

FILED

2011 AUG -2 A 10: 15

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

21
22 **EXHIBITS**

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

RESPONDENT'S SECOND AMENDED WITNESS AND
EXHIBIT LIST - 2

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
U.S. Bank Centre
1420 6th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone 206.622.1711 Fax 206.292.0460

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 Insurancce (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
19.	3/11/11	Email from Cheryl Silvernail to Mardee Crawford, Fwd: Gladys White's Insurance with Ability, with attachments

RESPONDENT'S SECOND AMENDED WITNESS AND
EXHIBIT LIST - 3

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

Ex.	Date	Description
20.	11/24/10	Email from MB Kreidler to Carol Sureau, RE: Gladys White/Ability Ins
21.	4/28/11	Email from Cathy Carlson to Steven Julian, OIC DL Executive Staff, et al., FW: NAIC Newswire - April 28, 2011
22.	8/13/10	Email from Sue Hendrick to MB Kreidler, re Note from Jack White re LTC for mom
23.	9/17/10	Email from Sue Hendrick to Mary Childers, RE: Update re: Jack White / Ability Insurance (1041891)
24.	8/30/10	Email from Sue Hendrick to MB Kreidler, re Update from Bianca on Jack White's mother's case
25.	9/17/10	Email from Sue Hendrick to MB Kreidler, re Update re: Jack White / Ability Insurance (1041891)
26.	9/17/10	Email from Carol Sureau to MB Kreidler, RE: Update re: Jack White / Ability Insurance (1041891)
27.	9/16/10	Email from Mary Childers to Sue Hendrick, FW: Update re: Jack White / Ability Insurance (1041891)
28.	Various	Email and documents relied upon by Bianca Stoner, produced by the OIC on August 1, 2011.
29.	7/28/11	Deposition of Bianca Stoner, taken July 28, 2011
30.	7/28/11	Deposition of Dan Halpin, taken July 28, 2011

Dated this 1st day of August, 2011.

SCHWABE, WILLIAMSON & WYATT, P.C.

By:



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

RESPONDENT'S SECOND AMENDED WITNESS AND
 EXHIBIT LIST - 4

SCHWABE, WILLIAMSON & WYATT, P.C.
 Attorneys at Law
 U.S. Bank Centre
 1420 6th Avenue, Suite 3400
 Seattle, WA 98101-4010
 Telephone 206.622.1711 Fax 206.282.0460

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of Aug., 2011, I caused to be served the foregoing Respondent's AMENDED WITNESS AND EXHIBIT LIST 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

Hearings Unit
Office of the Insurance Commissioner
5000 Capitol Blvd
Tumwater, WA 98502

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