

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE OFFICE OF INSURANCE COMMISSIONER

FILED

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In The Matter Of:  
  
PACIFICARE OF WASHINGTON, INC.

OAH Docket No. 2009-INS-0001  
OIC No. 09-0010  
Patricia D. Polarsen  
Chief Hearing Officer  
ORDER REGARDING DISCOVERY  
FOLLOWING CONFERENCE  
HELD APRIL 3, 2012

**I. ISSUE PRESENTED**

Whether to grant the Joint Request for Stay of Discovery filed March 13, 2012.

**II. ORDER SUMMARY**

The Joint Request for Stay of Discovery is granted as more specifically discussed below.

**III. HEARING**

- 3.1 **Hearing Date:** April 3, 2012
- 3.2 **Administrative Law Judge:** Terry A. Schuh
- 3.3 **Non-agency party:** Pacificare of Washington, Inc.
  - 3.3.1 **Representative:** Jeffrey L. Gingold, Lane Powell PC, Attorneys
- 3.4 **Agency:** Office of Insurance Commissioner
  - 3.4.1 **Representative:** Andrea L. Philhower, Staff Attorney

**IV. DISCUSSION**

On March 13, 2012, the parties filed with the Office of Administrative Hearings a Joint Request for Stay of Discovery, requesting "[t]hat all discovery obligations, including disclosure of experts and document production, be suspended until June 30, 2012 . . . to allow the parties to avoid incurring further costs while they seek resolution of this matter."

Of predicate concern is what the parties intend by seeking a "stay" or "suspension" of discovery. After discussion, the parties and I determined that what they want is to extend deadlines to July 2, 2012, for any discovery requests already served and to preclude service of any new discovery requests until July 2, 2012, at the earliest.

In addition the deadlines of March 26, 2012, for disclosure of experts and of May 25, 2012, for disclosure of rebuttal experts, are no longer apt. The parties and I agreed to new deadlines, respectively, of August 15, 2012, and October 15, 2012.

### ORDER ON DISCOVERY

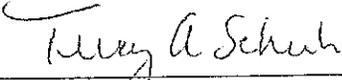
IT IS HERBY ORDERED:

The Joint Request for Stay of Discovery is granted.

The Case Schedule expressed in the Notice of Hearing and Order Following Prehearing Conference of March 23, 2011 is amended as follows:

1. No new discovery requests may be served prior to July 2, 2012.
2. The deadline for responding to any discovery requests served by April 3, 2012, is extended to July 2, 2012.
3. The final day for disclosing expert testimony is amended from March 26, 2012, to August 15, 2012.
4. The final day for disclosing rebuttal expert testimony is amended from May 25, 2012, to October 15, 2012.

Signed and Issued at Tacoma, Washington, on the date of mailing.

  
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Terry A. Schuh  
Administrative Law Judge  
Office of Administrative Hearings

**CERTIFICATION OF MAILING IS ATTACHED**

Certificate of Service – OAH Docket No. 2009-INS-0001

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

Address: <b>Jeffrey L. Gingold</b> <b>Lane Powell Spears Lubersky, LLP</b> <b>1420 Fifth Avenue, Suite 1400</b> <b>Seattle, WA 98101</b>	First Class US Mail, postage prepaid
Address: <b>Andrea Philhower, Staff Attorney</b> <b>Office of Insurance Commissioner</b> <b>PO Box 40255</b> <b>Olympia, WA 98504-0255</b>	First Class US Mail, postage prepaid
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Address:	
Address:	
Address:	

Date: April 4, 2012



Edie Ali  
Office of Administrative Hearings