FILED

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

2009 MAR 27 A 9:59

Hearings Unit, DIC
Alicia D. Petersen
Chief Hearing Officer

In The Matter Of: **LAWYERS TITLE INSURANCE Corporation,** **An Authorized Insurer,** **Appellant.**	**Docket No(s).** **2008-INS-0004** **2008-INS-0005** **2008-INS-0006** **ORDER GRANTING 4-WEEK SUSPENSION OF SCHEDULE;** **NOTICE OF PREHEARING CONFERENCE (May 29, 2009)**
In The Matter of: **COMMONWEALTH LAND TITLE INSURANCE COMPANY,** **An Authorized Insurer,** **Appellant.**	

Upon a showing of good cause, the Office of Administrative Hearings has granted an Indefinite Order of Continuance for the above-referenced docket numbers.

These three dockets present similar, if not identical questions of law, based upon differing allegations of fact.

The current schedules of record were established in October, 2008. They were continued for two weeks in early March, 2009, at the parties' request, to allow time for settlement negotiations that proved incapable of reaching resolution. In a March 10 Status Conference, the parties asked leave to negotiate an agreed schedule. They agreed that dockets 0004 and 0006 could proceed on a schedule parallel to the current schedule, but also agreed that docket 0005 requires an adjusted schedule.

However, instead of submitting an agreed schedule, the parties on March 18, 2009 filed a joint motion for an indefinite suspension of the schedule. They argue that a similar case is now

pending on review before the Insurance Commissioner upon which a decision is assertedly imminent. The parties argue that availability of the decision might enhance the prospect of settlements in the dockets here at issue.

The motion for an indefinite suspension of the schedule is denied. These matters have been pending for an extended period. They have been further delayed by failures relating to discovery and by procedural issues. While delays have been granted for necessary accommodation to the needs of litigation, further indefinite delay would interfere with the rights of the parties to a timely decision. If the parties desire an indefinite suspension of the proceeding, they may ask a voluntary dismissal of the dockets and re-file on these or similar claims when the time is right.

Instead, we grant a 4-week suspension of the schedules, in addition to the two-week extension of time earlier granted and used for settlement discussions. Because the parties indicated that the hearing in Docket 0005 might require additional time, the parties may provide support for a further schedule adjustment in that proceeding.

For the parties' reference, the resulting schedule as we calculate it is as follows (the schedule is the same in all three dockets, and all dates are in 2009):

Event	Second Revised (Current) Schedule	March 25 Schedule
Discovery cutoff	March 13	April 24
Prehearing motions	March 16	April 27
Answers	March 23	May 4
Replies	March 30	May 11
Argument	April 3, 1 p.m.	May 14
Ruling on motions	April 15	May 27

Hearing Dates:	Second Amended (Current) Schedule	March 25 Schedule
2008-INS-0004		
Prehearing Brief		June 22, 2009
Hearing	May 6, 2009	June 24, 2009
2008-INS-0005		
Prehearing Brief		June 15, 2009
Hearing	April 29, 2009	June 17, 2009
2008-INS-0006		
Prehearing Brief		June 8, 2009
Hearing	April 22, 2009	June 10, 2009

NOTICE OF PREHARING CONFERENCE

A telephonic prehearing conference will be convened on May 29, 2009 at 1:00 p.m. to address potential hearing issues, such as number of witnesses, need for closing argument or briefs, etc.

Instructions for Telephone Hearings: The prehearing conference will be conducted by telephone conference call. Please call ten (10) minutes prior to the above-scheduled time locally at **(360) 753-7328** or toll free **1-800-843-7712**. Calls from telephone booths, cell phones and cordless phones are discouraged as they are often not reliable for conducting conference calls. After the parties have called in, the Administrative Law Judge will call the parties back to begin the conference call.

Now therefore it is ORDERED:

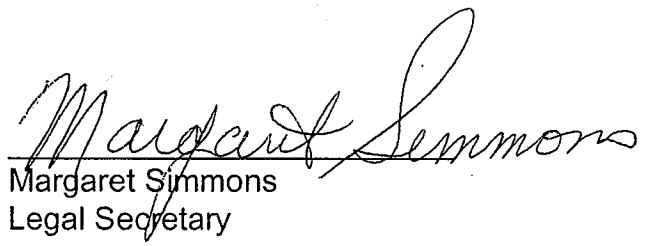
The parties will be advised of hearing locations in Olympia.

Dated and Mailed March 25, 2009 at Olympia, Washington.

C. Robert Wallis
Administrative Law Judge
Office of Administrative Hearings
2420 Bristol Ct SW
PO Box 9046
Olympia, WA 98507-9046

Certificate of Service

I assert that true and exact copies of this Order Granting 4-Week Suspension of Schedule; Notice of Prehearing Conference (May 29, 2009) were mailed to the following parties on the 25th day of March 2009 from Olympia, Washington.



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