waiting to hear from you on the next step, but to help keep things moving I'm wondering if you can send me the list of the 8 or so insurers from whom we should start requesting information.

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7/2/2009

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Hearings Unit OIC
Patricia D. Petersen
Chief Hearing Officer**Galloway, Wendy (OIC)**

From: DeLeo, Mike [MDeLeo@Eisenhowerlaw.com]
Sent: Tuesday, July 07, 2009 11:41 AM
To: Galloway, Wendy (OIC); Singer, Alan (OIC)
Subject: RE: Motion to Continue - July 8, 2009 at 10 a.m.

I'm aware of RPC 1.16(c) and since I can't physically prepare for or participate in a July 20 hearing, an instruction to do so is less than productive.

Please be aware that I quickly put together the motion to continue. In light of the note from Judge Petersen, I'll supplement Mr. Hanley's motion here.

Mr. Singer stated that Mr. Hanley could be facing criminal charges with regard to the allegations against him. Because the OIC unilaterally revoked the settlement Mr. Hanley must consult with a criminal defense attorney - which I am not - regarding possible 5th Amendment issues. I will need to work with the criminal defense attorney to properly defend Mr. Hanley against the OIC's charges while keeping in mind Mr. Hanley's Constitutional Rights. I'll admit to have very little experience in this area and I am concerned that without the help of a criminal defense attorney Mr. Hanley will not be well-represented.

Additionally, one of the major allegations against Mr. Hanley pertains to the L'Koral matter. I proved to Mr. Singer that Mr. Hanley returned the agreed upon refund to Mr. Heimbold, but it appears that Mr. Heimbold lost the cashier's check. Mr. Hanley was able to cancel the cashier's check and have a new one re-issued (the bank required a 30-day waiting period after cancellation). I provided Mr. Singer with a copy of the cashiers and we spoke about how to remit the replacement check. Mr. Singer instructed me to hold the check and remit it as part of Mr. Hanley's settlement with the OIC. Now - months later - Mr. Singer has asked Mr. Hanley to remit the cashier's check to L'Koral. But now Mr. Hanley may again need to cancel the cashier's check due to the delay and ask the bank to re-issue. Plus, there are an abundance of legal issues to consider -- including the potential criminal charges Mr. Singer has previously mentioned -- **which is just one of many, many legal issues that must be researched**. These issues arose solely as a result of the OIC's instruction and then the OIC's refusal to honor the settlement!

The OIC produced over 9,000 pages of documents (9,064 pages by my count) plus two excel spreadsheets with over 8,000 lines (prox). While I've been able to identify 73 pages that do not apply to this dispute and at least 200 duplicate pages, that still leaves over 8,500 pages of documents to review and analyze. Prior to reaching the settlement with the OIC I had been through many of the documents (more than 2,000 pages), but I have more than five-thousand pages to review and analyze.

The OIC spent years on this and many of the bonds date back to 2005, making it even more difficult and complicated. And although the OIC spent years on this, they now seek to force Jurisco to rebut their allegations - proving a negative - in just a few short weeks. Moreover, each of the 40 bonds at issues are essentially mini-trials for which Jurisco must prepare.

Plus, Mr. Hanley now needs to hire an expert - if he can bear the added burden. The expert will need to review the information from the OIC to prepare to rebuttal testimony. In light of the severity of the issue, the last minute refusal by the OIC to honor its promise, the volume of documents, Mr. Hanley's request for more time is reasonable and should be granted.

To deny his request, especially where it appears that none of Mr. Hanley's customers have ever issued a complaint against him, would be unconscionable.

Best regards,

Mike DeLeo
Eisenhower & Carlson, PLLC

7/7/2009

Galloway, Wendy (OIC)

From: DeLeo, Mike [MDeLeo@Eisenhowerlaw.com]
Sent: Wednesday, July 08, 2009 9:21 AM
To: Singer, Alan (OIC); Galloway, Wendy (OIC)
Cc: Sureau, Carol (OIC); Tribe, Christine (OIC)
Subject: RE: Motion to Continue - July 8, 2009 at 10 a.m.

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Hearings Unit, OIC
 Patricia D. Petersen
 Chief Hearing Officer

Mr. Hanley's reply (dba Jurisco) reply follows.

The OIC has not disputed the fact that no customer of Jurisco has ever made a complaint against it. In 12 years of doing business, providing court bonds to lawyers in 5 states, no once has any of those customers made a complaint against Jurisco. Consequently, Jurisco's request for a continuance should be honored.

Additionally, we should not ignore the facts here. Jurisco objected to the Order revoking license. I began working with the OIC and pointed out that at least two of their larger claims were inaccurate. The largest issue by far, L'Koral, was based on inaccurate information *from* the OIC to the attorney for L'Koral that Jurisco had not sent the reimbursement check. I showed Mr. Singer of the OIC that it was the OIC who stated to counsel for L'Koral that Jurisco had not sent the reimbursement check. In truth, Jurisco sent the reimbursement check which was received by counsel.

I also reviewed a bond with Mr. Singer that the OIC says a reimbursement was owed, but Jurisco's files showed it was never paid.

I also pointed out that some of the alleged reimbursements were so small it made no economic sense to dispute and we should find some other efficient way to address.

It was following these discussions that the OIC proposed the settlement with Jurisco, which Jurisco accepted without change. The OIC promised to put the settlement in writing and when it failed to timely do that made two requests to continue the hearing. Jurisco had no objection to continuing the hearing to complete the settlement, but Jurisco believes the continuances were necessary solely due to the fact that the OIC did not provide the promised written agreement.

The OIC's position regarding discovery is disingenuous. I invited comments on Jurisco's discovery six months ago and heard nothing from the OIC for half a year. Why? Because the OIC never looked at it or cared because of the settlement. Now, after revoking the settlement the OIC is taking issue with the discovery, which they can do but Jurisco should be afforded the opportunity to address that. What should not occur is the OIC's attempt to prejudice Jurisco's defense by revoking the settlement and rushing to hearing.

Finally, Mr. Hanley is 62 years old and looking to get out this business. He has already started a relationship with a 30-year old insurance agency. He was hoping to complete the settlement and sell what little business the OIC had not destroyed. Given his relationship with the new agency, his proven track record of no complaints, and impending retirement from this business, there is no reason whatsoever to deny his request to continue this matter. In fact, I'm surprised that the OIC objected to his request as it appears to make no business or agency sense and seems personal.

The OIC agreed to settle with Jurisco. It repeatedly promised to provide the written details of the agreement but never honored that promised. The OIC then revoked the settlement and pushed for an immediate hearing. Denying Mr. Hanley's request under these circumstances is unfair and violates Washington's Constitutional guarantee of due process.

There is no evidence and does not appear that there is even an allegation that Mr. Hanley has made a mistake or violated a WAC in the last 3 years. Mr. Hanley is now affiliated with a agency who has been in business for 30-years providing an additional lever of assurance of fulfilling exacting standards. Hence, no one will be prejudiced

7/8/2009

if Mr. Hanley's request is granted.

Mr. Hanley has shown good cause and his request for a 90 day continuance should be granted.

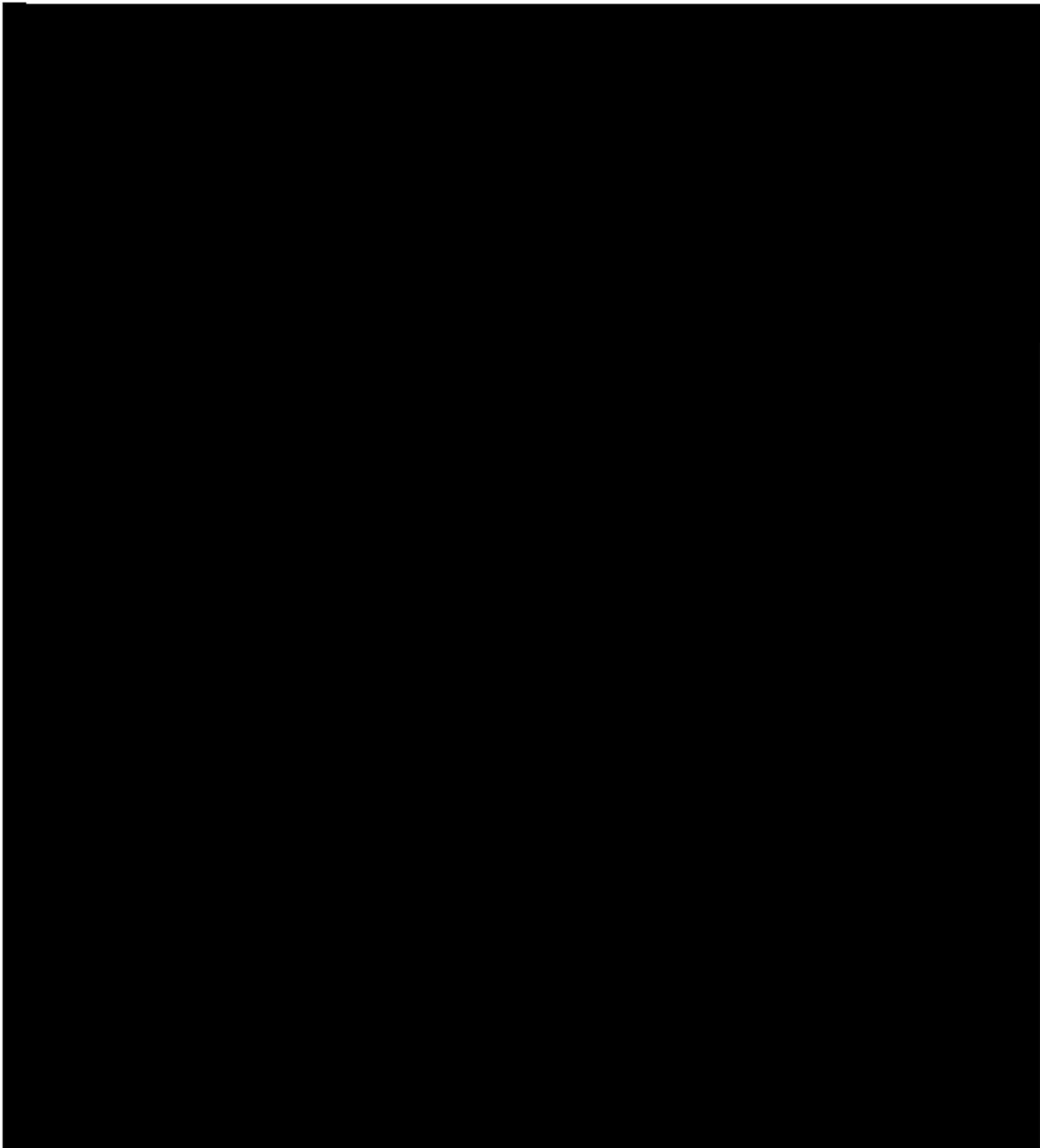
Respectfully, submitted this 8th day of July, 2009.

Mike DeLeo

Eisenhower & Carlson, PLLC

Direct # (206) 695-6152

mdeleo@eisenhowerlaw.com



In the Matter of:

JOHN A. HANLEY, dba JURISCO

Licensee.

) No. D07-0350

)

) OFFICE OF THE INSURANCE

) COMMISSIONER'S OPPOSITION

) TO LICENSEE'S MOTION TO

) CONTINUE HEARING

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JUL -7 P 2:56

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

I. RELIEF REQUESTED

The OIC opposes the Licensee's request for a 90 day continuance and seeks an order (1) that the July 20, 2009 hearing in this matter proceed as currently scheduled, and (2) authorizing the telephonic testimony of Mary Young.

II. FACTS ¹

On August 15, 2008, the OIC issued an order revoking the Licensee's license. On September 2, 2008, the Licensee filed an "objection to order revoking license and demand for hearing," claiming there is "exculpatory information and documents that he intends to present that he believes will or should change the order." The Licensee also promised to supplement the Objection "as the Insurance Commissioner's office may request." Since then, at the Licensee's request, the license revocation has been stayed.

On October 23, 2008, pursuant to the Licensee's Public Records Act request, the OIC provided the Licensee with a copy of "all non-privileged and otherwise non-exempt public records regarding Mr. Hanley's order revoking license no. D 07-0350, generated between November 10, 2005 and the date of the order." (See attached "Exhibit A," an October 23, 2008 e-mail regarding provision of records.)

On November 25, 2008, the OIC propounded discovery requests to the Licensee. One such request asked the Licensee to identify and produce "all exculpatory information and documents you intend to present in this matter." Almost two months later, the Licensee provided wholly insufficient responses, a raft of improper "boilerplate" objections, and copies of selected documents that the OIC had already produced to the Licensee a few months earlier in response to his Public Records Act request.

On February 2, 2009, the hearing date was continued for the parties to engage in settlement negotiations, and on March 31, 2009, that hearing date was again continued to allow further time to pursue

¹This statement of facts derives from the facts and filings of record and the four attachments referenced herein.

such settlement negotiations. But by May 19, 2009, settlement negotiations failed, and the following day the OIC filed motions to authorize telephonic witness testimony and brought the status of discovery to the Chief Hearing Officer's attention. (See attached "**Exhibit B**," the May 20, 2009 e-mail regarding motions and discovery (without attachments) and "**Exhibit C**," a portion of a May 19, 2009 e-mail from the Licensee's attorney acknowledging the lack of receipt of any "written settlement proposal" from OIC.)

On June 4, 2009, during a telephonic prehearing conference, the Licensee's attorney argued to the Chief Hearing Officer that a settlement had been reached, that this purported settlement should be enforced, and alternatively, that there should be a continuance to allow more time to prepare for hearing. The OIC disavowed that there was any settlement agreement, and objected to any further continuance.

On June 24, 2009, the Chief Hearing Officer issued a written order, granting the Licensee's requested continuance, finding a lack of evidence of any settlement agreement, and instructing the Licensee to "respond fully" to the OIC's discovery requests by July 1, 2009. This order also instructed the Licensee to raise and discuss any objections to the discovery by June 29, 2009.

On July 2, 2009, the Licensee, through his attorney, filed the instant "motion to continue hearing," requesting a fourth hearing date continuance and license revocation stay — this one for 90 more days. In addition, on July 2, 2009 the Licensee also indicated he has no objection to the testimony by telephone of Mary Young, "provided his request to continue is granted." (See attached "**Exhibit D**," a July 20, 2009 e-mail from the Licensee's attorney.)

To date, the Licensee has provided no further discovery responses, and has also failed to contact the OIC about any objections to any of the discovery requests.

III. ARGUMENT AND AUTHORITY

A. The Licensee fails to demonstrate good cause to justify his request for further continuance.

A party may obtain a continuance in an administrative proceeding such as this if a "timely request" is made, with notice to all other parties, "if the party shows good cause." WAC 10-08-090(1). Here, the Licensee's motion — considered in light of the other facts — fails to satisfy this standard.

As an initial matter, in considering the Licensee's motion, it is important to consider the history of continuances in this matter thus far. If granted, the Licensee's current request for a continuance would be the *fourth* continuance granted thus far. Action against the Licensee's license has been stayed for nearly a year, all because he has demanded a hearing. That hearing has already been continued three times, all at the Licensee's request — twice to pursue fruitless settlement talks, and a third time after those talks failed (and over OIC's objections.) This history militates against yet another continuance for the Licensee.

The Licensee's motion also fails to present sufficient grounds upon which to conclude "good cause" exists here. Instead of basing itself on unimpeachable facts, the Licensee's motion relies on misleading, inaccurate, and counterintuitive assertions.² For example:

- Page 2 of the motion claims "the OIC produced thousands of pages of documents and it will take dozens and possible [sic] hundreds of hours to get through everything," but fails to mention that these documents were produced *almost 9 months ago*. (See "Exhibit A.")
- Again at page 2, the motion advises that it has been a "monumental task" and a "tremendous strain" simply to ascertain whether the Licensee's own transactions records demonstrate he has complied with his obligations under the Insurance Code. If true, however, the revocation of his license ought to occur immediately and without continuance.
- At the end of the motion, the Licensee contends that "no one whatsoever will be prejudice [sic] by the continuance." (See motion at p. 4, lines 5-6.) But the absence of the purported "exculpatory" evidence — now repeatedly requested and even ordered to be produced — renders un rebutted the risk of consumer harm as alleged in the August 15, 2008 revocation order. Such risk only grows with each passing day the Licensee's license remains in force.

Another reason the Licensee fails the "good cause" standard is his own dilatory conduct with respect to discovery. While his license revocation has been stayed and the hearing date repeatedly continued, the Licensee has repeatedly failed to divulge the "exculpatory information and documents" that "will or should change the order," as he has alluded to since 2008. OIC's discovery requests explicitly asked for such "exculpatory information and documents," but the Licensee's discovery responses consisted

²For example, throughout pages 2 and 3, the motion claims the OIC somehow "required" or "forced" or "had" the Licensee do certain things. No evidence supports such claims.

almost exclusively of “boilerplate” objections. And what few documents were produced in response appear to have largely consisted of copies of the same documents the OIC gave the Licensee pursuant to the Licensee’s Public Records Act request just a few months earlier. Even despite the Chief Hearing Officer’s June 24, 2009 order that directed the Licensee to “respond fully” to these discovery responses by July 1, 2009 and to call OIC to work through any objections before June 29, 2009, nothing was ever provided and no call was ever made. Such conduct is not befitting of a finding of “good cause.”

The Licensee’s motion is also noteworthy for what it does *not* offer. It does not explain in any reasoned fashion what the Licensee hopes will be accomplished in 90 additional days. It does not explain what efforts have been undertaken by the Licensee to minimize the length of the delay sought.

The August 15, 2008 revocation order alleges substantial Insurance Code non-compliance, specific examples of monies owed, and “tens of thousands” of further dollars that the Licensee is believed to owe to consumers. These strong, and still unrebutted allegations, taken with the history of continuances, the absence of reasoned explanations for a further continuance, the failure to cooperate in discovery, and the unreliable assertions in the present motion all weigh against finding “good cause.”³

The OIC has a compelling interest to proceed as expeditiously as possible to revoke the Licensee’s license. As the Licensee fails to show “good cause” for a continuance, his motion should be denied.

B. The motion to allow telephonic testimony of Mary Young should be granted.

After weeks of asking whether the Licensee had any objection to the OIC’s motion seeking permission to present the telephonic testimony of Mary Young, on July 2, 2009, the Licensee’s attorney wrote that “Mr. Hanley has no objection to the testimony by telephone [of Mary Young, pursuant to the

³ The Licensee’s motion also cites to Article 1, § of the Washington State Constitution — but to no other legal authorities — and vaguely asserts that not granting his request could amount to an “unconstitutional” deprivation of “due process.” While the undersigned could locate no court decision anywhere that ever held that a denial of a request to continue an administrative license revocation hearing deprived a licensee of due process, there is no need to even consider such an issue without argument and citation to legal authority. *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992). Here, the Licensee has offered none, and where no authorities are cited in support of a proposition, no court is bound to search out authorities, but may assume that counsel, after diligent search, has found none. *State v. Young*, 89 Wn.2d 613, 625, 574 P.2d 1171 (1978) (citing *DeHeer v. Seattle Post-Intelligencer*, 60 Wn.2d 122, 126, 372 P.2d 193 (1962)). Nevertheless, such vague constitutional allusions are misplaced here, as the proper test for whether a continuance may be allowed is WAC 10-08-090 and its “good cause” standard. As indicated, the Licensee fails to satisfy this standard.

OIC's motion seeking permission for the same] *provided his request to continue is granted.*" (Emphasis added.) See attached "Exhibit D." Nor has the Licensee ever filed any written response or objection to the motion. From this, the OIC is left to conclude that the Licensee has no proper objection to its motion, and accordingly, its motion seeking permission to present the testimony of Mary Young telephonically should be granted.

IV. CONCLUSION

Because the Licensee has failed to demonstrate "good cause" to justify granting him a fourth continuance in the hearing date of this matter, his motion for a continuance should be denied.

In addition, there are no proper grounds or proper objection to the OIC's pending motion seeking to authorize telephonic testimony of Mary Young. Accordingly, that motion should be granted.

Respectfully submitted this 7th day of July, 2009.



Alan Michael Singer
OIC Staff Attorney

EXHIBIT "A"

Singer, Alan (OIC)

From: DeLeo, Mike S. [MDeLeo@Eisenhowerlaw.com]
Sent: Thursday, October 23, 2008 9:32 AM
To: Ferrell, Stephanie (OIC)
Cc: Mark, Eric (OIC); Singer, Alan (OIC)
Subject: RE: Public Disclosure Request

Not a problem. I was wondering where the documents were and I am pleased to receive your status statement.

From: StephanieF@OIC.WA.GOV [mailto:StephanieF@OIC.WA.GOV]
Sent: Thursday, October 23, 2008 9:15 AM
To: DeLeo, Mike S.
Cc: EricM@OIC.WA.GOV; AlanS@OIC.WA.GOV
Subject: Public Disclosure Request

Good morning,
I am sending a FedEx package to you this morning, as the previous package I sent last Friday was returned. I had inadvertently left off part of the address. Please accept my apologies on the delay of documents. Please let me know if you have any questions or concerns.

Stephanie Ferrell

Forms & Records Analyst
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EXHIBIT "B"

Singer, Alan (OIC)

From: Singer, Alan (OIC)
Sent: Wednesday, May 20, 2009 11:45 AM
To: 'DeLeo, Mike S.'; Galloway, Wendy (OIC)
Subject: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony
Attachments: 1st ROGS RFPs to John Hanley.pdf; 1st ROGS RFPs to John Hanley with Objections and Responses.pdf; Letter and 136 pages produced in response to OIC 1st ROGS RFPs to John Hanley.pdf; John A Hanley - OIC motion for telephone testimony of Ohashi and Heimbold.pdf

Hi Mike and Wendy,

Attached is a conformed copy of the OIC's motion to allow testimony by telephone of (1) John O'Hashi and (2) Michael Heimbold filed this morning. Also attached are copies of (1) OIC's first set of discovery to Mr. Hanley, (2) Mr. Hanley's objections and responses, and (3) Mr. DeLeo's letter accompanying 136 pages of responsive materials.

I would like to ask for a telephonic pre-hearing conference as soon as possible to discuss these matters with Judge Petersen. Should it be agreeable with Judge Petersen and Mr. DeLeo, I am available Thursday and Friday of this week, and Monday and Tuesday of next week.

Thank you,

Alan

Alan Michael Singer
Staff Attorney
Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255
360-725-7046
360-586-0152 Fax

EXHIBIT "C"

Singer, Alan (OIC)

From: DeLeo, Mike S. [MDeLeo@Eisenhowerlaw.com]

Sent: Tuesday, May 19, 2009 4:01 PM

To: Singer, Alan (OIC)

Subject: FW: Bonds

Alan,

I should add that the OIC has never issued the written settlement proposal that it said it would provide. So, lets schedule a hearing with the administrative judge on the issue of settlement.

EXHIBIT "D"

Singer, Alan (OIC)

From: Mike DeLeo [MDeLeo@Eisenhowerlaw.com]
Sent: Thursday, July 02, 2009 6:16 PM
To: Mike DeLeo; Singer, Alan (OIC)
Cc: Galloway, Wendy (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Mr. Hanley has no objection to the testimony by telephone provided his request to continue is granted. If not, since I will be forced to withdraw, I don't know the answer.

Mike DeLeo
Eisenhower & Carlson, PLLC
Direct # (206) 695-6152
mdeleo@eisenhowerlaw.com

From: Mike DeLeo
Sent: Tuesday, June 30, 2009 10:44 AM
To: 'Singer, Alan (OIC)'
Cc: Galloway, Wendy (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

I have not yet follow up with him on that, but am in the process of doing that.

Mike DeLeo
Eisenhower & Carlson, PLLC
Direct # (206) 695-6152
mdeleo@eisenhowerlaw.com

From: Singer, Alan (OIC) [mailto:AlanS@OIC.WA.GOV]
Sent: Tuesday, June 30, 2009 10:43 AM
To: Mike DeLeo
Cc: Galloway, Wendy (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Fair enough, and thank you, I'll watch for that. However, and I am not meaning to be difficult, but you are the only attorney I am aware of that represents Mr. Hanley and we still do not know the answer to the question: does Mr. Hanley object to Ms. Young testifying telephonically?

Alan Michael Singer
Staff Attorney
Legal Affairs
Office of the Insurance Commissioner
PO Box 40255

7/6/2009

Olympia, WA 98504-0255
360-725-7046
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From: Mike DeLeo [mailto:MDeLeo@Eisenhowerlaw.com]
Sent: Tuesday, June 30, 2009 10:38 AM
To: Singer, Alan (OIC)
Cc: Galloway, Wendy (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Alan,

I'm presently working on a motion to change the hearing date and my notice of withdrawal. I am not available on July 20 and I cannot be ready to do the case at that time. Thus, unless the matter is continued I will not be participating in the hearing. So, that is my focus - but I'll follow up on the telephonic testimony request as well.

Mike DeLeo
Eisenhower & Carlson, PLLC
Direct # (206) 695-6152
mdeleo@eisenhowerlaw.com

From: Singer, Alan (OIC) [mailto:AlanS@OIC.WA.GOV]
Sent: Tuesday, June 30, 2009 10:35 AM
To: Mike DeLeo
Cc: Galloway, Wendy (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony
Importance: High

Hi Mike,

I am sorry to pester you, but it's been almost two weeks and I haven't received any response. Will you please tell us whether your client objects to Ms. Young testifying via telephone?

Thanks,

Alan

Alan Michael Singer
Staff Attorney
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Office of the Insurance Commissioner
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From: Singer, Alan (OIC)
Sent: Thursday, June 25, 2009 2:45 PM
To: 'Mike DeLeo'
Cc: Galloway, Wendy (OIC)

7/6/2009

Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Hi Mike,

Here is the ruling, I just received it (please tell me if you cannot open it and I'll fax it to you -- but I'll need your current fax number.) Do you or Mr. Hanley object to Mary Young testifying telephonically?

Alan

Alan Michael Singer
Staff Attorney
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From: Mike DeLeo [mailto:MDeLeo@Eisenhowerlaw.com]
Sent: Monday, June 22, 2009 8:18 AM
To: Galloway, Wendy (OIC); Singer, Alan (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Wendy and Alan,

As of today, I work primarily out of our Tacoma office. I was moving last Thursday and Friday and I don't have a working office phone right now. I will ask John for input on Alan's request and let you know when I hear from him.

I have not yet seen a ruling from our last hearing. Has a ruling been issued?

Mike DeLeo
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mdeleo@eisenhowerlaw.com

From: Galloway, Wendy (OIC) [mailto:WendyG@OIC.WA.GOV]
Sent: Monday, June 22, 2009 8:11 AM
To: Singer, Alan (OIC)
Cc: Mike DeLeo
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Thank you.

Wendy Galloway
Paralegal
OIC Hearings Unit
☎ Phone: 360-725-7002
Fax: 360-664-2782

7/6/2009

From: Singer, Alan (OIC)
Sent: Friday, June 19, 2009 2:05 PM
To: 'DeLeo, Mike S.'; Galloway, Wendy (OIC)
Subject: RE: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Hi Mike and Wendy,

Attached is a conformed copy of the OIC's motion to allow the testimony of Mary Young by telephone.

Mike, will you please indicate whether you have any trouble opening this attachment, and whether you have any objection to Ms. Young's telephonic testimony. Please feel free to call me with any questions.

Wendy, if Mike has any objection, I would like to ask for a telephonic pre-hearing conference.

Thanks,

Alan

Alan Michael Singer
Staff Attorney
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From: Singer, Alan (OIC)
Sent: Wednesday, May 20, 2009 11:45 AM
To: 'DeLeo, Mike S.'; Galloway, Wendy (OIC)
Subject: John A. Hanley matter / No. 07-0350 - OIC motion to allow telephonic testimony

Hi Mike and Wendy,

Attached is a conformed copy of the OIC's motion to allow testimony by telephone of (1) John O'Hashi and (2) Michael Heimbald filed this morning. Also attached are copies of (1) OIC's first set of discovery to Mr. Hanley, (2) Mr. Hanley's objections and responses, and (3) Mr. DeLeo's letter accompanying 136 pages of responsive materials.

I would like to ask for a telephonic pre-hearing conference as soon as possible to discuss these matters with Judge Petersen. Should it be agreeable with Judge Petersen and Mr. DeLeo, I am available Thursday and Friday of this week, and Monday and Tuesday of next week.

Thank you,

Alan

Alan Michael Singer
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7/6/2009

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