

HEARINGS UNIT  
OFFICE OF THE INSURANCE COMMISSIONER

FILED

2014 JUN 12 A 9:42

In re

Seattle Children's Hospital's Appeal of OIC's  
Approvals of HBE Plan Filings

Docket No. 13-0293

ORDER ON PRE-HEARING  
CONFERENCE

This case came before me on June 11, 2014, for telephonic preliminary conference. The attorneys for the Parties and Intervenors who spoke on behalf of their clients were: Mike Madden, Seattle Children's Hospital (SCH); Charles Brown, OIC; Gwendolyn Payton, Premera; and Tim Parker, Bridgespan.

After considering the views of the Parties, I enter the following Order:

*Independence.*

1. In a letter to me dated June 5, 2014, SCH stated that it believes that the law requires that the hearing be conducted without any *ex parte* input on the merits from the Commissioner or his staff and asked me to inform it at the outset of any disagreement with that view. SCH, OIC, and the Intervenors declined the opportunity to further comment on the issue.

2. I am authorized to independently conduct all proceedings in this case and to render a final decision on behalf of the OIC. I will not receive any *ex parte* input on the merits from the Commissioner or his staff.

1            *Motion to vacate Judge Petersen's orders.*

2            3. On June 10, 2014, Premera served and filed a Motion to Vacate Chief  
3 Presiding Officer Petersen's Orders. Bridgespan joined in the Motion.

4            4. By COB June 17, 2014, SCH and OIC shall serve and file Responses, if any,  
5 to the Motion. By COB June 23, 2014, Premera and Bridgespan shall serve and file  
6 Replies, if any, to the Responses. I expect to rule without oral argument as soon as  
7 possible after briefing is complete.

8            *Hearing on the merits.*

9            5. I have considered the Parties' required hearing preparation and the schedules  
10 of the participants.

11            6. The hearing will be held at the OIC offices in Tumwater, Washington,  
12 beginning at 10 AM August 18, 2014. The Parties expect that the hearing will conclude  
13 no later than August 22, 2014.

14            *Pre-hearing schedule and procedure.*

15            7. By June 25, 2014, the Parties shall serve and file disclosures of witnesses  
16 whom they may call to testify at the hearing.

17            8. On August 6, 2014, the Parties will participate in a further pre-hearing  
18 conference at Judicial Dispute Resolution, 1425 4<sup>th</sup> Avenue #300, Seattle, Washington.  
19 Participants will be provided a call-in number for use if they do not wish to, or cannot,  
20 appear in person. Topics will include, but not be limited to, clarification of issues to be  
21 tried and hearing logistics.  
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1           9. By August 11, 2014, the Parties shall serve and file final lists of witnesses  
2 they expect to call and exhibits they expect to offer at the hearing and may file pre-  
3 hearing memoranda.

4           10. The King County, Washington Superior Court Local Rules will govern non-  
5 dispositive motions procedures, including scheduling and length of submissions. I  
6 expect to decide non-dispositive motions without oral argument, unless I request  
7 argument.  
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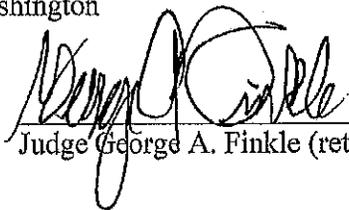
9           11. No motions are currently before me for decision, with the possible  
10 exception of the summary judgment/dismissal motions decided by Judge Petersen. My  
11 consideration, if any, of summary judgment/dismissal motions would follow my ruling  
12 on the Motion to Vacate.  
13

14           *Intervenors.*

15           12. No Party or Intervenor objected to continued participation in this case by  
16 Intervenors Premera and Bridgespan.

17           13. Premera and Bridgespan may continue to participate in this case as  
18 Intervenors. This ruling is without prejudice to possible motions to restrict the scope of  
19 such participation.  
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21 Dated June 11, 2014, at Seattle, Washington

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24 Judge George A. Finkle (ret.), Presiding Officer

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Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed on file: Michael Madden, Esq., Gwendolyn C. Payton, Esq., Timothy J. Parker, Esq., Mike Kreidler, James T. Odiorne, J.D., CPA, Molly Nollette, AnnaLisa Gellerman, Esq., and Charles Brown, Esq.

DATED this 12<sup>th</sup> day of June, 2014.

  
KELLY A. CAIRNS