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BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

)	Docket No. 14-0187
)	
In the matter of)	REQUEST FOR DECISION AS TO THE REQUEST FOR
)	HEARING AND ADJUDICATION OF COUNT 2
LEO J. DRISCOLL AND)	
MARY T. DRISCOLL,)	MOTION THAT THE "ORDER ON OIC STAFF'S MOTION
)	FOR SUMMARY JUDGMENT" BE CLARIFIED
Applicants)	AND SUPPLEMENTED AS TO COUNT 2

Applicant Leo Driscoll respectfully requests that decision be made by the OIC whether the OIC will hear and adjudicate Count 2 of the of the application filed herein September 19, 2014, as provided in subsection (1) (b) of RCW 34.05.419 or whether the request for hearing of that matter will be disposed of in accordance with RCW 34.05.416, as provided in subsection (1)(c) of RCW 34.05.419.

In that context, applicant respectfully moves that the Presiding Officer clarify and supplement the "Order on OIC's Motion for Summary Judgment" entered January 23, 2015 (the "Order") to state that Count 2 of the Application is not included within the scope of the ruling of the Order.

In support of the above requests, applicant represents and shows:

1. OIC Staff's Motion for Summary Judgment requested entry of an order dismissing the "Demand for Hearing". See pg. 1, lines 12 and 13, and pg. 27, lines 2 to 4.
2. The application requested (did not demand) a hearing of Count 2. Paragraph 9, page 5 of the application states in its entirety:

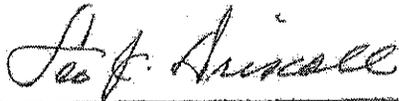
" 9. Demands/Request for Hearing: Applicant respectfully demands a hearing of Counts 1, 3, and 4. Applicant respectfully requests a hearing of Count 2."

3. OIC Staff's Motion included a "Statement of Facts", section "D" of which, at pages 25-26 (in substance and effect) inexplicably and incorrectly references Count 2 as being within the scope of the "Demand" for hearing.
4. Through oversight of applicant, the Response to the Motion did not reference that error of OIC Staff.
5. The Order does not reference or otherwise mention Count 2 other than to recite at paragraph 3, page 2:

"3, Count 2. Seeks an administrative order directing T-C Life to provide information to the Driscolls pertaining to their LTCI insurance affected by the 41% premium increase."
6. The Ruling set forth in that Order reads in its' entirety:

"The OIC Staff's Motion for Summary Judgment is granted. The Driscolls' September 19, 2014, Demand is dismissed as a matter of law."
7. In light of the foregoing circumstances, and in aid of accuracy and justice, the Presiding Officer is requested to clarify and supplement the Order to state in substance and effect that Count 2 is not included within the scope of the September 2014 Demand or the ruling of the Order.

February 17, 2015.



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