

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

THE EVERETT CLINIC, PLLC,

Appellant,

v.

PREMERA and
PREMERA FIRST, INC.,

Respondents.

No. 82687-5-I

MOTION FOR
LEAVE TO FILE
BRIEF OF
AMICUS CURIAE
UNITED
POLICYHOLDERS

1. Identity and Interest of Moving Party

United Policyholders (“UP”) is familiar with and maintains a strong interest in the issues in this case. Founded in 1991, UP is a non-profit organization that serves as a voice and information resource for insurance consumers in all 50 states. UP is a tax-exempt § 501(c)(3) entity sustained by individual and corporate donations and grants from foundations. Volunteers across the country donate thousands of hours each year to support the organization’s work. Through its *Roadmap to Recovery*[™] program, UP promotes insurance and financial literacy, and helps

individuals navigate the insurance claim process and recover fair and timely settlements. UP provided long term recovery and insurance problem-solving assistance to victims of the Carlton Complex Fire in Pateros, Washington, and is currently providing similar assistance to households impacted by the 2020 Labor Day Complex fires in Okanogan and Douglas Counties. Additionally, through its Advocacy and Action program, UP helps solve claim and coverage problems by working with public officials, other non-profit and faith-based organizations, and a diverse range of other entities, including insurers and producers.

UP's Executive Director Amy Bach has served as an official, appointed consumer representative to the National Association of Insurance Commissioners ("NAIC") since 2009 and works closely with Insurance Commissioner Mike Kriedler and his office on a variety of issues affecting Washington residents. The late former Washington Insurance Commissioner Deborah Senn completed a term of service on the United Policyholders' board of directors.

UP regularly submits *amicus curiae* briefs in cases involving insurance principles that are likely to impact large segments of the public and business community. UP has filed *amicus curiae* briefs in over 450 cases nationwide and its arguments have been adopted by numerous state and federal appellate courts. UP's *amicus curiae* brief was cited in the U.S. Supreme Court's opinion in *Humana Inc. v. Forsyth*, 525 U.S. 299, 314 (1999). In Washington, UP submitted *amicus* briefs in important cases such as *Alpert v. Nationstar Mortgage, LLC*, 198 Wn.2d 228, 494 P.3d 419 (2021); *McLaughlin v. Travelers Commercial Ins. Co.*, 196 Wn.2d 631, 476 P.3d 1032 (2020); *Thornell v. Seattle Serv. Bureau, Inc.*, 184 Wn.2d 793, 363 P.3d 587 (2015); *Jones v. Allstate Ins. Co.*, 146 Wn.2d 291, 45 P.3d 1068 (2002); *Kent Farms, Inc. v. Zurich Ins. Co.*, 140 Wn.2d 396, 998 P.2d 292 (2000).

UP has a particular interest in this case because it pertains to health care costs and insurance. Washington has a strong public policy supporting competition in the health care

marketplace and avoiding provider consolidation, thereby limiting attendant cost escalation in health insurance. UP will provide an important policyholder perspective to the issues at stake here.

2. Statement of Relief Sought

UP seeks leave to file an *amicus curiae* brief which is filed contemporaneously with this motion.

3. Record Relevant to Motion

Undersigned counsel is authorized by UP to file the *amicus curiae* brief on its behalf. Counsel have read the briefs and researched relevant authority.

4. Argument for Granting Motion

This case implicates important issues about health insurance and Washington's public policy regarding competition in the health care market.

To that end, UP seeks to fulfill the "classic role of *amicus curiae* by assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court's

attention to law that escaped consideration.” *Miller-Wohl Co., Inc. v. Comm’r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982).

5. Conclusion

In accordance with RAP 10.6(b), UP respectfully asks the Court to grant leave to file the *amicus curiae* brief.

This document contains 592 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 11th day of April, 2022.

Respectfully submitted,

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Motion for Leave to File
Brief of *Amicus Curiae*- 6

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DECLARATION OF SERVICE

On said day below I electronically served a true and accurate copy of the *Motion for Leave to File Brief of Amicus Curiae United Policyholders* in Court of Appeals, Division I Cause No. 82687-5-I to the following:

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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: April 11, 2022 at Seattle, Washington.

/s/ Will Cummins
Will Cummins, Legal Assistant
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TALMADGE/FITZPATRICK

April 11, 2022 - 11:34 AM

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