

**BEFORE THE WASHINGTON STATE
OFFICE OF THE INSURANCE COMMISSIONER**

In Re:

Global Rescue, LLC

Respondent.

No. 10-0039

**RESPONDENT GLOBAL RESCUE'S
SUPPLEMENTAL MEMORANDUM
AND REQUEST FOR LEAVE TO FILE**

During the hearing in the above matter, it was argued that Respondent Global Rescue should be deemed an insurer because of the language in RCW 48.01.280 that: "A private air ambulance service ... is not an insurer under RCW 48.01.050, a health carrier under Chapter RCW 48.43, a health care services contractor under Chapter RCW 48.44, or a health maintenance organization under Chapter 48.46 RCW if the private air ambulance service [meets certain conditions]..." (Emphasis added).

Although the Commissioner's Hearing Memorandum made mention of RCW 48.01.280, it was not argued there that the exemption for certain entities created by this statute was authority for concluding that Global Rescue is an insurer, and RCW 48.01.280 was not cited as one of the relevant "Legal Authorities" on page 2 of the Memorandum. Accordingly, Global Rescue respectfully requests leave to file this Supplemental Memorandum to expand briefly on its rebuttal to this argument first raised at the Hearing.

As suggested during the hearing, the Commissioner's argument on this score is flawed "reverse logic." To state what something is not sheds no light on what it actually is. Thus, for example, to note that a certain animal is not a monkey does not help us identify what kind of animal it is. Indeed, the Commissioner's argument that the use of the phrase "not an insurer" makes a non-exempt private air ambulance company an insurer would apply equally to make such a company "a health carrier," "a health services contractor," as well as "a health maintenance organization" – each of the other things an exempt company is "not." That the logical extension of the Commissioner's argument would make Global Rescue not only an insurer but also each of these other types of entities is graphic demonstration of the fallacy of the argument.

Perhaps more fundamentally, however, the Commissioner explicitly states in his Memorandum that Global Rescue is not the kind of company that is covered by RCW 48.01.280. Comm. Mem. p. 1, para. 2. Thus, even were the "not an insurer" language read to make an "insurer" of a company covered by the statute but not exempt, if – as the Commissioner contends – Global Rescue is not a "private air ambulance service" subject to RCW 18.73.130, it hardly can be made to be an insurer by statutory language that the Commissioner himself contends does not apply. In short, if Global Rescue is not the kind of company to which the statute applies, the statute cannot be applied to define the nature of Global Rescue's business.

Respectfully submitted, this 28th day of April, 2010.



Lee Calligaro
Ross K. Friedberg
Epstein Becker & Green, P.C.
1227 25th Street, N.W.
Washington, D.C. 20037
Telephone: (202) 861-0900
Facsimile: (202) 296-2882
lcalligaro@ebglaw.com
rkfriedberg@ebglaw.com
Counsel for Global Rescue, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT, on this 28th day of April, 2010, a true and correct copy of the foregoing Respondent's Supplemental Hearing Memorandum and Request for Leave to File by overnight delivery to:

Marcia Stickler, WA OIC, Staff Attorney
Nicole Kelly, Paralegal



Lee Calligaro