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Hearings Unit, DIC
Patricia D. Petersen
Chief Presiding Officer

BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

In the Matter of:

SEATTLE CHILDREN'S HOSPITAL,
A Washington Not-For-Profit Corporation.

Docket No. 13-0293

**INTERVENORS' JOINT REPLY
IN SUPPORT OF PETITIONS
FOR INTERVENTION**

Seattle Children's Hospital's request that intervention be limited in any way should be denied. First, although Seattle Children's Hospital's ("SCH") brought the action against the OIC, the intervenors and their enrollees are the parties with the greatest stake in this action. SCH is seeking to obtain an order that would revoke the OIC's approval, thereby eliminating each intervenor's plans from the Exchange. The harm to the intervenors is direct and substantial. SCH's requests relief in this proceeding that is tantamount to halting the Exchange market in Washington. Thousands of individuals have already enrolled to receive coverage from the intervenors, and services will begin as early as January 1, 2014. SCH should not be entitled to dictate how the intervenors will present their discovery or their defenses, or limit the intervenors' involvement in this proceeding in any way.

Second, SCH has provided no evidence (or compelling argument) that any conditions are necessary to ensure the orderly and prompt conduct of proceedings under RCW 34.05.443. To the contrary, SCH's suggestion that the intervenors be required to run all of its requests by the Chief Presiding Officer in advance of issuing any discovery would in fact delay the prompt

INTERVENORS' JOINT REPLY IN SUPPORT OF PETITIONS FOR INTERVENTION - 1

1 conduct of proceedings. In its Petition for Intervention, Coordinated Care already noted that it
2 had no intention of duplicating any discovery requests that have already been served on SCH by
3 the OIC. The other intervenors also agree to avoid duplication. As with any discovery dispute,
4 if the intervenors propound discovery that SCH believes is improper, SCH can confer with
5 intervenors pursuant to CR 26(i) and WAC 284-02-070(2)(e)(i) or involve the Chief Presiding
6 Officer pursuant to WAC 284-02-07(2)(e)(ii). This would be more efficient than requiring any
7 prior approval.

8 Third, ordering the intervenors to combine their presentations of discovery and
9 participation in the proceedings, and consult each other prior to taking any action, is both
10 unnecessary and inappropriate. Coordination among three parties may be inefficient at times and
11 possibly unworkable at other times. It often takes time to get necessary approvals from company
12 officers. Moreover, given the limited time that parties have to prepare for hearings, requiring the
13 intervenors to coordinate in advance every aspect of case preparation and presentation will
14 hamper the intervenors' ability to present their strongest defenses, thereby impairing the
15 intervenors' Due Process rights. This requirement will only place an additional and unfair
16 burden on the intervenors and will likely further delay the proceedings. The intervenors have no
17 interest in expending additional costs or fees to duplicate any efforts and intend to consult with
18 each other when it makes sense. However, they should not be required to do so when it is not in
19 their individual best interests.

20 Given what is at stake, the intervenors should not be prohibited from or limited in any
21 way from presenting a full defense in this proceeding. For the foregoing reasons, the intervenors
22 respectfully request that the Chief Presiding Officer grant their respective petitions for
23 intervention without any limitations.

1 DATED: December 12, 2013.

2 STOEL RIVES, LLP

LANE POWELL PC

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4
5 By:



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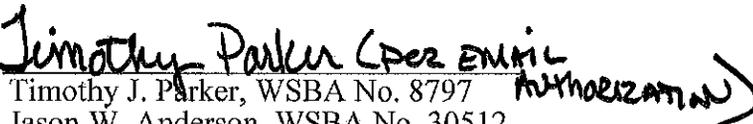
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19 *Attorneys for BridgeSpan Health Company*

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INTERVENORS' JOINT REPLY IN SUPPORT OF PETITIONS FOR INTERVENTION - 3

CERTIFICATE OF SERVICE

I, Cindy Castro, hereby certify that I am employed at the law firm of Stoel Rives, LLP, over the age of 18 years and not a party to this action. On December 12, 2013, I caused to be delivered in the manner indicated a copy of the foregoing document on the following parties:

<p>Judge Patricia Peterson Chief Hearing Officer Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 Email: kellyc@oic.wa.gov</p> <p><i>via email and U.S. Mail</i></p>	<p>Attorney for Seattle Children's Hospital</p> <p>Michael Madden Bennett Bigelow & Leedom, P.S. 601 Union Street, Suite 1500 Seattle, WA 98101 Email: mmadden@bblaw.com</p> <p><i>via email only</i></p>
<p>Attorneys for OIC</p> <p>Marta U. DeLeon Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100 Email: martad@atg.wa.gov</p> <p>AnnaLisa Gellerman Deputy Insurance Commissioner for Legal Affairs Office of the Insurance Commissioner P.O. Box 40155 Olympia, WA 98504-0255 Email: annalisag@oic.wa.gov</p>	<p>Attorney for Premera Blue Cross</p> <p>Gwendolyn C. Payton Lane Powell PC 1420 Fifth Avenue, Suite 4100 Seattle, WA 98101-2338 Email: paytong@lanepowell.com</p> <p><i>via email only</i></p>
<p>Charles Brown Legal Affairs Division Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: charlesb@oic.wa.gov</p> <p><i>via email only</i></p>	<p>Attorney for BridgeSpan Health Company</p> <p>Timothy J. Parker Carney Badley Spellman 701 Fifth Avenue, Suite 3600 Seattle, WA 98104-7010 Email: Parker@carneylaw.com</p> <p><i>via email only</i></p>

DATED December 12, 2013.

Cindy Castro, Legal Practice Assistant
STOEL RIVES LLP

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BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

In the Matter of:

Docket No. 13-0293
ORDER GRANTING INTERVENORS'
PETITIONS TO INTERVENE

SEATTLE CHILDREN'S HOSPITAL,
A Washington Not-For-Profit Corporation.

THIS MATTER came before the undersigned on the Petitions of BridgeSpan Health Company, Premera Blue Cross and Coordinated Care Corporation to intervene in this matter. Having considered the documents submitted by the parties, including:

1. **BridgeSpan Health Company's Petition to Intervene;**
2. Declaration of Timothy J. Parker in Support of BridgeSpan Health Company's Petition to Intervene;
3. Declaration of Christopher Blanton in Support of BridgeSpan Health Company's Petition to Intervene;
4. **Premera Blue Cross' Petition to Intervene;**
5. **Coordinated Care Corporation's Petition for Intervention;**
6. Declaration of Jay Fathi, M.D. in Support of Coordinated Care Corporation's Petition for Intervention;
7. **Seattle Children's Hospital's Response to Petitions to Intervene; and**
8. **Intervenors' Joint Reply in Support of Petitions for Intervention,**

it is concluded that good cause exists to allow intervention.

ORDER GRANTING INTERVENORS' PETITIONS TO INTERVENE - 1

1 Now, therefore, the undersigned Chief Presiding Officer hereby ORDERS that the
2 Petitions to Intervene filed by BridgeSpan Health Company, Premera Blue Cross, and
3 Coordinated Care Corporation are hereby granted without limitation.

4 DATED this ____ day of _____, 2013.

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6 _____
7 Patricia D. Petersen
8 Chief Presiding Officer

9 Presented by:

10 CARNEY BADLEY SPELLMAN, P.S.

11 By: Timothy Parker (per EMAIL AUTHORIZATION)
12 Timothy J. Parker, WSBA # 8797
13 Jason W. Anderson, WSBA # 30512
14 Attorney for BridgeSpan Health Company

15 LANE POWELL PC

16 By: Gwendolyn Payton (per EMAIL AUTHORIZATION)
17 Gwendolyn C. Payton, WSBA # 26752
18 Attorneys for Premera Blue Cross

19 STOEL RIVES LLP

20 By: Maren R. Norton
21 Maren R. Norton, WSBA # 35435
22 Gloria S. Hong, WSBA # 36723
23 Attorneys for Coordinated Care Corporation

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<p>Judge Patricia Peterson Chief Hearing Officer Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 Email: kellyc@oic.wa.gov <i>via email and U.S. Mail</i></p>	<p>Attorney for Seattle Children's Hospital Michael Madden Bennett Bigelow & Leedom, P.S. 601 Union Street, Suite 1500 Seattle, WA 98101 Email: mmadden@bblaw.com <i>via email only</i></p>
<p>Attorneys for OIC Marta U. DeLeon Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100 Email: martad@atg.wa.gov AnnaLisa Gellerman Deputy Insurance Commissioner for Legal Affairs Office of the Insurance Commissioner P.O. Box 40155 Olympia, WA 98504-0255 Email: annalisag@oic.wa.gov Charles Brown Legal Affairs Division Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: charlesb@oic.wa.gov <i>via email only</i></p>	<p>Attorney for Premera Blue Cross Gwendolyn C. Payton Lane Powell PC 1420 Fifth Avenue, Suite 4100 Seattle, WA 98101-2338 Email: paytong@lanepowell.com <i>via email only</i></p> <p>Attorney for BridgeSpan Health Company Timothy J. Parker Carney Badley Spellman 701 Fifth Avenue, Suite 3600 Seattle, WA 98104-7010 Email: Parker@carneylaw.com <i>via email only</i></p>

DATED December 12, 2013.


Cindy Castro, Legal Practice Assistant
STOEL RIVES LLP