

OIC Rules Coordinator

From: Doucette, Lindsay <Lindsay.Doucette@fnf.com>
Sent: Thursday, August 7, 2025 10:01 AM
To: OIC Rules Coordinator
Subject: R2025-05 First Prepublication draft comment

External Email

Dear Commissioner's office,

On behalf of Fidelity National Title Group, Inc. on behalf of its subsidiaries, Chicago Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company and National Title Insurance Company of New York, Inc. I am writing to provide comment regarding the proposed amendments to Washington Administrative Code sections 284-30-300 through 284-30-400, as outlined in the pre-publication draft R2025-05 dated July 25, 2025. We appreciate the Office's continued efforts to strengthen consumer protections and clarify claims handling standards. However, we respectfully request further evaluation of the following provision that may have unintended consequences for insurers, third parties and policyholders alike.

Our specific concern is as follows:

WAC 284-30-340 – Mandatory Production of Claim Files. Requiring insurers to produce the entire claim file to first-party claimants upon request—subject only to privilege—raises concerns about confidentiality, litigation risk, and administrative burden. Specifically, title insurance claim files can contain confidential information regarding parties other than the insured and exceed a thousand pages in length. Additionally, it is unclear what standard of review for “privilege” would mean outside of litigation discovery, or how disputes as to the application of a privilege would be resolved. As such, it would be unduly burdensome on the insurer and potentially prejudicial to third parties to require a title insurance company to produce its claim file outside the context of a lawful subpoena issued by a court. If the Office is inclined to retain this amendment, we suggest the Office impose appropriate limitations and procedures for production which safeguard the interests of third parties and maximize efficiency in claims administration.

We respectfully request that the Office consider convening further stakeholder meetings, such as the one that was widely attended on July 31, 2025, to allow further evaluation of the impacts of this rule change and explore alternative approaches that preserve consumer protections while ensuring practical implementation.

Thank you for the opportunity to provide input. We remain committed to working collaboratively with the Office to promote fair and efficient claims practices in Washington.

Sincerely,
Lindsay

Lindsay C. Doucette

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