

Motion for Summary Judgment

A party may file a motion for summary judgment (MSJ) if that party believes the facts of the case are not in dispute. A MSJ must be filed well before the hearing, and by the deadline established at the Prehearing Conference. It must also be served on the other party at the time of filing. The party that did not file the MSJ will have a chance to respond. If the party that did not file the MSJ disagrees with the facts, then they should file a response and include exhibits that show why the facts are in dispute.

If the Presiding Officer grants a MSJ, and all issues for the hearing were included in the motion, your hearing will be canceled. It is important to respond to the MSJ, by the deadline if you disagree with it in any way.

At the Hearing

On the day of the hearing, you should (a) be on time, and (b) be prepared. You need to be able to have your witnesses appear and testify and go over any evidence that you want to have admitted and considered. You also need to be able to summarize (a) what you would like to have happen, and (b) why you are *legally entitled* to that result. You are legally entitled if you can show (a) you did not do what the OIC says you did, or (b) the law requires the result you desire. You should also be prepared with any questions you might have for witnesses whom the attorney from the OIC will call and/or questions and objections about any of the evidence the OIC intends to admit.

After the Hearing

The Presiding Officer will issue a Final Order that will be emailed and/or mailed to you. You have the right to appeal that decision if it is not in your favor, either by (a) following the rules to file a Petition for Reconsideration found at RCW 34.05.470, or (b) following the rules to file a petition for judicial review in Superior Court, found at RCW 34.05.514.

Contact us

Administrative Hearings:

360-725-7002

Visit us online:

www.insurance.wa.gov/administrative-hearings

Representing Yourself in an Administrative Hearing at the Office of the Insurance Commissioner



The Basics

- The most important thing you can do: **SHOW UP!**
If you are unable to appear or call in, you must let us know as soon as possible. If you fail to appear, the Presiding Officer could rule against you, and your case could be dismissed.
- *What to wear/how to act:* Wear office-appropriate or business casual attire (no hats, tank tops, graphic T-shirts, etc.) and act in a professional, respectful manner.
- *Who will be at your hearing:* You, an Insurance Attorney from the Office of the Insurance Commissioner (OIC), and the Presiding Officer, who will act as the administrative law judge. Also, there may be witnesses whom you or the OIC attorney would like to testify as well as other OIC staff observing the hearing. All hearings are open to the public.
- *How do I get an attorney?* You must hire your own attorney.
- *How will I find out about hearings and what is happening in my case?* Email is our primary method of communication. We may also mail hard copies of any final orders and/or decisions via USPS. We will use the contact information you provide when you fill out your demand. If, at any time during the process, your contact information changes, **YOU MUST NOTIFY THE HEARINGS UNIT IMMEDIATELY.**

The Hearing Process

A hearing is a chance for you to tell the Presiding Officer (a) what you think should happen, and (b) why you are legally entitled to that result. It's also a chance for you to give your version of events if you do not agree with what the OIC alleges.

The Hearings Unit, Presiding Officer, Paralegal and the Insurance Commissioner are screened from the rest of the OIC and have not discussed the decision or any of the facts of your case with anyone else at the OIC.

To prepare for your hearing, it is important to consider the following:

1. What law(s) apply?
2. Why do you feel the decision the OIC made was incorrect?
3. Do you have information the OIC did not previously have that is relevant to this action?
4. What proof do you need to show that the decision the OIC made was wrong?

The following rules apply to hearings at the OIC:

1. RCW 48.04 Hearings and Appeals at the OIC
2. WAC 284-02-070 Hearings at the OIC
3. RCW 34.05.410–494 Administrative Procedure Act, Adjudicative Proceedings
4. WAC 10-08 Model Rules of Procedure
5. RCW 42.56 the Public Records Act

Other rules and issues may be governed by case law.

Prehearing Conference

After your demand for hearing has been processed, you will be contacted, and a Prehearing Conference (PHC) will be scheduled for over the phone or by Zoom. You will get written notice of the date. The PHC will not address the merits of your case, so you do not need to have witnesses or evidence at the PHC. The PHC will go over the following:

1. The process for the hearing
2. The hearing schedule
3. The issues for the hearing

The hearing schedule will include:

1. Deadlines for dispositive motions (such as a motion for summary judgment), and responses to such motions
2. Deadlines for the filing of witness lists and copies of proposed exhibits
3. The hearing dates, times, and locations

After the PHC you will get a Notice of Hearing that will include hearing dates, deadlines, and issues for the hearing, summarizing what was discussed at the PHC.