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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 REPLY IN SUPPORT
OF MOTION FOR PROTECTIVE
ORDER

I. INTRODUCTION IN REPLY

Since the time SCH filed its motion, the opposing parties have reached consensus with SCH regarding several of the specific topics raised by the motion. For example, the parties have identified deposition dates for most of their witnesses to take place by August 1. This reply addresses which topics have been resolved, and which topics appear, following the Intervenors' Opposition, to remain at issue for resolution here.

II. ANALYSIS

Reasonable limitations on discovery are necessary to allow timely preparation prior to the August 18, 2014 hearing date. As of that date, this matter will have been pending for nearly 10 months. With 25 business days remaining before the final submission of witness and exhibit lists—and at least 7 of these days already committed for 13 depositions in this action, with more remaining to be scheduled—establishing parameters on any additional discovery is not unreasonable.

The Opposition is the first submission that the Intervenors have filed in response to SCH's multiple written requests for consensus, or a response of any kind, regarding discovery parameters. The OIC staff has not submitted any response to SCH's motion.

Completion of depositions. The parties exchanged updated witness lists on June 25, 2014. Dates have been offered by the parties for nearly all of these witnesses, and discussions regarding scheduling the remainder of the depositions are progressing. Based on the statements made by opposing counsel regarding depositions, SCH at this time withdraws its request for relief on this topic.

Limit on depositions of individuals not identified as witnesses. Based on the statement in the Opposition that the Intervenors and the OIC "do not intend at this time to depose witnesses other than those already identified by SCH on its witness disclosures,"¹ SCH also withdraws its request for relief on this topic.

Time limit on depositions. The parties have now agreed to try to complete depositions within half a day for each deposition, reserving the right to seek more time or object as the case may be. Therefore, SCH withdraws its request for relief on this topic at this time.

Bar on further written discovery. The Opposition provides no separate response on this topic, and opposing counsel have not commented regarding whether they intend to pursue any further written discovery. The SCH and the OIC have already exchanged written discovery. This matter has been pending since October 2013, with participation by Intervenors since December 2013, without any proffer of written discovery from them during that time. Given the limited time remaining prior to trial, and the established date for exchange of exhibits, a bar on further written interrogatories or requests for production is reasonable. As to the witnesses for whom depositions dates have been offered, SCH has served its deposition notices with

¹ The Opposition is signed by counsel for Intervenors Premera and BridgeSpan. It is not signed by counsel for the OIC. The Opposition nevertheless appears to make this assertion of agreement on behalf of both the Intervenors and the OIC.

subpoenas duces tecum limited to the documents that that witness intends to reference in testimony at the hearing.

III. CONCLUSION

For the reasons stated, the Hearings Unit should adopt the reasonable discovery limits identified in SCH's motion, as modified by this reply.

DATED this 1st day of July, 2014.

BENNETT BIGELOW & LEEDOM, P.S.

By 

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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 the method of delivery specified below on today's date addressed to the following:

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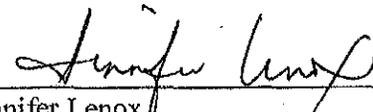
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

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



Jennifer Lenox
Legal Assistant

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