MIKE KREIDLER
STATE INSURANCE COMMISSIONER

DECLARATION OF MAILING
I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to parties listed below
DATED this 9th day of July 2007 at Tumwater, Washington.
Signed: Wendy Galloway

STATE OF WASHINGTON

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of: DAYSPRING MANAGEMENT, LLC; PREMIER CLUB BENEFITS; PREMIER CLUB SERVICES, RJ WILSON AND ASSOCIATES, LTD; MEDICAL BENEFITS ADMINISTRATORS OF MARYLAND, INC., Unauthorized Entities, and RONALD JACK WILSON, et al., Principals.	NO. D06-377 ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT

TO: Timothy J. Parker, Esq.
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COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
James T. Odiorne, Deputy Commissioner, Consumer Protection
John Hamje, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
Office of the Insurance Commissioner
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On January 18, 2007, the Insurance Commissioner (Commissioner) entered an Order to Cease and Desist, No. D06-377, which was appealed by Dayspring Management, LLC, Premier Club Benefits, Premier Club Services, RJ Wilson and Associates, LTD, Medical Benefits Administrators of Maryland, Inc., and Ronald Jack Wilson by Request for Hearing filed on February 6, 2007. The subject Order was supplemented by the Commissioner by Notice of Hearing to Request Imposition of a Fine and to Determine Premium Taxes and Penalties Due filed on February 21, 2007. Said Order and Notice are together the subject of this appeal.

Pursuant to agreement between the parties during First Prehearing Conference held February 16, 2007, dispositive motions were held, by telephone as agreed by the parties, on June 11, 2007. Specifically, the Commissioner filed his Partial Motion for Summary Judgment and the Entities and Individual filed their Motion for Summary Judgment. The Commissioner appeared pro se, by and through Charles D. Brown, Esq., Senior Staff Attorney in his Legal Affairs Division. All Entities and Individual were represented by Edward Wender, Esq. of Baltimore, Maryland and Daniel Zollner of Chicago, Illinois. Timothy J. Parker, Esq. of Seattle, Washington was unavailable, but agreed to argument upon these Motions at this day and time, and in light of the fact that Washington counsel is no longer required to represent parties in Washington State in adjudicative proceedings, the argument on these Motions went forward at the scheduled date and time.

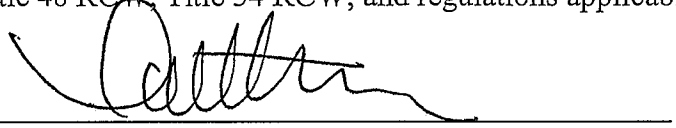
After careful consideration of 1) the Commissioner's Partial Motion for Summary Judgment; 2) the Entities' and Individual's Motion for Summary Judgment; 3) the OIC Staff Reply Brief; 4) the Entities' and Individual's Response to OIC Staff's Motion for Partial Summary Judgment; 5) the parties' oral arguments presented; and 4) the entire hearing file, the undersigned finds that there exist genuine issues of material fact and that the moving parties are not entitled to summary judgment as a matter of law.

Based upon the above activity,

IT IS HEREBY ORDERED that the Commissioner's Partial Motion for Summary Judgment and the Entities' and Individual's Motion for Summary Judgment are both denied;

IT IS FURTHER ORDERED that the adjudicative herein shall be scheduled forthwith, recognizing that on February 16, 2007 the parties requested, and have been given, four months to conduct discovery and other preparation in this matter.

ENTERED this 9th day of July, 2007, at Tumwater, Washington, pursuant to Civil Rule 56, Title 48 RCW, Title 34 RCW, and regulations applicable thereto.



Patricia D. Petersen
Chief Hearing Officer
Presiding Officer