

STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

FILED

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KAC

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Rose Howell,

Plaintiff,

v.

Safeco Ins. Co. of Illinois, Et Al. in re: the Estate
of Plotner;

Liberty Mutual Ins. Co., Et Al.;
Liberty Mutual Group, Et Al.;
Liberty Mutual Holding Co., Inc., Et Al.;
Prudential Financial, Inc., Et Al.;
Computer Share Shareholder Services, Et Al.;
Continental Casualty Company, Et Al.;
Hartford Financial Services Group, Inc., Et Al.;
State Farm Mutual Automobile Insurance Co., Et
Al.;
BNY Mellon, Et Al., and the solvent Community
property comprised thereof,

Defendants.

) Docket No.:
)
) In re: G08-0084
)
)
)
)
)
) DEMAND FOR HEARING
)
)
)

COMES NOW, Rose Howell a.k.a. Rosemarie Anne (Vikara) Howell DEMANDS the
Washington Insurance Commissioner 'immediately' conduct a hearing under RCW 48.04.010 (1)
(b) and 34.05.240, with respect to the outcome and orders in re: G08-0084 (fraudulent).

1.) Pursuant to RCW 34.05.060, Howell requests that the hearing demanded by this request be
conducted to produce an *informal resolution* – granting a hearing pursuant to RCW
34.05.240 (1-3).

- 1 a.) Under RCW 34.05.240 (1-3) the uncertainty, controversy, and adverse affects are
2 caused by: (1) the orders of solvency and *failure to re-appropriate in re: G08-0084*;
3 (2) RCW 48.31.151 which *guarantees* Howell's demand tendered satisfied,
4 however, the orders (G08-0084) have failed to make certain the demand is tendered
5 satisfied, or any part thereof; and (3) RCW 48.31B.060 which is *implicit* in the fact
6 that either the ultimate holding company [*must*] pay Howell's demand *in its*
7 *entirety* and / or re-appropriate third party funds; *Puget Sound Fin., LLC v.*
8 *Unisearch, Inc.*, 146 Wn.2d 428, 434, 47 P.3d 940 (2002) (extensions of credit
9 imply the debts are covered).
- 10 b.) Under RCW 34.05.240 (2-3) which is it, and when because we are [*now*] on the
11 *fourteenth year* which is causing this 'true beneficiary' the utmost irresponsible
12 adverse affects (emphasis added.)?
- 13 c.) "The demands will be paid..." (quote) therefore this is more than an advisory
14 position that requires a hearing under RCW's 34.05.240, 48.04.010, because we
15 need to sit down and determine how, when, and in what increments, etc. – keeping
16 in mind Howell's business is [*not*] with third party(S) (emphasis added.)

17 2.) Pursuant to RCW 48.02.065, Howell further requests that the hearing be conducted as an
18 in-camera '*inspection of information exempt from public disclosure*' – granting a hearing
19 under RCW 48.04.010 (1).

- 20 a.) Under RCW 48.04.010 (2), the acts, failure to act, and orders *in re: G08-0084*
21 *aggrieve* Howell by: (1) failing to *re-appropriate* third party funds (RCW
22 48.31B.060); (2) failing to tender Howell's demand satisfied, or any part thereof
23 (RCW 48.31.151); (3) very possibly causing the trust (common fund) to become
24 insolvent; and (4) the orders are a result of FRAUD and identity theft, and therefore
25 must be challenged under 15 U.S.C. § 78 and 18 U.S.C. § 1962; *Corbray v.*
26 *Stevenson*, 98 Wn.2d 410, 415, 656 P.2d 473 (1982) (mutual intent is set-forth in
27 the instrument of said trust).
- 28 b.) Under RCW 48.31B.070, Howell is *aggrieved* by the Ins. Comm. and SEC failure
29 to act responsible under RCW 48.31.151 and RCW 48.31B.060, the commissioners
30 orders *in re: G08-0084* granted third party(S) acquisition of fraudulent benefits and
31 denied Howell's rights under RCW 48.31.151; *Prima Pain Corp. v. Flood &*
32 *Conklin Mfg. Co.*, 343 U.S. (1967) (the orders of G08-008 are very possibly the
result of an unambiguous misrepresentation of solvency) – an on-camera inspection
of information exempt from public disclosure [*must*] be granted.

1 **A HEARING MUST BE GRANTED for the above-mentioned and following reasons:**

2 3.) Pursuant to RCW 48.31B.070 and RCW 48.04.010 (2) the orders, acts, and failure to act
3
4 *in re: G08-0084* aggrieve Howell because they are *contrary to legislative* intent (RCW
5 48.31.151 and RCW 48.31.060) – granting a grievance hearing (RCW 48.04.010 (1-2)).

6 a.) The Ins. Comm. and SEC acts, failure to act, and orders *in re: G08-0084* violate the
7 trust and duties implicit of their governmental stations; *Imbler v. Pachtman*, 424
8 U.S. 409, 417 (1976) (“[e]very person’ who acts under color of state law to deprive
9 another of a constitutional right [is] answerable to that person in a suit for
10 damages”).

11 b.) Under RCW 48.04.010 and RCW 48.31B.070, the Ins. Comm. and SEC did [not]
12 notify Howell of the hearings *in re: G08-0084* and accepted the false testimony of
13 third party(S), et al. (18 U.S.C. § 1623) to deliberately avoid *re-appropriating*
14 ‘stolen’ (misused) ‘trust’ assets (RCW’s 48.31B.060, 48.31.151).

15 c.) The commissioner and SEC acts, failure to act, and orders are absent statutory
16 intent, based on FRAUD, and are *void ab initio*.

17 4.) Pursuant to RCW 48.31B.070, Howell is *aggrieved* by the malice aforethought produced
18 when the solvency of the common stock trust and the community property comprised
19 thereof, was declared solvent through Case No. G08-0084, but was [*not*] re-appropriated
20 in accordance with RCW 48.31B.060, because it [is] depriving Howell life, liberties,
21 property, basic necessities, and justice (RCW 48.31.151) (literally); *see also*, 15 U.S.C.
22 §78 and 18 U.S.C. § 1962; *Herpich v. Wallace*, 430 F.2d 792, 810 (CA5 1970) (Noting,
23 the ‘gist’ of the 1934 Securities & Exchange Act under 15 U.S.C. § 78bb(a) is to award
24 damages).

25
26 5.) Pursuant to RCW 48.04.010, Howell challenges the outcome of G08-0084¹ because the
27 actions are deceptive and produced fraudulent disbursements of stocks and dividends to
28
29
30

31 ¹¹ The Ins. Comm. and SEC conducted Howell's business solely with third party(S) without authority of law and / or agreement
32 (RCW 48.31.151), however, the Ins. Comm. received a complaint from Howell (Howell's address was known to the Ins. Comm.)
in regard to this exact issue January of 2006, and failed to notify Howell of the hearings or make certain resolution. Howell's
business is not with third party(S) nor, is it Howell's position to *re-appropriate* third party(S) THEFT under Title 9A.56 RCW.

1 third party(S); *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478, 100 S. Ct. 745, 62 L. Ed.2d
2 676 (1980) (others are unjustly enriched).

3
4 6.) Pursuant to RCW 34.05.240 (1-3) the outcome of G08-0084 causes Howell, et al. "daily"
5 uncertainty, adverse affects, and therefore must be *re-interpreted* as applied to the facts
6 and statutory intent under RCW 48.31.151 and RCW 48.31B.060.

7
8 a.) *In re:* to Howell's petition for declaratory order and motion to reconsider, this
9 agency can reference further statutory issues.

10 7.) Pursuant to RCW 48.31.151, Howell's business was conducted with third party(S)
11 *[without]* authority of law and / or agreement, power of attorney or Howell's knowledge
12 before / after / and through the approval process of G08-0084; *Troxel v. Granville*, 530
13 U.S. 57, 120 S. Ct. 2054, 147 L. Ed.2d 49 (2000) (third party(S) without rights) –
14 granting a hearing under RCW's 48.04.010, 48.02.065, 34.05.060 and 48.31B.070.

15
16
17 a.) Under RCW 48.04.010 and RCW 48.31B.070, Howell [is] *aggrieved in re:* G08-
18 0084 because although the Ins. Comm. had a complaint filed on this matter January
19 of 2006 he continued to conduct Howell's business with third party(S) without
20 authority of law causing further violations and damages under 5 U.S.C. § 552
21 (Privacy Act); 15 U.S.C. § 78 (Securities & Exchange); 18 U.S.C. § 3161 (Just,
22 Speedy Act); 28 U.S.C. § 2254 (Habeas Corpus); 28 U.S.C. § 2674 ¶2 (Wrongful
23 deaths (plural)); 42 U.S.C. § 1983 (Constitutional and Civil Liberties); 18 U.S.C. §
24 1962 (RICO); and 42 U.S.C. § 3612 ("actual damages" for humiliation, emotional
25 distress, loss of sleep, nervousness, frustration, mental anguish, and economic
26 loss"); *Seaton v. Sky Realty Co.*, 491 F.2d 634, 636-638 (CA7 1974) (authorizing
27 compensatory damages); *Steele v. Title Realty Co.*, 478 F.2d 380, 384 (CA10
28 1973) (damages are not limited, and may include emotional distress and
29 humiliation); *Thompson v. San Antonio Retail Merchants Assn.*, 682 F.2d 509, 513-
30 14 (CA5 1982) (regardless of out-of-pocket expenses, humiliation and mental
31 distress constitute recoverable elements); *Millstone v. O'Hanlon Reports, Inc.*, 528
32 F.2d 829, 834-35 (CA8 1976) (approved damages for 'loss of sleep, nervousness,
frustration, and mental anguish'); *Ryan v. Foster & Marshall, Inc.*, 556 F.2d 460,
464 (CA9 1977); *see also, Osofsky v. Zipf*, 645 F.2d 107, 111 (CA2 1981) (the
purpose of 15 U.S.C. § 78 bb(a) "is to compensate civil plaintiff's for economic

1 loss suffered as a result of wrongs committed in violation of the 1934 Securities &
2 Exchange Act”).

3 8.) Pursuant to RCW 48.31B.035, the outcome of G08-0084 has very possibly impaired the
4 solvency of the trust and the community property comprised thereof, and therefore
5 requires an *immediate* “examination;” *McDonald v. Williams*, 174 U.S. 397 (1899) (suit
6 compelling repayment of third party distributions).
7

8 9.) Pursuant to RCW 9. 24.020, the *deceptive* outcome of G08-0084 facilitated fraudulent
9 issuance of stock(S) and dividend(S) further governed under 15 U.S.C. § 78 and 18
10 U.S.C. § 1962; *Bridge v. Phoenix Bond and Indemnity Co.*, 128 S. Ct. 2131 (2008) (the
11 U. S. Supreme Court ruled on (RICO) Racketeer Influence and Corrupt Organizations
12 Act that a victim (Howell) may recover on fraud of third party(S). Noting, while Howell
13 need not rely on the misrepresentations the above-mentioned parties and defendant’s did
14 without making even an adequate investigation into the ‘true beneficiary’).
15
16
17

18 a.) The FRAUDULENT outcome of G08-0084 has caused *in excess* of a ‘decade’ of
19 damages which includes injuries under 5 U.S.C. § 552; 15 U.S.C. § 78; 18 U.S.C. §
20 1962; 18 U.S.C. § 3161; 28 U.S.C. § 2254; 28 U.S.C. § 2674 ¶2; 42 U.S.C. § 1983;
21 42 U.S.C. § 3612; *see, Mid Atlantic Inc. v. Long Distance Services, Inc.*, 18 F.3d
22 260 (C.A. 4th 1994); *Systems Management, Inc. v. Loiselle*, 303 F.3d 100 (C.A. 1st
23 2002); *and Ideal Steel Supply Corp. v. Anza*, 373 F.3d 251, 263 (C.A. 2nd 2004)
(Howell need not be the direct recipient of the fraud to recover treble the damages).

24 b.) FOR THE INFORMATION: Third party(S) do *[not]* meet the by-stander
25 provisions under tort law; *Dillon v. Legg*, 441 P.2d 912 (Cal. 1968); *see also, e.g.,*
26 *Thing v. LaChusa*, 771 P.2d 814 (Cal. 1989), but have fraudulently ascertained
27 stocks, dividends, and funds, not legally belonging thereto (Title 9A.56 RCW;
28 48.17.480). Why, didn’t the Ins. Comm. and the SEC ethically conduct their
governmental positions???Hum!

29 10.) Pursuant to RCW 48.04.050, Howell has shown good cause to grant this request for a
30 hearing under RCW 48.04.010, 48.02.065, 34.05.060 and 48.31B.070.
31
32

1 11.) Pursuant to RCW 48.13.475 (1) (a) (iii), the common stock(S) and dividend(S) are issued
2 to third party(S) without authority of law; the trust is declared solvent (G08-0084) based
3 on third party(S) FRAUD; and the above-mentioned party(S) and defendant(S) has
4 demonstrated a total absence of responsibility that has generated acts which renders the
5 trust and community property comprised thereof, subject to rehabilitation or liquidation.
6

7
8 12.) Pursuant to RCW 48.99.030, delinquency hearings are necessary and appropriate to
9 circumvent further negating affects (RCW 34.05.240(1-3)).

10
11 13.) Pursuant to Title's 23.86.230, 23.90, 23B.14, and 48 RCW and court applicable rules of
12 civil procedure the above-mentioned are in default of their obligation to meet contractual
13 obligations; *United States v. DuBois Farms*, 1 OCAHO 225 (August 29, 1990) at 2; *U.S. v.*
14 *Zoeb Enterprises*, supra at 3 – granting a hearing under RCW 34.05.060, 48.02.065 and
15 48.04.010; *State v. Wright*, 84 Wn.2d 645, 650, 529 P.2d 453 (1974) (the statutes relate to
16 the same subject under Title 48 RCW) .
17

18
19 a.) The *re-determination* of G08-0084 as applied to the 'true beneficiary' and statutes
20 under RCW 48.31.151 and RCW 48.31B.060 are under the administrative position
21 of this agency (RCW 34.05.240, 48.04.010), and therefore a hearing must be
22 granted under RCW 48.04.010, 48.31, 34.05.060 and 42.02.065.

23 14.) Pursuant to RCW 23.90, a common stock trust was created for the benefit and profit of
24 Howell, even though nothing is expressly said in a fundamental document; *United States v.*
25 *Mitchell*, 463 U.S. 206, 225, 103 S. Ct. 2961, 77 L. Ed.2d 580 (1983).
26

27 a.) Just for info – reference the demands.

28 15.) Under RCW 34.05.240, there is no stipulation on the issues or agreement by consent;
29 *Wash. Asphalt Co. v. Harold Kaeser Co.*, 51 Wn.2d 89, 91, 316 P.2d 126 (1957); *Smyth*
30

1 *Worldwide Movers, Inc. v. Whitney*, 6 Wn. App. 176, 179, 491 P.2d 1356 (1971), which
2 requires more than an advisory position².

3
4 16.) Pursuant to RCW 48.05.080, the acts, failure to act, and orders in re: G08-0084 has failed
5 to disburse the considerable funds in the state's coffer's depriving Howell life, liberties,
6 property, and justice – the state [is] considered a 'third party' without rights.

7
8 a.) The total lack of responsibility *in re:* G08-0084 has caused futuristic malice
9 aforethought; *Palsgraf v. Long Island Railroad Co.*, 162 N.E. 99 (N.Y. 1928)
10 (failed its obligation and duty to warn this readily identifiable accident victim i.e.
11 'true beneficiary.')

12 b.) The State's in possession of 'considerable' funds, diverted for personal use, while
13 causing Howell daily deprivation (42 U.S.C. § 1983).

14 THEREFORE, for the reasons set-forth herein and previously served (1) petition for
15 declaratory order; and (2) motion to reconsider Howell is "NOT" asking the Ins. Comm. to
16 adjudicate this matter, but rather to set a hearing so that we 'as adults' can sit down and determine
17 when, how, and in what increments, etc this demands will be tendered satisfied. And, to re-
18 determine the Ins. Comm. orders in re: G08-0084 because in addition to the above-mentioned
19 they are absent statutory intent under RCW 48.31.151 and RCW 48.31B.060.
20
21
22
23

24 CERTIFICATE OF SERVICE

25 I certify that on the 24th day of April, 2012, I caused a true and correct copy of Plaintiff's
26 Demand for a Hearing, to be served on the following U.S. Mail, pre-paid, and the manner
27 indicated:
28

29 1) Washington State Insurance Commissioner
30 PO Box 40255
31 Tumwater, WA 98504-0255 (X) Email
32 Attn: Hearings Unit

² See demands.

- 1 2) Safeco Ins. Co. of Illinois, Et Al.
And
2 Liberty Mutual Holding Co., Inc., Et Al.
175 Berkley Street (X) Email
3 Boston, MA 02116
4 Attn: Richard Quinlan
- 5 3) Melvin N. Sorensen, Esq.
Carney Badley Spellman, P.S.
6 701 Fifth Avenue, # 3600
7 Seattle, WA 98104-7010
- 8 4) Debevoise & Plimpton LLP (X) Email
New York, New York 10022
9 Attn: Gregory V. Gooding, Esq.
Nicholas F. Potter, Esq.
- 10 5) BNY Mellon Investment Services LLC
11 480 Washington Blvd, 29th Floor
12 Jersey City, NJ 07310
13 Attn: Legal Dept.
- 14 6) Safeco Ins. Co. of Illinois
27201 Bella Vista Parkway, Ste. 130
15 Warrenville, IL. 60555
- 16 7) Safeco Ins. Co. of Illinois
2815 Forbes Ave.
17 Hoffman Estates, IL. 60192
- 18 8) Continental Casualty Company
333 South Wabash
19 Chicago, IL. 60604
20 Attn: Thomas Corcoran
- 21 9) The Hartford Financial Services Group, Inc.
One Hartford Plaza, HO-1-01
22 Hartford, CT. 06155
23 Attn: Fraud Dept. / Investor Relations
- 24 10) State Farm Mutual Automobile Ins. Co.
1 State Farm Plaza
25 Bloomington, IL. 61710-0001
26 Attn: Edward Rust Jr.
- 27 11) Liberty Mutual Ins. Co.
650 N.E. Holladay Street
28 Portland, OR 97232
- 29 12) Computer Share
Shareholder Services
30 250 Royal Street
31 Canton, MA 02021
32

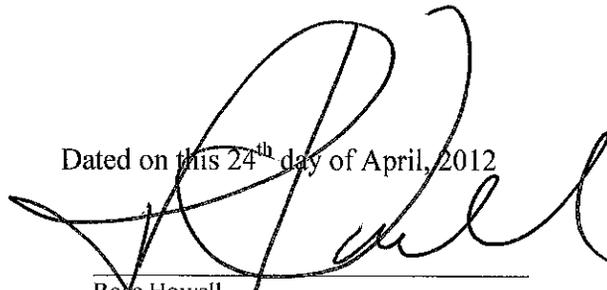
1 13) Prudential Annuities
2 Client Relations
3 2101 Welsh Road
4 Dresher, PA 19025
5 Attn: Lisa Hayer

6 14) Warren Buffet (Courtesy Copy)
7 Berkshire-Hathaway
8 3555 Farnam Street
9 Suite 1440
10 Omaha, NE 68131

11 15) M. Colleen Barrett
12 Barrett & Worden, P.S.
13 Fourth & Blanchard Building
14 2101 Fourth Ave., Suite 700
15 Seattle, WA 98121

16 16) Warren Babb
17 Lane Powell, P.C.
18 1420 Fifth Ave., Suite 4100
19 Seattle, WA 98101-2338

20 Dated on this 24th day of April, 2012

21 
22 _____
23 Rose Howell
24 9504 N.E. 5th Street
25 Vancouver, WA 98664