FILED

2011 SEP 28 A 10: 33

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of ABILITY INSURANCE COMPANY, An Authorized Insurer and Respondent	No. 11-0088 and 11-0089 DECLARATION OF VIRGINIA NICHOLSON

Virginia Nicholson, being over the age of eighteen and fully competent to testify hereto, declares and states as follows:

1. I am one of the attorneys for Respondent Ability Insurance Company ("Ability") in this action and make this affidavit for and on behalf of Ability based upon my review of the file in this matter.

2. Attached as **Exhibit A** is a true and correct copy of case information received September 28, 2011 pursuant to a public records request. It reflects two OIC cases have been filed by Mr. Jack White and two OIC cases have been filed by Mr. William White.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

Dated this 28th day of September, 2011, at Seattle, Washington.

Virginia R. Nicholson

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
U.S. Bank Centre
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone 206.622.1711 Fax 206.292.0460

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2011, I caused to be served the foregoing DECLARATION OF VIRGINIA NICHOLSON on the following parties at the following addresses:

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

OIC Hearings Unit
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255
Fax: 360-664-2782

by:

- [ ] U.S. Postal Service, ordinary first class mail
- [ ] U.S. Postal Service, certified or registered mail, return receipt requested
- [ ] hand delivery
- [x] facsimile
- [ ] electronic service
- [ ] other (specify) _____

Chante Tayler

Chante Tayler

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EXHIBIT A

PRINT SELECTED CASES

08/15/2011

Case #	Contact Name	ND	CM	C/F	Con.	Time.	Open Date	Close Date	Cov. Type	Reason Category	Description	Violation
Case Count : 2												
American Heritage												
1023426	Jack Edward White	N	N	N	Acc	Acc	01/07/2009	01/27/2009	Other	Claim Handling	Claim delays.	
PEAK PROPERTY AND CASUALTY INSURANCE CORPORATION												
1021908	Jack Edward White	N	N	Y	Acc	Acc	11/07/2008	11/24/2008	Individual Private Passenger	Claim Handling	Claim delays	

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PRINT SELECTED CASES

08/15/2011

Case #	Contact Name	ND	CM	C/F	Con.	Time.	Open Date	Close Date	Cov. Type	Reason Category	Description	Violation
Case Count : 3												
ALLSTATE FIRE & CASUALTY INSURANCE COMPANY												
1037841	William White	N	N	Y	Acc	Acc	03/30/2010	04/21/2010	Individual Private Passenger	Claim Handling	Repair estimate doesn't include all the damage. PDR	
USAA CASUALTY INSURANCE COMPANY												
1045887	William White	N	N	Y	Acc	Acc	12/17/2010	01/21/2011	Individual Private Passenger	Claim Handling	Consumer wants company to pay for vehicle rental reimbursement.	

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