STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
3rd Floor, 2420 Bristol Ct. SW • P.O. Box 42489 • Olympia, Washington 98504-2489

May 7, 2009

In Re: Lawyers Title Insurance Corporation and
Commonwealth Land Title Insurance Company

Docket Nos. 2008-INS-0004, 2008-INS-0005, and 2008-INS-0006

Dear Interested Parties:

Please find enclosed an Initial Order of Dismissal Without Prejudice in the above entitled matter.

Pursuant to RCW 34.05.461, an Initial Order of Dismissal Without Prejudice has been entered by the Office of Administrative Hearings (OAH). This enables the OAH to close out the matter in its records. The Stipulation and Order of Dismissal Without Prejudice has been incorporated into the Initial Order as Attachment A. The Office of the Insurance Commissioner will issue the final order in this matter in accordance with RCW 34.05.461.

Thank you for your attention.

Sincerely Yours,

Stephanie Croom Williams

Stephanie Croom Williams
Assistant Deputy Chief Administrative Law Judge
Office of Administrative Hearings
2420 Bristol Ct. SW
PO Box 9046
Olympia, WA 98507-9046

cc: Files
Selwyn S.C. Walters, Deputy Chief Administrative Law Judge

Enclosure: STIPULATION and ORDER FOR DISMISSAL WITHOUT PREJUDICE

Certificate of Service

I declare that I mailed a true and exact copy of **Stipulation and Initial Order of Dismissal Without Prejudice** to the following parties, postage prepaid, this 7th day of May 2009 at Olympia, Washington.

Courtney Bryan Jr.
Office Assistant 3

Lawyers Title Insurance Corporation
c/o Jerry Kindinger, Esquire
Ryan Swanson & Cleveland, PLLC
1201 - 3rd Ave., Suite 3400
Seattle, WA 98101-3034

Lawyers Title Insurance Corporation
c/o Bryan C. Graff, Esquire
Ryan Swanson & Cleveland, PLLC
1201 - 3rd Ave., Suite 3400
Seattle, WA 98101-3034

Thomas P. Rowland
Staff Attorney, OIC Legal Affairs Division
PO Box 40255
Olympia, WA 98504-0255

Patricia D. Petersen
Chief Hearing Officer
Hearings Unit, OIC
PO Box 40255
Olympia, WA 98504-0255

Alan Singer
Staff Attorney, OIC Legal Affairs Division
PO Box 40255
Olympia, WA 98504-0255

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

In the Matters of, **LAWYERS TITLE INSURANCE CORPORATION** and **COMMONWEALTH LAND TITLE INSURANCE COMPANY,** Respondents.	Docket Nos. 2008-INS-0004, 2008-INS-0005, and 2008-INS-0006 **INITIAL ORDER OF DISMISSAL WITHOUT PREJUDICE**

1. DISCUSSION

1.1 The Office of the Insurance Commissioner ("OIC") and Respondents Commonwealth Land Title Insurance Company ("Commonwealth") and Lawyers Title Insurance Corporation ("Lawyers") stipulated and agreed that the above-captioned proceedings should be dismissed pending final resolution of the common legal issue also raised in the parallel case captioned *In re Chicago Title Insurance Company,* Docket No. 2008-INS-0002 (OIC No. D07-308).

1.2 The terms and conditions agreed upon are set forth in the STIPULATION AND ORDER FOR DISMISSAL WITHOUT PREJUDICE, attached and incorporated herein as Attachment A.

2. ORDER

2.1 NOW THEREFORE, it is hereby ordered that this matter is dismissed without prejudice pursuant to Washington Administrative Code (WAC) 10-08-230.

Dated and Mailed this 7th day of May 2009 from Olympia, Washington.

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

Stephanie Cram Williams

for C. Robert Wallis
Administrative Law Judge
Office of Administrative Hearings
2420 Bristol Court SW
PO Box 9046
Olympia, WA 98407-9046

PETITION FOR REVIEW

Pursuant to RCW 34.05.464 and WAC 10-08-211, any party to an adjudicative proceeding may file a Petition for Review of an Initial Order. The Petition for Review shall be filed with the agency head within **twenty (20) days** of the date of service of the Initial Order. Copies of the Petition must be served upon all other parties or their representatives at the time the Petition for Review is filed. The Petition for Review must specify the portions of the Initial Order to which exception is taken and must refer to the evidence of record which is relied upon to support the petition.

The Petition for Review must be mailed to:

Office of Insurance Commissioner
c/o Patricia D. Petersen
Chief Hearing Officer
Hearings Unit, OIC
PO Box 40255
Olympia, WA 98504-0255

Certification of Mailing

I certify that I mailed true and exact copies of the Initial Order of Stipulation and Dismissal Without Prejudice to the following parties, postage prepaid this 7th day of May 2009 from Olympia, Washington.

Margaret Simmons
Legal Secretary

COPIES WERE MAILED TO THE FOLLOWING PARTIES:

Lawyers Title Insurance Corporation
c/o Jerry Kindinger, Esquire
Ryan Swanson & Cleveland, PLLC
1201 - 3rd Ave., Suite 3400
Seattle, WA 98101-3034

Lawyers Title Insurance Corporation
c/o Bryan C. Graff, Esquire
Ryan Swanson & Cleveland, PLLC
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Thomas P. Rowland
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Alan Singer
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Patricia D. Petersen
Chief Hearing Officer
Hearings Unit, OIC
PO Box 40255
Olympia, WA 98504-0255

Judge C. Robert Wallis

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

In the Matters of, **LAWYERS TITLE INSURANCE CORPORATION** and **COMMONWEALTH LAND TITLE INSURANCE COMPANY,** Respondents.	Docket Nos. 2008-INS-0004, 2008-INS-0005, and 2008-INS-0006 **STIPULATION AND ORDER FOR DISMISSAL WITHOUT PREJUDICE**

I. STIPULATION

The Office of the Insurance Commissioner ("OIC") and Respondents Commonwealth Land Title Insurance Company ("Commonwealth") and Lawyers Title Insurance Corporation ("Lawyers") hereby stipulate and agree that the above-captioned proceedings should be dismissed pending final resolution of the common legal issue also raised in the parallel case captioned *In re Chicago Title Insurance Company*, Docket No. 2008-INS-0002 (OIC No. D07-308). That legal issue is: Whether, in Washington, title insurers can be subjected to regulatory enforcement action for alleged violations of WAC 284-30-800 committed by the insurers' appointed agents (hereinafter the "common legal issue").

While the present Commonwealth and Lawyers matters have not yet determined the common legal issue, the Administrative Law Judge in the *Chicago Title* case has already entered an initial order deciding this issue in the insurer's favor. The OIC has petitioned the

Attachment A

OIC Hearing Officer for review of that initial order, the parties have provided briefing and oral argument, and a ruling from the OIC Hearing Officer is expected in the near future.

In order to address these cases' common legal issue in the most efficient manner possible, the parties now stipulate to the dismissal of each of the above three referenced proceedings against Commonwealth and Lawyers, subject to the following terms:

1. The dismissals are without prejudice.

2. Following the dismissals, and after a final determination of the common legal issue has been reached in the *Chicago Title* case, and any timely appeal therefrom, the OIC may unconditionally file new Notices of Hearing for any or all of the allegations contained in the Notices of Hearing currently filed in these matters against Commonwealth and Lawyers.

3. The OIC agrees to standstill and not file new Notices of Hearing for any or all of the allegations contained in the Notices of Hearing currently filed in these matters against Commonwealth and Lawyers until final determination of the common legal issue in the *Chicago Title* case, and final determination of any timely appeal therefrom.

4. Should the OIC elect to file new Notices of Hearing, it shall do so within 120 days after the final determination of the common legal issue in the *Chicago Title* case.

5. Should the OIC elect to file new Notices of Hearing, no statute of limitations shall apply to impede or prevent the filing(s) and the new Notices of Hearing will be deemed to relate back to the date when the original Notices of Hearing were filed.

6. Should the OIC elect to file new Notices of Hearing, nothing in this stipulation shall be construed to affect Commonwealth's and Lawyers' rights to have the matters presided over by an administrative law judge as provided by RCW 48.04.010(5).

7. The dismissals shall in no way or for any reason operate or be deemed as an adjudication upon the merits.

8. Should the OIC elect to file new Notices of Hearing against Commonwealth and/or Lawyers, no court, judge, or hearing officer may make any order for the payment of taxable or other costs of the actions previously dismissed.

SO STIPULATED this 22nd day of April, 2009.

RYAN SWANSON & CLEVELAND, PLLC	OFFICE OF INSURANCE COMMISSIONER
By: _____ Jerry H. Kindinger, WSBA # 5231 Bryan C. Graff, WSBA # 38553 Attorneys for Respondents	By: _____ Alan Michael Singer Thomas P. Rowland Staff Attorneys / Legal Affairs Division

II. ORDER

Based on the foregoing stipulation between the parties, it is hereby

ORDERED that these matters are dismissed without prejudice and without costs to any party pursuant to the stipulated terms contained above.

SO ORDERED this ___ day of _____, 2009.

_____
C. ROBERT WALLIS
Administrative Law Judge
Office of Administrative Hearings

III. ORDER TERMINATING PROCEEDINGS

This matter having come before Chief Hearing Officer Patricia D. Petersen pursuant to the foregoing Stipulation and Order for Dismissal Without Prejudice, and the Chief Hearing Officer deeming herself fully advised in the premises, it is hereby ordered that these matters are closed and dismissed without prejudice on the terms set forth in the parties' stipulation.

SIGNED and ENTERED this ____ day of _____, 2009.

_____
PATRICIA D. PETERSEN
OIC Chief Hearing Officer