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6 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
7 OF THE STATE OF WASHINGTON

8 In re the Matter of the Draft Report of
9 Examination of:

10 THE MEGA LIFE & HEALTH INSURANCE
11 COMPANY; MID-WEST NATIONAL LIFE
12 INSURANCE COMPANY OF TENNESSEE;
and THE CHESAPEAKE LIFE INSURANCE
COMPANY.

OAH Dkt. No. 2011-INS-0003
OIC No. 11-0279

JOINT **EMERGENCY** REQUEST FOR
CONTINUANCE

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14 **I. INTRODUCTION**

15 This matter arises from a request for hearing by The MEGA Life & Health Insurance
16 Company, *et al.* ("the Companies") regarding a draft report on a multi-state market conduct
17 examination. The parties have received correspondence dated December 29, 2011, from
18 Judge Terry Schuh, indicating that the adjudicative proceeding in this matter is to commence
19 on January 9, 2012. For various reasons detailed below, the parties are not prepared to
20 participate in a hearing on January 9, and agree that the hearing should not be held then. The
21 parties therefore jointly request that OAH strike the January 9 hearing date and hold a
22 prehearing conference at a later date to address scheduling.

23 **II. DISCUSSION**

24 The January 9 hearing date was set during a prehearing conference on December 9,
25 2011, before MEGA Life & Health Insurance Company, *et al.* ("the Companies") was
26 represented by counsel. Undersigned counsel with Carney Badley Spellman, P.S., were
retained and submitted their Notice of Appearance on December 12, 2011, and

JOINT **EMERGENCY** REQUEST
FOR CONTINUANCE - 1

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1 contemporaneously submitted the Companies' Amended Request for Hearing, which resulted
2 in the transfer of this proceeding to the Office of Administrative Hearings.

3 Both sides recognized that the Companies' recently hired counsel would need time to
4 familiarize themselves with this matter, which has a lengthy history, and the Companies' lead
5 counsel, Timothy Parker, was in trial of a civil case most of December. The parties also
6 anticipated that the transfer to OAH would result in some delay. As a result, OIC and the
7 Companies each took actions under the shared belief that the January 9 hearing date would be
8 stricken. On December 13, 2011, during the first conference between undersigned counsel
9 regarding this matter, OIC agreed to honor the Companies' request for an exit conference to
10 be held at the Companies' headquarters in Dallas, Texas, in the latter part of January 2012.
11 The OIC subsequently postponed issuance of the final examination report, which it had
12 previously planned to issue on December 15, 2011. The parties did not engage in discovery
13 as planned, and did not prepare for a hearing on January 9.

14 A hearing before the final examination report is issued and the exit conference held
15 would be premature. Indeed, the parties are optimistic that some, if not all, of their disputes
16 may be resolved by the time the exit conference is completed.

17 III. CONCLUSION

18 For the foregoing reasons, all parties request that OAH strike the January 9 hearing
19 date and hold a prehearing conference at a later date to address scheduling.
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JOINT EMERGENCY REQUEST
FOR CONTINUANCE - 2

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1 DATED this 3rd day of January, 2012.

2 CARNEY BADLEY SPELLMAN, P.S.

3
4 By: 

5 Timothy J. Parker, WSBA No. 8797

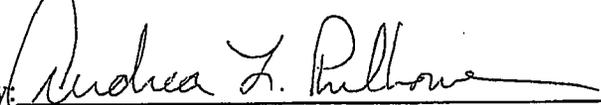
6 v Jason W. Anderson, WSBA No. 30512

7 Attorneys for The MEGA Life & Health Ins. Co.,

8 Mid-West Nat'l Life Ins. Co. of Tenn., and The

9 Chesapeake Life Ins. Co.

10 OFFICE OF INSURANCE COMMISSIONER OF
11 THE STATE OF WASHINGTON

12 By: 

13 Andrea L. Philhower, WSBA No. 28400

14 Staff Attorney, Office of the Insurance
15 Commissioner

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JOINT EMERGENCY REQUEST
FOR CONTINUANCE - 3

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CERTIFICATE OF SERVICE

I, Christine Williams, under oath hereby declare as follows: I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, and not a party to nor interested in this action. On January 3, 2012, I caused to be delivered via facsimile and U.S. mail a copy of the foregoing document on the following parties at the last known address as stated:

Ms. Patricia Petersen
Office of the Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255
Fax: 360-664-2782

Ms. Andrea Philhower, Staff Attorney
Legal Affairs Division
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255
Fax: 360-586-0152

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 3rd day of January, 2012.



Christine Williams, Legal Assistant