

Leo J. Driscoll's May 12, 2016 Declaration

FILED

I, Leo J. Driscoll, declare and state under penalty of perjury of the laws of the state of Washington that the following statements are true and correct:

2016 MAY 13 A 8:02

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

1. I am of adult age and reside at 4511 E. North Glenngrae Ln., Spokane, WA 99223.
2. All matters stated in this declaration are based and made on my own personal knowledge.
3. My recollections of the discussions that took place during the telephonic Pre-Hearing Conference held January 27, 2016 in the proceedings in OIC Docket No. 16-0002 include these:
 4. a. I did not then *decline* to join Metropolitan Life Insurance Company (MetLife) as a party in those proceedings as now contended by the OIC in the OIC's Motion to Dismiss filed in the OIC Hearing Unit Docket No. 16-0002 proceeding; I recall that in the Pre-Hearing Conference I referred to the provisions of RCW 34.05.434 and suggested that such require (or may require) the agency to give notice of the hearing to MetLife and to T-C Life.
 - b. The Presiding Officer then addressed the terms of that statute by reading them aloud.
 - c. No person participating in that conference then proposed that I join MetLife as a party in the proceedings.
 - d. Attorney Mandy Weeks participated in the Prehearing Conference as counsel for the OIC and therein suggested that applicant's spouse should be a party in such proceedings. I responded in substance and effect that it was not necessary that my spouse be a party in such proceedings.
5. I am 89 years old, born 11-14-1926. My health status includes that I have been informed by my physicians that I have Parkinson's Disease (confirmed by a brain scan procedure conducted in 2015), heart valve issues, and an aortic artery-aneurism confirmed by echo-scan procedures in 2015 and again in 2016. My spouse Mary T. Driscoll is 84 years old, born 8-15-1931. She has a very significant problem with breathing that I observe on a daily basis. During the past approximate 5 years her breathing has been supported and maintained by her continuous use of oxygen received from oxygen supply cylinders.
6. OIC's Exhibit 4 filed in this proceeding and served upon applicant includes the "Second Declaration of Scott Fitzgerald", dated January 16, 2015, which was served upon Leo J. Driscoll on January 20, 2015 and filed in OIC Hearings Docket No. 14-0187,

7. Attached to this declaration is a true and correct copy of a notice dated May 2, 2016 that I mailed on that day by U.S. Postal Service first class certified mail, postage prepaid, to Metropolitan Life Insurance Company and to TIAA-CREF Life Insurance Company (together with copy of the enclosures therein identified).

Signed by me in Spokane County Washington May 12, 2016.


Leo J. Driscoll

Mailed to MetLife + T-C Life 5/21/16 my best case
USPS mail, Certified, Return Receipt requested

Leo J. Driscoll

Metropolitan Life Insurance Company
1095 Avenue of the Americas
New York, N. Y. 10036

TIAA-CREF Life Insurance Company
730 Third Avenue
New York, N. Y. 10017

Re: *In the Matter of Leo J. Driscoll, Applicant*, Office of the Insurance
Commissioner, Hearings Unit, Docket No. 16-0002

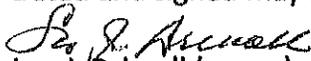
Ladies and Gentlemen:

This letter provides written notice to each of you of the pendency in the above administrative proceeding the Application for Adjudicative Proceeding and Demand for Hearing filed by the undersigned Leo J. Driscoll to challenge the action of the Office of the Insurance Commissioner ("OIC") of approving MetLife's request for a 22.69% increase in the premium-rates of LTCI policies issued to me and to my spouse Mary T. Driscoll by TIAA-CREF Life Insurance Company ("T-C Life"), policy No.'s 09852450 and 09852468 respectively.

Enclosed is a true copy of each of the following listed writings filed in such matter which may be of interest to you should you elect to petition to intervene in such proceeding:

- a. **Application for Adjudicative Proceeding and Demand for Hearing**
- b. **Declaration of Mary T. Driscoll** (signed January 4, 2016)
- c. **NOTICE OF HEARING** dated and filed January 27, 2016 by William Pardee, Presiding Officer.
- d. Applicant's Motion to Amend Paragraphs 16 and 41(e) of Applicant's Application and Demand for Hearing (with attachments referenced therein).
- e. **ORDER ON APPLICANT'S MOTION TO AMEND DEMAND FOR HEARING** dated and filed March 11, 2016 by William Pardee, Presiding Officer.
- f. **APPLICANT'S MOTIONS FOR PARTIAL SUMMARY JUDGMENT; MEMORANDA IN SUPPORT OF MOTIONS** dated April 28, 2016.
- g. **OIC's MOTION TO DISMISS, OR IN THE ALTERNATIVE, SUMMARY JUDGMENT**, dated April 29, 2016.

Dated and signed May 2, 2016.



Leo J. Driscoll (pro se), Applicant.

4511 E. North Glengrae Ln., Spokane, WA 99223

Cc: Ms. Mandy Weeks (attorney for the OIC in these proceedings)