

1 THE STATE OF WASHINGTON
2 OFFICE OF THE INSURANCE COMMISSIONER

FILED

3 In the Matter of
4 ABILITY INSURANCE COMPANY,
5 An Authorized Insurer and Respondent

Docket Nos. 11-0088 and 11-0089

OIC'S WITNESS AND EXHIBIT
DISCLOSURE

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

6 **I. WITNESSES**

- 7 1. Alex Farmin
8 2. Nancy Connelly
9 3. Mardee Crawford
10 4. Cheryl Silvernail
11 5. Kacy Scott
12 6. Donald Lawler

13 **II. EXHIBITS**

14 Exhibits are attached to the Third Declaration of Alan Michael Singer, filed herewith,
15 and are as follows:

- 16 1. The insurance policy, schedule, and endorsements issued to Gladys White in this matter;
17 2. Ability Insurance Company CAPS entries;
18 3. Copy of 8/9/10 "Ask Mike" emailed inquiry from Jack White, with OIC staff Bianca
19 Stoner's acknowledgement of receipt of the same;
20 4. 7/10/07 Medico record regarding Gladys White by Dr. Mihali, and 3/21/11 letter of Dr.
21 Mihali;
22 5. 10/24/07 Ability Insurance Company record of facsimile with attachments from Cheryl
23 Silvernail to Medico;
6. 8/27/07 Medico letter to Gladys White;
7. Medico letter dated 3/20/09 to Cheryl Silvernail;
8. 8/6/09 facsimile with attachments from Cheryl Silvernail to Ability Insurance Company
claims department;

- 1 9. Ability Insurance Company letter to Gladys White received 10/9/09;
- 2 10. Ability Insurance Company letter to Gladys White dated 8/31/09;
- 3 11. 9/8/09 facsimile with attachments from Cheryl Silvernail to Ability Insurance
4 Company claims department;
- 5 12. 9/11/09 letter from Cheryl Silvernail to Ability Insurance Company claims
6 department;
- 7 13. Ability Insurance Company note (undated);
- 8 14. 9/30/09 facsimile with attachments from Cheryl Silvernail to Ability Insurance
9 Company "Sharon" in claims department;
- 10 15. 11/5/09 Donald Lawler letter to Cheryl Silvernail;
- 11 16. 11/30/09 letter from Cheryl Silvernail to Don Lawler;
- 12 17. 12/4/09 Donald Lawler letter to Cheryl Silvernail;
- 13 18. 1/13/10 Donald Lawler letter to Cheryl Silvernail, with returned premium check;
- 14 19. 8/12/10 OIC Bianca Stoner letter to Ability Insurance Company with copy of 8/9/10
15 "Ask Mike" emailed inquiry from Jack White, with Bianca Stoner's acknowledgement
16 of receipt of the same;
- 17 20. 8/23/10 Donald Lawler letter to Bianca Stoner with enclosures;
- 18 21. 8/30/10 Bianca Stoner letter to Donald Lawler;
- 19 22. 9/8/10 Donald Lawler letter to Bianca Stoner with enclosures;
- 20 23. 9/24/10 Bianca Stoner letter to Donald Lawler;
- 21 24. 10/4/10 Donald Lawler letter to Bianca Stoner;
- 22 25. 10/21/10 Bianca Stoner letter to Donald Lawler;
- 23 26. 11/1/10 Donald Lawler letter to Bianca Stoner;
27. 12/1/10 Alan Singer letter to Donald Lawler;
28. 12/16/10 Donald Lawler letter to Alan Singer;

- 1 29. 5/27/99 filed unpublished decision, *Hanson v. Mut. of Enumclaw Ins. Co.* (with page
2 highlighted);
- 3 30. 12/7/10 Donald Lawler email to Alan Singer (with Alan Singer questions in black and
4 Donald Lawler answers in red);
- 5 31. 12/7/10 Donald Lawler email to Alan Singer (with attached correspondence),
6 responding to attached 12/6/10 email of Alan Singer to Donald Lawler (with attached
7 correspondence);
- 8 32. 12/30/10 Donald Lawler email to Alan Singer (with Alan Singer questions in blue and
9 Donald Lawler answers in red, and with attachments);
- 10 33. 12/30/10 Donald Lawler email to Alan Singer (with Alan Singer questions in black
11 and Donald Lawler answers in red, and with attachments);
- 12 34. 3/10/11 Donald Lawler email to Alan Singer (with attachments);
- 13 35. Copy of the "Unintentional lapse" section of the NAIC model long term care
14 regulation included as a letter attachment in the OIC rulemaking folder from WAC
15 284-54-253.

16 III. RESERVATION OF RIGHTS

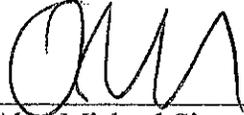
17 OIC reserves the right to amend or supplement this disclosure of witnesses and
18 exhibits and to call any additional witnesses and offer into the record any additional exhibits
19 up to and including the time of hearing.

20 OIC also reserves the right to call as witnesses or offer as exhibits, in addition to the
21 foregoing, any of the individuals and any of the documents identified or disclosed (a) in any
22 filings, (b) through or within any of the discovery (including, but not limited to, depositions),
23 and (c) in any other information identified, disclosed, or exchanged between the parties,
including, but not limited to, Ability Insurance Company's ("Company") answers and
responses to interrogatories and requests for production and the documents produced
therewith, and the Company's own disclosures of witnesses and exhibits.

1 OIC also reserves the right to call any additional rebuttal witnesses and to offer any
2 additional rebuttal exhibits at any hearing in this matter.

3 DATED this 29th day of July, 2011.

OFFICE OF INSURANCE COMMISSIONER

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5 By:  _____

6 Alan Michael Singer
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