

No. 80357-9 (Consolidated with No. 80366-8)

**SUPREME COURT
OF THE STATE OF WASHINGTON**

RAJVIR PANAG, on behalf of herself and all others similarly situated,

Respondent,

v.

FARMERS INSURANCE COMPANY, a domestic insurance company,
and CREDIT CONTROL SERVICES, INC. d/b/a Credit Collection
Services,

Petitioners.

MICHAEL STEPHENS, on behalf of himself and all others similarly
situated,

Respondent

v.

OMNI INSURANCE COMPANY, a foreign insurance company,

Defendant/Appellant,

and

CREDIT CONTROL SERVICES, INC. d/b/a Credit Collection Services,

Petitioner.

**MOTION TO FILE
AMICUS CURIAE BRIEF**

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The Wolfe Firm
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(206) 682-4488

Counsel for The National Association
of Subrogation Professionals

I. IDENTITY OF MOVING PARTY

The National Association of Subrogation Professionals (“NASP”) is a non-profit trade association of insurance companies, third party administrators, subrogation specialists, and attorneys practicing in the field of subrogation and recovery. NASP has approximately 2,000 members, representing more than 150 insurance companies and self-funded entities. The purpose of NASP is to “create a national forum for the education, training, networking and sharing of information and, ultimately, the most effective pursuit of subrogation on an industry-wide basis.” The sustainability of efficient and successful subrogation practices is of great concern to NASP members who routinely author recovery claim letters to tortfeasors as part of their normal business practice.

NASP is familiar with the Consumer Protection Act (“CPA”) issues relating to subrogation recovery efforts addressed in *Stephens v. Omni & Panag v. Farmers*, 138 Wn. App. 151, 159 P.3d 10 (2007). NASP is also familiar with the scope of the arguments presented by the parties, having reviewed all briefing submitted in this case. This Court previously allowed NASP to file an Amicus Curiae Memorandum in support of the Petitions for Review.

II. STATEMENT OF RELIEF SOUGHT

NASP respectfully requests that this Court grant this instant Motion to File Amicus Curiae Brief because NASP's brief would assist this Court in deciding the important subrogation-related issue before it.

III. STATEMENT OF THE CASE

In the underlying published opinion, *Stephens v. Omni & Panag v. Farmers*, 138 Wn. App. 151, 159 P.3d 10 (2007), the Court of Appeals concluded that subrogation recovery letters sent to an uninsured motorist violated the CPA. This Court granted review on the following issue:

Whether uninsured and underinsured motorists who were involved in accidents had standing to bring Consumer Protection Act claims against insurance companies and their collection agency in connection with the companies' efforts to collect on subrogation claims against the motorists.

IV. GROUNDS FOR RELIEF SOUGHT

RAP 10.1(e) and RAP 10.6(a) authorize this Court to grant permission to file an Amicus Curiae Brief. Generally, permission is granted if the brief would assist this Court. *See* RAP 10.6(a).

NASP believes that additional argument is necessary because the briefing submitted to this Court does not adequately explain the significant chilling effect the Court of Appeals opinion will have on the subrogation

industry. NASP's Amicus Brief, which is being filed¹ contemporaneously with this Motion, provides the context of subrogation generally and explains well-established subrogation practices. It also explains how this Court's decision could significantly impact the laudable subrogation rights of insurers, insureds, and subrogation recovery professionals throughout Washington state.

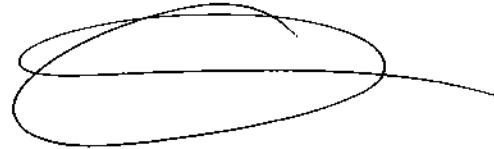
Because the NASP Amicus Brief will assist this Court in deciding if uninsured motorists have standing to bring CPA claims against subrogating entities, NASP urges this Court to grant this Motion and consider the perspective offered by NASP.

V. CONCLUSION

NASP's analysis of issues impacting the subrogation industry will assist the Court in appreciating the widespread nature of the issues being addressed in this case. For the reasons discussed herein and in the Amicus Curiae Brief, NASP respectfully requests that this Court grant this Motion and permit the filing of NASP's Amicus Curiae Brief.

¹ This Motion and the NASP Amicus Curiae Brief are being filed by Thomas Wolfe, an attorney authorized to practice law in Washington, as required by RAP 10.6(a) and RAP 13.4(h).

RESPECTFULLY SUBMITTED this 21st day of May, 2008.

A handwritten signature in black ink, appearing to be 'Thomas Wolfe', written over a horizontal line.

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**Counsel for The National Association
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DECLARATION OF SERVICE

Dava Z. Bowzer states:

I am a citizen of the United States of America and a resident of the State of Washington, I am over the age of 21 years, I am not a party to this action, and I am competent to be a witness herein.

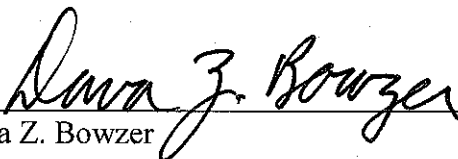
On this 23rd day of May, 2008, I caused to be filed via electronic filing with the Supreme Court of the State of Washington the foregoing MOTION TO FILE AMICUS CURIAE BRIEF. I also served copies of said document on the following parties as indicated below:

Parties Served	Manner of Service
<i>Counsel for Panag & Stephens:</i> Matthew J. Ide Ide Law Offices 801 Second Avenue, Suite 1502 Seattle, WA 98104-1500	<input checked="" type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail
<i>Counsel for Panag & Stephens:</i> Murray T. S. Lewis Lewis Law Firm 2400 E. Roy Street Seattle, WA 98112	<input checked="" type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail
<i>Counsel for Omni:</i> Jerret E. Sale Bullivant Houser Bailey PC 1601 Fifth Avenue, Suite 2300 Seattle, WA 98101-1618	<input checked="" type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail
<i>Counsel for Farmers:</i> Stevan David Phillips Margarita Latsinova Stoel Rives LLP 600 University Street, Suite 3600 Seattle, WA 98101	<input checked="" type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail

Parties Served	Manner of Service
<i>Counsel for Credit Control Svcs.:</i> John A. Granger Melissa O'Loughlin White Cozen O'Connor 1201 Third Avenue, Suite 5200 Seattle, WA 98101	<input checked="" type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail
<i>Counsel for Credit Control Svcs.:</i> Philip A. Talmadge Talmadge Law Group, PLLC 18010 Southcenter Parkway Tukwila, WA 98188-4630	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (with prior authorization) <input checked="" type="checkbox"/> Via U.S. Mail
<i>Counsel for Amici ACA International:</i> John Woodring 2120 State Avenue NE #201 Olympia, WA 98506-6514	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (with prior authorization) <input checked="" type="checkbox"/> Via U.S. Mail

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

Executed at Seattle, Washington, this 23rd day of May, 2008.


 Dava Z. Bowzer

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