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Hearing: Lili, DIC
Patricia D. Petersen
Chief Hearing Officer

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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

RESPONDENT'S WITNESS AND
EXHIBIT LIST

Respondent Ability Insurance Company ("Respondent") identifies the following witnesses and exhibits that they expect to offer at the adjudicative proceeding hearing in this matter.

WITNESSES

1. Sue Hendrick. Sue Hendrick is expected to testify regarding the interest of Mike Kriedler in this matter and the relationship between Mike Kreisler and Jack White, and other information related to the complaint investigation.
2. Carol Sureau. Carol Sureau is expected to testify regarding the OIC Legal Department's re-opening of a closed case in this matter, and other information related to this complaint investigation.
3. Bianca Stoner. Bianca Stoner is expected to testify regarding OIC's actions and complaint investigation in this matter .
4. Dan Halpin. Dan Halpin is expected to testify regarding OIC's actions and

RESPONDENT'S WITNESS AND EXHIBIT LIST - 1

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

1 complaint investigation in this matter.

2 5. Don Lawler. Don Lawler is expected to testify regarding Ability Insurance's
3 actions and communications in this matter.

4 6. Alan Singer. Alan Singer is expected to testify regarding the decision to issue press
5 releases in this matter.

6 7. John Hamje. John Hamje is expected to testify regarding the OIC's interpretation of
7 regulation and statutes in this matter.

8 8. Mike Bryant. Mike Bryant is expected to testify regarding the OIC's interpretation
9 of regulation and statutes in this matter.

10 9. Rich Roesler. Rich Roesler is expected to testify regarding the decision to issue
11 press releases in this matter.

12 10. Craig Bennion. Craig Bennion is expected to testify regarding interpretation of
13 regulations and statutes in this matter. In particular, Mr. Bennion is expected to
14 testify regarding the OIC's interpretation of the beginning date for the five-month
15 unintended lapse period contained in WAC 284-54-253.

16
17 Respondent reserves the right to call any individual identified in the Office of the
18 Insurance Commissioner's witness disclosures and hearing witness list and for rebuttal
19 purposes. Respondent reserves the right to call records custodians to authenticate exhibits.
20 Respondent reserves the right to amend this list based after its review of discovery
21 documents produced by OIC.

22 **EXHIBITS**

23
24 Respondent expects to offer the following documents and items as exhibits at the
25 hearing. Respondent reserves the right to withdraw or redact any of the following exhibits, as
26 is necessary. Respondent reserves the right to amend this list

RESPONDENT'S WITNESS AND EXHIBIT LIST - 2

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Ex.	Date	Description
1.	8/11/10	Email from Bianca Stoner to Jack White, RE: Ask Mike – Category: Long term care insurance
2.	Various	Correspondence from Bianca Stoner to Ability Insurance Company
3.	11/12/10	Letter from Bianca Stoner to Jack White, Re: Case Number 1041891
4.	4/28/11	Email from Cheryl Silvernail to Alan Singer, Re: Your mother's coverage matter, with attached news articles
5.	5/25/11	Print out of SIMBA database case profile for case no.: 1041891
6.	10/12/95	Washington Administrative Code No.: 284-54-253
7.	3/20/09	Letter from Timothy Hall to Cheryl Silvernail, RE Gladys E White, Policy No.: 0S34226, Due:02/08/2009
8.	Various	Ability Insurance Claims file for Gladys White, as produced to Alan Singer on July 19, 2011 (ABILITY_00001 – ABILITY 00341)
9.	3/21/11	Letter from Alexander Mihali, MD to Allen Singer
10.	7/1/11	Email from Carol Sureau to Alan Singer, FW: Update re: Jack White / Ability Insurance (1041891)
11.	3/11/11	Email from Carol Sureau to Alan Singer, RE: Gladys White's Insurance with Ability
12.	4/7/11	Email from Mike Bryant to Alan Singer, RE: Gladys White Policy
13.	3/10/11	Email from Cheryl Silvernail to Alan Singer, Re: Gladys White's Insurance with Ability
14.	4/27/11	Email from Rich Roesler to OIC DL All Staff, re News release: Insurer certificate suspended
15.	4/27/11	Email from Rich Roesler to Alan Singer et al., re news release re: Ability Insurance Co. suspension and c&d
16.	5/4/11	Email from Rich Roesler to Christine Tribe and Jodie Thompson, RE: Ability Insurance Company – Order Numbers 11-0088 and 11-0089
17.	4/27/11	Email from Rich Roesler to OIC DL All Staff, re News Release: Insurer certificate suspended
18.	4/26/11	Email from Alan Singer to Christine Tribe, re Ability Orders

RESPONDENT'S WITNESS AND EXHIBIT LIST - 3

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Dated this 24th day of July, 2011.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 
Christopher H. Howard, WSBA #11074
Virginia R. Nicholson, WSBA #39601
Attorneys for Respondent
Ability Insurance Company

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July, 2011, I caused to be served the
Respondent's Witness
foregoing and Exhibit 4 on the following party at the following address:

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

by:

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

Chante Tayler
Chante Tayler