

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

FILED

2010 DEC 27 P 1:15

In the Matter of:

CHW GROUP, INC., doing business as  
CHOICE HOME WARRANTY and  
[www.ChoiceHomeWarranty.com](http://www.ChoiceHomeWarranty.com),  
VICTOR MANDALAWI, "JAMES  
MOSS," DAVID BAILEY, STEVEN  
SAFDIEH, MICHAEL GUTHOLC  
Unauthorized Individuals and Entities,

Respondents.

Docket No. 10-0199

MOTION FOR TELEPHONE  
TESTIMONY OF PATRICIA RYAN  
AND A. TOM KLINDT

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

The OIC moves to allow the testimony of two non-party witnesses by telephone at the January 10, 2011 adjudicative hearing in this matter: Patricia Ryan of Spokane, Washington and A. Tom Klindt of Kennewick, Washington.

Ms. Ryan and Mr. Klindt are private citizens who appear to have purchased Choice Home Warranty contracts and have communicated with and received communication from the Respondents. These Washington citizens appear to have received a copy of the Order to Cease and Desist that the Respondents claim to have sent to Washington residents. They will each testify regarding their experiences and interactions with Respondents.

WAC 10-08-180(1) authorizes telephonic testimony "if the rights of the parties will not be prejudiced and if each participant in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, in the judgment of the presiding officer, to see the entire proceeding while it is taking place. However, the presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time."

Allowing these Eastern Washington-based non-party fact witnesses to testify telephonically will not prejudice the rights of Respondents and pursuant to WAC 10-08-180(1), the Respondents remain free to

move to conduct their testimony in person at a rescheduled time should "good cause" arise. Respondents know their customers like Ms. Ryan and Mr. Klindt through their business relationship with them, and thus also know their own experiences and interactions with such consumers. Since Respondents' counsel and the undersigned OIC staff have in the past freely and quickly communicated and shared documents with one another electronically and via facsimile, OIC and Respondents are each free to share any exhibits they see fit with Ms. Ryan and Mr. Klindt, with each other, and with the Presiding Officer prior to the January 10 hearing. Respondents will thus have the opportunity to fully participate in the hearing and to cross-examine Ms. Ryan and Mr. Klindt.

For the foregoing reasons, the OIC moves to allow Ms. Ryan and Mr. Klindt to testify telephonically at the January 10 hearing.

Respectfully submitted this 27<sup>th</sup> day of December, 2010.



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Alan Michael Singer  
OIC Staff Attorney