

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

FILED

2010 NOV 22 P 12:05

In the Matter of:

NATION MOTOR CLUB, INC.,

Appellant..

Docket No. 2010-INS-0003 Unit, DIC
Agency No. 10-0165 Patricia D. Petersen
Chief Hearing Officer

PREHEARING CASE MANAGEMENT
ORDER AND NOTICE OF HEARING

I. TELEPHONIC PREHEARING CONFERENCE

On November 15, 2010, Administrative Law Judge Terry A. Schuh held a telephonic prehearing conference with the parties pursuant to RCW 34.05.431 and WAC 10-08-130, from Olympia, Washington.

II. APPEARANCES BY TELEPHONE AND CONTACT INFORMATION

James Lobsenz and Melvin N. Sorensen, Attorneys at Law, Carney, Badley Spellman PS, appeared and represented the Appellant. Charles Brown, Staff Attorney, appeared and represented the Office of Insurance Commissioner.

Appellant's Representative:

Name: James Lobsenz and Melvin N. Sorensen
Attorneys at Law
Mailing address: Carney Badley Spellman PS
701 - 5th Ave
Suite 3600
Seattle, WA 98104-7010
Phone: 206-607-4152 (Mr. Sorensen)
206-607-4121 (Mr. Lobsenz)
206-622-8020 (general)
Fax: 206-622-8983

Office of Insurance Commissioner Representative:

Name: Charles Brown
Staff Attorney
Legal Affairs Division
Mailing address: Office of Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255
Phone: 360-725-7044
Fax: 360-586-3109

Administrative Law Judge:

Name: Terry A. Schuh, Administrative Law Judge
Mailing address: Office of Administrative Hearings
949 Market Street
Suite 500
Tacoma, WA 98402
Phone: 253-476-6888
Fax: 253-593-2200

III. STATEMENT OF THE MATTERS PRESENTED AT THE PREHEARING CONFERENCE

The date, time, place, and manner of the hearing on the merits; the logistics regarding the exchange of proposed exhibits, final exhibit lists, final witness lists; discovery deadlines; and clarification of the issues.

IV. ORDER

A. Scope/purpose of the Hearing:

The purpose of the hearing on the merits is to determine whether, in Appellant's 2006 application for registration, Appellant's President Frank Mennella failed to disclose prior criminal convictions, failed to disclose regulatory actions experienced in the State of California, and failed to disclose a prior alias, in violation of relevant statutes, and subjecting the Appellant to revocation of its Protection Product Guarantee Provider Registration – all as more specifically described and alleged in the More Definite Statement of Grounds for Notice of Proposed Revocation of Protection Product Guarantee Provider Registration, dated October 20, 2010.

B. Date, Time, and Location of Hearing:

DATE: March 14 and 15, 2011

TIME: 9:30 a.m. (The parties are ordered to appear ten(10) minutes prior to the scheduled time.)

LOCATION: Office of Administrative Hearings
949 Market Street
Suite 500
Tacoma, WA 98402

The parties indicated that they might present selected witnesses by telephone. Parties should reveal such intention on the witness list discussed later below. Opposing party may object but should do so in writing promptly after receiving the witness list. A party presenting a witness by telephone is responsible for knowing in advance the telephone number for contact.

COURT REPORTER: None. The Administrative Law Judge will digitally record the hearing.

C. Discovery Deadlines:

The parties anticipate needing discovery. The deadline for receipt of discovery requests is December 15, 2010. Deadlines for responses are consistent with Washington State Superior Court Civil Rules. Discovery cut-off is February 1, 2011. If a discovery dispute should arise, the party seeking discovery must call the Office of Administrative Hearings at once to schedule a conference.

D. Witness Lists Deadline:

All parties shall exchange witness lists by 5:00 p.m. on February 28, 2011. The witness information shall include the witness's name, telephone number if available, and a one or two sentence summary of what the witness will testify about. The witness list shall also be sent to the Office of Administrative Hearings.

The parties indicated that they might present selected witnesses by telephone. Parties should reveal such intention on the witness list. Opposing party may object but should do so in writing promptly after receiving the witness list. A party presenting a witness by telephone is responsible for knowing in advance the telephone number for contact.

E. Exhibits and Exhibit List Deadline:

Both parties shall exchange marked copies of all proposed exhibits by 5:00 p.m. on February 28, 2011. Both parties shall also exchange final exhibit lists, which briefly identify each proposed exhibit the parties anticipate introducing at the hearing.

All parties shall also send proposed exhibits and lists to the Office of Administrative Hearings, to the attention of Administrative Law Judge Terry A. Schuh.

Manner of Pre-Marking Proposed Exhibits:

All exhibits shall be pre-marked in the lower right hand corner.

The Department shall mark its exhibits using numbers. The first proposed exhibit shall be marked Exhibit 1, the second Exhibit 2, and so on. Each individual page of a multi-page exhibit shall be marked with the exhibit number and the page number. For example, Exhibit 1, page 1; Exhibit 1, page 2, etc.

The Appellant shall mark its exhibits using letters. The first proposed exhibit shall be marked Exhibit A, the second Exhibit B, and so on. Each individual page of a multi-page exhibit shall be marked with the exhibit letter and page number. For example, Exhibit A, page 1; Exhibit A, page 2, etc.

The Administrative law Judge may reject documents and witnesses that have not been properly filed and identified by the deadline.

F. Motion Deadline:

The parties do not anticipate raising prehearing motions in this case. Should that circumstance change, the moving party should promptly request to schedule a motion hearing. Failure to make such a request at least one month prior to the hearing on the merits may result in the motion not being heard until the date of the hearing on the merits.

G. Nature of Deadlines:

All deadlines and cutoff dates herein are deadlines for receipt, not deadlines for mailing, except the proposed exhibits, exhibit lists, and witness lists may be placed in the mail to the Office of Administrative Hearings on the deadline and will be deemed as timely filed.

Fax Service: Fax service is acceptable. If a fax is used for service, however, the party shall also promptly mail a copy of the document(s) to the other party.

Modification of deadlines: Deadlines may be modified by full agreement of the parties provided that written notice of a deadline extension is provided immediately to the undersigned administrative law judge by the party seeking the extension.

H. PreHearing/Status Conference:

None scheduled.

I. Intervention:

Does not apply.

J. Objection to Order:

In accordance with WAC 10-08-103(3), the parties shall have ten days from the mailing date of this Order to file any objections to this order. Any such objection shall be in writing.

K. Default:

If you fail to appear or participate in the hearing or any other scheduled stage of these proceedings, you may lose your right to a hearing, as described in RCW 34.05.440.

L. Questions for the Administrative Law Judge:

Any procedural questions for the Administrative Law Judge may be submitted only in writing. Please send a copy as well to the opposing party.

M. Additional Information:

General information about the hearing process can be found on the Office of Administrative Hearings website at www.oah.wa.gov. Firearms and other dangerous weapons are prohibited in hearings and in all offices of the Office of Administrative Hearings offices. (WAC 10-20-010).

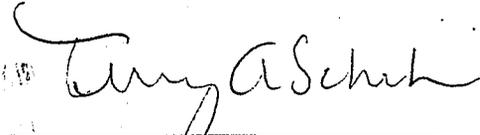
N. Case Schedule Summary

Discovery Requests	December 15, 2010
Discovery Cutoff	February 1, 2011
Settlement Conference	None scheduled
Exhibits Lists	February 28, 2011
Witness Lists	February 28, 2011
Exhibits	February 28, 2011
Motions and Prehearing Briefs	None ordered or scheduled
Status Conference	None scheduled
Hearing	March 14 and 15, 2011

It Is Hereby Ordered that the above Order shall control the preceding, unless modified by the assigned Administrative Law Judge on his or her own motion or on the motion of a

party. No discretionary ruling having been made, this preceding may be assigned to any Administrative Law Judge within the Office of Administrative Hearings.

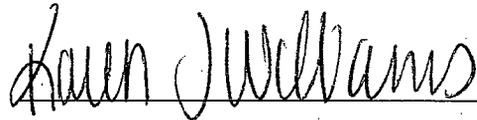
Dated and Mailed on the 19th day of November 2010 from Tacoma, Washington.



Terry A. Schuh
Administrative Law Judge

Certificate of Service

I assert that true and exact copies of the Prehearing Case Management Order and Notice of Hearing were mailed to the following parties, postage prepaid on the 19th day of November 2010 at Tacoma, Washington.



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c/o James Lobsenz and Melvin N. Sorensen
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