

STATE OF WASHINGTON
BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE OFFICE OF THE INSURANCE COMMISSIONER

FILED

2008 JUN 20 A 11: 18

In The Matter Of:

COMMONWEALTH LAND TITLE
INSURANCE COMPANY,

An Authorized Insurer,

Appellant.

Docket No. 2008-INS-0005

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

PREHEARING ORDER
and
NOTICE OF SCHEDULE

(Hearing: Monday, March 30, 2009)

Contact Information is listed at the end of this order.

I. Telephonic Prehearing Conference

On May 12, 2007, Administrative Law Judge C. Robert Wallis convened a telephonic prehearing conference with the parties from Olympia, Washington pursuant to RCW 34.05.431, WAC 10-08-130, and WAC 208-08-110.

II. Appearances by Telephone

The Washington State Office of the Insurance Commissioner ("OIC") was represented by Alan Singer, Legal Affairs Staff Attorney, OIC. The Respondent, Commonwealth Land Title Insurance Company ("Commonwealth") was represented by Jerry Kindinger and Bryan Graff, attorneys, Seattle.

III. Statement of the Matters Discussed at the Pre-hearing Conference

The parties discussed the feasibility of consolidation, legal issues to be resolved in this appeal, the possibility of and process for settlement or stipulations, the need and schedule for dispositive and other motions, and schedule and process for the hearing on the merits. The parties agreed to explore a mutually acceptable schedule. They did so. Because of conflicts with the availability of the judge, they subsequently presented a revised proposed schedule, which this order adopts.

IV. Order

A. Procedural stipulation:

After consultation with the presiding administrative law judge the parties entered a revised scheduling stipulation as follows, which the undersigned adopts:

1. **Motion to dismiss** is due no later than Monday, July 14, 2008.
 - A. **Answer**, if any, to the motion to dismiss is due by Monday, July 21, 2008.
 - B. **Reply**, if any, to answer is due no later than Monday, July 28.
 - C. **Oral Argument** will be held Tuesday, July 29, 2008, at 1:00 p.m.

- D. **Order** resolving issues presented in the pleadings on the motion: target date for service, Monday, Aug. 4, 2008
- 2. **Discovery**
 - A. **Discovery cutoff** for matters related to the responsibility of Respondent for actions of its agents: Friday, August 15, 2008.
- 3. **Motions** related to the responsibility of Respondent for actions of its agents
 - A. **Motion** filing deadline: Thursday, August 21, 2008.
 - B. **Answers** to motion: Friday, Sept. 12, 2008
 - A. **Oral Argument**: Monday, September 22, 2008 at 1:00 p.m.
 - B. **Target** for service of order: Monday, Sept. 29, 2008, at 1:00 p.m.

Phase II:

- 1. **Witness and exhibit lists:**
 - A. **OIC Distribution** deadline Friday, January 16, 2009
 - B. **Respondent Distribution** deadline Friday, January 23, 2009
- 2. **Discovery**
 - A. **Discovery cutoff**: Friday, January 30, 2009.
- 3. **Prehearing motions:**
 - A. **Motion deadline** Monday, Feb. 9, 2009
 - B. **Responses to motions** are due no later than Monday Feb. 16, 2009
 - C. **Replies to answers** are due no later than Monday, Feb. 23, 2009
 - D. **Oral Argument** on any prehearing motions will be held Wednesday, Feb. 25, 2009 at 1:00 P.M.
 - E. **Target** for service of the order on the motion: Friday, March 6, 2009.
- 4. **Hearing:** Hearing on the merits will be convened Monday, March 30, 2009, beginning at 9:00 a.m. Facilities will be reserved for March 30 and 31, 2009.

B. Consolidation:

The parties felt that consolidation of dockets 2008-INS-0004, -0005 and -0006, all involving clients of the same law firm, or that consolidation of this matter with other agency proceedings addressing the same issue, would not be appropriate because of differences in the proceedings. The undersigned reserves the option of entering a single order affecting two or more of the first-listed proceedings, under multiple captions, when doing so reflects appropriate judicial economy. Doing so would not appear to adversely affect the rights of any party.

C. Timing of Providing Documents:

Unless otherwise noted, dates that require the presentation of documents are dates on which the documents must be **received by** opposing parties **and received by** the Office of Administrative Hearings. **Parties are asked to present digital copies of pleadings,**

exhibit lists, briefs and similar documents to the Office of Administrative Hearings in Microsoft Word or Word Perfect 8, or later, on a Windows-compatible Compact Disk, at the time of filing paper documents.

D. Concluding argument or briefs:

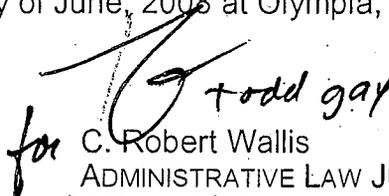
The schedule for concluding argument or briefs, if any, will be determined no later than the start of the hearing on the merits.

E. Location of hearing and oral arguments:

Parties are asked to specify to the Office of Administrative Hearings within 14 days following the service date of this order their preferences for the city in which to hold arguments and hearing sessions. The location of such sessions will be established by subsequent order.

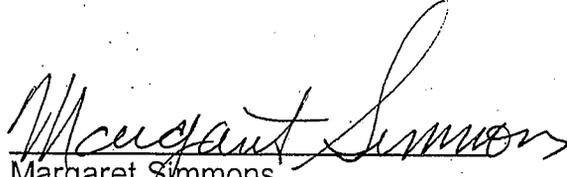
IT IS HEREBY ORDERED, that the stipulation of the parties is adopted and that the above schedule shall control the proceeding unless modified by the assigned administrative law judge on his or her own motion or on the motion of a party.

Dated and Entered on the 17th day of June, 2008 at Olympia, Washington.

for  *Todd Gay*
C. Robert Wallis
ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings
2420 Bristol Court SW
PO Box 9046
Olympia, WA 98507-9046

Certificate of Service

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the dated the 17th day of June, 2008 at Olympia, Washington.


Margaret Simmons
Legal Secretary

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