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OIC HEARINGS UNIT
PATRICIA D. PETERSEN
CHIEF PRESIDING OFFICER

STATE OF WASHINGTON
BEFORE THE WASHINGTON STATE
OFFICE OF THE INSURANCE COMMISSIONER

In the Matter of:

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

Docket No. 13-0293

SEATTLE CHILDREN'S
HOSPITAL'S MOTION TO SET
HEARING DATE AND PRE-
HEARING SCHEDULE, AND FOR
PROTECTIVE ORDER

I. RELIEF REQUESTED

Plaintiff Seattle Children's Hospital (SCH) asks for the Hearings Unit to set a hearing date for a hearing in this matter, and to establish a pre-hearing schedule. SCH also asks the Hearings Unit to enter a protective order limiting further discovery in order to reduce undue expense and delay in proceeding to the hearing on the merits.

II. BACKGROUND

As the Hearings Unit is aware, it has issued rulings on the three submitted summary judgment motions. The Hearings Unit's prior procedural rulings have not established a date for a hearing in this matter, or a date for other pre-hearing disclosures or discovery deadlines.

III. ISSUES PRESENTED

1. Is it appropriate at this time, following resolution of the parties' summary judgment motions, to set a hearing date and pre-hearing schedule?
2. Do the circumstances here, which favor prompt resolution of this matter on its merits, warrant entry of a protective order limiting further discovery?

IV. EVIDENCE RELIED UPON

SCH relies upon the records and files herein.

V. ANALYSIS

A. **Legal Standards.**

The chief presiding officer has “primary responsibility for the conduct of hearings [and] the preliminary matters preliminary thereto.” WAC 284-02-070(2)(d)(i).

The chief presiding officer also has “discretion and authority to condition or limit discovery as set forth in RCW 34.05.446(3).” WAC 284-02-070(e)(iii); *see also* RCW 34.05.446(1) (the presiding officer “may enter protective orders”). RCW 34.05.446(3) provides that the presiding officer “may decide whether to permit the taking of depositions, the requesting of admissions, and all other [discovery] procedures.” The statute further provides:

The presiding officer may condition use of discovery on a showing of necessity and unavailability by other means. In exercising such discretion, the presiding officer shall consider: (a) Whether all parties are represented by counsel; (b) whether undue expense or delay in bringing the case to hearing will result; (c) whether the discovery will promote the orderly and prompt conduct of the proceeding; and (d) whether the interests of justice will be promoted.

Id. By its Order dated December 19, 2014, the Hearings Unit noted its authority to limit discovery under this provision.

B. **Hearing Date and Pre-Trial Schedule.**

SCH anticipates that the hearing on this matter can be completed within three days. SCH requests that the Hearings Unit adopt the following schedule:

Event	Date
Witness Identification	April 18, 2014
Exhibits Filed/ER 904 Deadline	May 9, 2014
Completion of Discovery	May 16, 2014
Prehearing Memorandum	May 22, 2014
Prehearing Conference	May 29, 2014
Hearing	June 9-11, 2014

SCH urges the Hearings Unit not to select a hearing date beyond June 2014. Further delay will only serve to extend the ongoing harms to SCH, its patients, and the prospective patients who seek to obtain appropriate coverage for services at SCH.

C. Protective Order.

In light of the summary judgment proceedings, the parties are aware of the issues and arguments of the other parties. It is anticipated that, without a protective order, the intervenors may seek to impose "undue expense [and] delay" by engaging in extensive and unnecessary discovery. Further delay will only serve the interests of the intervenors, and not others, including the public. This matter can and should proceed to a prompt hearing in order to promote the interests of justice.

For these reasons, reasonable limits on discovery are appropriate here. SCH proposes that the Hearings Unit limit discovery to no more than three depositions per party (SCH and OIC). SCH proposes that the intervenors be allowed to participate in depositions noted by SCH or OIC, but that they be granted no separate authority to note or conduct depositions.

VI. PROPOSED ORDER

A proposed order is attached to the copy of this pleading provided to the Hearings Unit.

VII. CONCLUSION

SCH asks the Hearings Unit for an order setting a hearing date and pre-trial schedule, and barring further discovery.

RESPECTFULLY SUBMITTED this 1st day of April, 2014.

BENNETT BIGELOW & LEEDOM, P.S.

By 

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SEATTLE CHILDREN'S HOSPITAL'S MOTION
TO SET HEARING DATE AND PRE-HEARING
SCHEDULE AND FOR PROTECTIVE ORDER – Page 4
Docket No. 13-0293

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CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of this document on all parties or their counsel of record on the date below by hand delivery on today's date addressed to the following:

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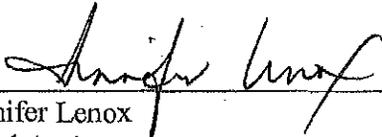
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed at Seattle, Washington, this 1st day of April, 2014.



Jennifer Lenox
Legal Assistant

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