IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR THE COUNTY OF THURSTON

EMBRACE PET INSURANCE AGENCY, LLC, Plaintiff, v. OFFICE OF THE INSURANCE COMMISSIONER and EMILY BRILL, an individual, Defendants.	Case No. **DECLARATION OF KRISTIN M. ASAI IN SUPPORT OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Kristin M. Asai, hereby certify and declare as follows:

1. I am one of the attorneys for Embrace Pet Insurance Agency, LLC ("Embrace"). The following statements are true and correct, and if called upon, I could competently testify to the facts averred herein:

2. On March 6, 2023, Tracy Quinn, my partner at Holland & Knight and counsel for Embrace, attempted to reach out to Ms. Brill via phone and email regarding her request and Embrace's intent to seek a court order to prevent disclosure of this information. Ms. Brill did not respond and has not withdrawn her request. On March 7, 2023, I notified counsel for the Office of the Insurance Commissioner ("OIC") and Ms. Brill that Embrace intends to appear ex parte to seek a temporary restraining order on March 8, 2023, at 8:30 a.m., in Thurston County Superior Court. The OIC indicated that it does not oppose the TRO.

HOLLAND & KNIGHT LLP
601 SW 2nd Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300

3. I attach true and correct copies of the following documents in support of Embrace's Motion for Temporary Restraining Order and Preliminary Injunction:

Exhibit	Description
1	H&K Partner communications with OIC counsel and Ms. Brill providing notice of Embrace's intent to seek ex parte TRO
2	September 1, 2021 Letter from Washington OIC Requesting Information and Documents
3	OIC Proposed Response to Brill Request – the Embrace File with Trade Secret Content Redacted
4	December 16, 2021 Email from Washington OIC Concluding Investigation As Unsubstantiated
5	Feb. 14, 2023, Stephanie Farrell email to Beth Vecchioli re "Third-party notification"
6	Screenshot of Canine Review blog with pet insurance content

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

Executed on this 7th day of March, 2023, in Portland, Oregon.

s/ Kristin M. Asai
KRISTIN M. ASAI

HOLLAND & KNIGHT LLP
601 SW 2nd Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on this date I caused the foregoing DECLARATION OF KRISTIN M. ASAI IN SUPPORT OF EMBRACE PET INSURANCE, LLC'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION on the following parties:

Emily Brill
1148 5th Avenue, Apt. #8A
New York, NY 10128-0807
emily@thecaninereview.com
917-297-3537

Defendant Emily Brill

Marta DeLeon
Assistant Attorney General
Office of the Attorney General
Government Compliance & Enforcement Division
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100
Martad@atg.wa.gov

Attorney for Defendant Office of the Insurance Commissioner

Office of the Insurance Commissioner
5000 Capitol Blvd., SE
Tumwater, WA 98501

Defendant Office of the Insurance Commissioner

by causing the document to be delivered by the following indicated method or methods:

☑ by electronic mail to the addresses listed above on the date set forth below.

☐ by mailing full, true and correct copies thereof in sealed, first class postage prepaid envelopes, addressed to the parties and/or their attorneys as shown above, to the last-known office addresses of the parties and/or attorneys, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.

☐ by causing full, true, and correct copies thereof to be hand-delivered to the parties and/or their attorneys at their last-known office addresses listed above on the date set forth below.

☐ by sending full, true, and correct copies thereof, via overnight courier in sealed, prepaid envelopes, addressed to the parties and/or their attorneys as shown above, to the last-known office addresses of the parties and/or their attorneys, on the date set forth below.

DATED March 7, 2023.

s/ Kristin M. Asai
Kristin M. Asai

HOLLAND & KNIGHT LLP
601 SW 2nd Avenue, Suite 1800
Portland, OR 97204
Telephone: 503.243.2300

EXHIBIT 1

From: Quinn, Tracy Zurzolo (PHL - X49522)
To: emily@thecaninereview.com
Subject: public disclosure request to the WA Office of the Insurance Commissioner
Date: Monday, March 6, 2023 6:04:28 PM

Dear Ms. Brill:

Further to my voice mail message earlier today, my firm represents Embrace Pet Insurance Agency, LLC. We understand that you have submitted a public disclosure request to the Washington Office of the Insurance Commissioner ("OIC") for information regarding a number of entities, including Embrace. I would like to discuss the nature and scope of your request with you, as the material you have requested includes confidential and proprietary Embrace business information.

Please call me at the number below at your earliest convenience, or let me know if there is a good time today or tomorrow that we can speak. If possible, I would like to see if we can address your inquiry in a way that does not implicate Embrace's confidential business information. Otherwise, we understand from OIC that we will have to seek a court order by no later than 3pm PT on March 9, 2023 to preclude public disclosure of that information by OIC.

Regards,

Tracy

Tracy Zurzolo Quinn | **Holland & Knight**
she | her | hers
Partner
Holland & Knight LLP
2929 Arch Street, Suite 800 | Philadelphia, Pennsylvania 19104
Phone 215.252.9522 | Fax 215.867.6070
tracy.quinn@hklaw.com | www.hklaw.com

Add to address book | View professional biography

From: Asai, Kristin (POR - X52948)
Sent: Tuesday, March 7, 2023 9:29 AM
To: Martad@atg.wa.gov
Cc: Stephanie.Ferrell@oic.wa.gov
Subject: FW: Third-party notification

Dear Ms. DeLeon—Our firm represents Embrace Pet Insurance, LLC, and I am writing to provide notice that we intend to seek a TRO against the OIC relating to the below public records request. We will likely file the complaint and motion later today, and call the ex parte line at 8:30 am tomorrow relating to the motion. Let me know if the OIC intends to oppose the motion, and if you'd like me to send copies of the pleadings to you directly. Also, feel free to give me a call to discuss. Thanks!

Kristin Asai | **Holland & Knight**
Partner (She/Her)
Holland & Knight LLP
601 Southwest 2nd Avenue #1800 | Portland, Oregon 97204
Phone 503.517.2948
kristin.asai@hklaw.com | www.hklaw.com

Add to address book | View professional biography

From: Ferrell, Stephanie (OIC) <Stephanie.Ferrell@oic.wa.gov>
Sent: Tuesday, February 14, 2023 12:56 PM
To: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Subject: Third-party notification

[External email]
Good afternoon,

The Office of the Insurance Commissioner (OIC) received a public disclosure request from:

Emily Brill
Executive Editor and Founder
The Canine Review
https://www.thecaninereview.com
917-297-3537 | emily@thecaninereview.com

Any/all available public records in your office's possession from 10/1/2020-9/14/2022 such as complaints, supporting documents, email correspondences between these firms and OIC:

Walmart, Nationwide (pet insurance), or Nationwide affiliates
Trupanion or American Pet Insurance Company (APIC)
PetPartners/IAIC or "AKC Pet Insurance."
Embrace / American Modern Insurance Group Records

This request was made under the Public Records Act, RCW 42.56. The purpose of this notice is to:

- Notify you that records your company has marked confidential/proprietary are responsive to the request.
- Provide you an opportunity to pursue court action to stop the release of these records, should you choose to do so.

Please note that although a trade secret is protected by law, the OIC is not in a position to determine if the information provided by your company qualifies as a trade secret under the criteria specified in Ch. 19.108, RCW. Because the OIC is not willing to risk potential liability under the Public Records Act, we ask that you obtain a court order enjoining release if you wish to protect the information from disclosure.

You can access the documents through Box. These are the documents the OIC intends to release, in the format they will be released, to the requester.

Box is a cloud storage management system used to share files securely. If this is your first-time using Box, you will be asked to create a free account located within the "Individuals and Teams" tab.

I will send you a separate "invite" to the documents or you can click the link below if you already have an account. Documents are available to download for 14 days.
https://app.box.com/s/x6191w3n52jek6tyfj0e37w92zocjanr

If you intend to pursue court action to stop the release of these records, you will need to obtain a court order on or before 3:00 pm, March 9, 2023. If you do not, the requested documents will be made available to the requestor on March 10, 2023.

If you have any questions or if this notice should be directed to someone else, please let me know. You can also contact the Information Governance Manager, Kelly Cairns at 360-725-7003 or Kelly.cairns@oic.wa.gov

Stephanie Ferrell
Forms & Records Analyst 3
Washington State Office of the Insurance Commissioner
Public Records
360-725-7005
stephanie.ferrell@oic.wa.gov

Protecting Insurance Consumers
www.insurance.wa.gov | twitter.com/WA_OIC | wainsurance.blogspot.com | email/text alerts

EXHIBIT 2

To: Embrace Pet Insurance
4530 Richmond Rd.
Cleveland, OH
44128

Date: 09/01/2021

SUBJ: Complaint from The Washington State Office of the Insurance Commissioner("OIC"), alleging that Embrace Pet Insurance is paying unlicensed producers to solicit insurance; possible violation of RCW 48.17.490(1).

RCW:48.05.140(9)

Must be licensed to receive a commission, service fee, or other valuable consideration.

(1) An insurance company, insurance producer, or title insurance agent shall not pay a commission, service fee, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in this state if that person is required to be licensed under this chapter or chapter 48.15 RCW and is not so licensed.

This letter serves as notification that the OIC is conducting an Investigation into Embrace Pet Insurance ("Embrace"), for allegedly paying unlicensed producers to solicit insurance. I am the Investigator assigned to review the matter.

As part of the investigation, I am requesting that you provide a written response to the allegation, please ensure that you include the following:

1. Please provide a description of the roles of all parties involved in the creation and implementation of marketing and sales materials for Embrace.
2. Please explain what the relationship between American Modern Home Insurance Company, Trusted Choice Consumer Agent Portal and Embrace is.
3. Please explain how any affiliate program, which Embrace may, or may not have with American Modern Home or any other entity works.
4. Does embrace have an affiliate program, which potentially pays non licensed individuals for referrals?
5. Please explain how Embrace defines qualified leads, and how those leads are paid for by Embrace.

6. Embrace's website offers the ability for consumers to purchase pet insurance without speaking with licensed producers. Please explain why this in place on your website, who actually speaks to those consumers, how do the entities that speak to those consumers get paid, and how does the purchasing of insurance occurs through this matter.
7. How many referral programs or affiliate programs does Embrace have with any entity?
8. How many insurance policies have been sold to WA State consumers by any unlicensed individuals through Embrace's website, or as part of Embraces affiliate program with American Modern Insurance Company or any program or entity, since Embrace began allowing those to occur for any WA State consumer?
9. Please give the total number of how many insurance applications, or referrals for insurance have been made through the Embrace website, and how many of those leads were compensated by Embrace, since Embrace began allowing those to occur for any WA State consumer.
10. Please explain why Embrace requires a finished online application in order to make payments for lead, explain how that process works, explain if Embrace ensures the payments are only made to licensed producers, and if not then why not. Also please explain how much is paid for referrals as well as how those payments are made.
11. Please outline and provide copies of all embrace's agreements with any third party utilized in the marketing of pet insurance products.
12. Please explain how Embrace screens and selects non licensed affiliates.

Additionally please provide copies of the following required documents:

1. A spread sheet listing all unlicensed entities paid referrals or paid for either, selling, soliciting or negotiating insurance in WA State by Embrace since Embrace began using those entities in WA State.
2. A list of exact dates of when Embrace began using referrals methods or any other means to have unlicensed entities selling, soliciting or negotiating insurance in WA State.
4. The total amount of money paid by Embrace to any unlicensed entity for referrals, or for selling, soliciting or negotiating insurance in WA State by Embrace since Embrace began using those entities in WA State.
5. The total amount of money earned by Embrace for the sale of any insurance product , through the referral process or by the sell, solicitation or negotiation of any insurance product any unlicensed entity used by Embrace, in WA State, since Embrace began using those entities in WA State.

Please provide a response to this allegation by **10/01/2021**, via email to ***wesd@oic.wa.gov,*** multiple e-mails would be acceptable due to document size. After I receive your response, I'll be in touch to see if you're interested in meeting by telephone or video conference for an interview. Please contact me if you have any questions or concerns at 360-725-7060.

WAC 284-30-650 and RCW 48.17.475 require insurers, health care service contractors, health maintenance organizations, insurance producers, title insurance agents, adjusters, and other individuals licensed by the OIC to promptly respond to an inquiry by the OIC within 15 business days.

Documents provided in response to this request are only automatically exempt from public disclosure if OIC requests them in the context of a market conduct action (RCW 48.37) or a producer's termination for cause (RCW 48.17.595).

Sincerely,

Wes Diaz

Wes Diaz
Senior Investigator

EXHIBIT 3

Diaz, Wes (OIC)

From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Friday, October 1, 2021 1:38 PM
To: Diaz, Wes (OIC)
Subject: RE: Embrace Pet Insurance
Attachments: State of Washington OIC re Embrace Pet Insurance.pdf

External Email

Mr. Diaz,

Attached please find our partial response to your letter. Please note that at the end of my letter, we are requesting an extension of time until Oct. 12 to provide the rest of the documents due to key personnel being out of Embrace's office at this time. Also please note that I have marked our response and exhibit as "confidential & trade secret."

Thanks very much and please let me know if the extension is granted. Have a good weekend!

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Vecchioli, Beth A (TAL - X35623)
Sent: Wednesday, September 29, 2021 4:49 PM
To: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Subject: RE: Embrace Pet Insurance

Great. Thanks very much!

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Sent: Wednesday, September 29, 2021 3:16 PM
To: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Subject: RE: Embrace Pet Insurance

[External email]
Yes

From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Wednesday, September 29, 2021 10:56 AM
To: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Subject: RE: Embrace Pet Insurance

External Email

Great. Thanks. Is it sufficient if we just put a header in the right hand corner of each page of the documents that says "Confidential & Trade Secret?"

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Sent: Wednesday, September 29, 2021 1:47 PM
To: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Subject: RE: Embrace Pet Insurance

[External email]
As long as you mark the documents, it will be a trigger for our public disclosure staff. No affidavit needed.

From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Wednesday, September 29, 2021 10:21 AM
To: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Subject: RE: Embrace Pet Insurance

External Email

Thanks very much! This is very helpful. Is there a certain procedure that we must follow in order to properly mark the documents as “confidential & trade secret?” In other words, Fla requires a trade secret affidavit to be completed. Does the WA DOI require anything like that?

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Sent: Wednesday, September 29, 2021 1:13 PM
To: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Subject: RE: Embrace Pet Insurance

[External email]
Yes, the documents would be disclosable once we received them. When you mark them confidential and trade secret it will trigger our public disclosure personnel to contact you prior to releasing the documents.

Thank you for asking.

Respectfully

Schedule, location and contact: T-F: 6:00am-4:30pm, telecommuting, temporary contact 360-725-7060.

Wes Diaz
Senior Investigator
Washington state Office of the Insurance Commissioner
503-664-0119 (mobile)



From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Wednesday, September 29, 2021 9:40 AM
To: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Subject: RE: Embrace Pet Insurance

External Email

Hello Mr. Diaz. We are working on our response to your letter and I was wondering if we should be marking any of our documents as "confidential & trade secret." Can you please let me know if our documents will be a public record once they are filed with the WA DOI?

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Vecchioli, Beth A (TAL - X35623)
Sent: Thursday, September 23, 2021 5:53 PM
To: wesd@oic.wa.gov
Subject: Embrace Pet Insurance

Mr. Diaz,

Thanks very much for taking the time to speak to me this afternoon about the investigation of Embrace Pet Insurance. Please see all of my contact information below. As we discussed, I'll get back in touch with you next week to give you an update on the status of our response. Thanks again and have a great night. ☺

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

Holland & Knight

315 South Calhoun Street, Suite 600 | Tallahassee, FL 32301 | T 850.224.7000 | F 850.224.8832
Holland & Knight LLP | www.hklaw.com

Beth A. Vecchioli
+1 850-425-5623
Beth.Vecchioli@hklaw.com

October 1, 2021

Sent Via Email

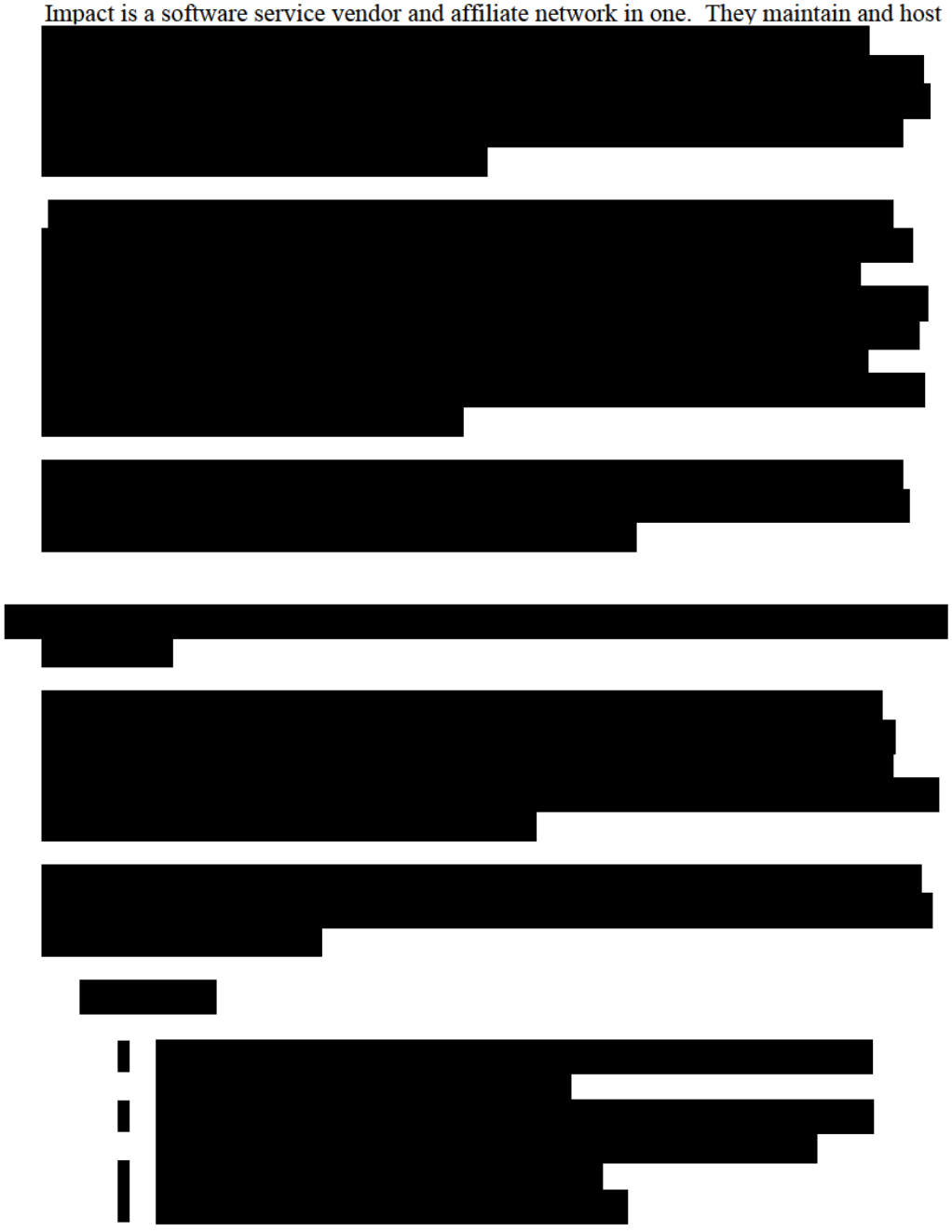
Wes Diaz
Senior Investigator
State of Washington
Office of Insurance Commissioner
Post Office Box 40255
Olympia, WA 98504-0255

Dear Mr. Diaz:

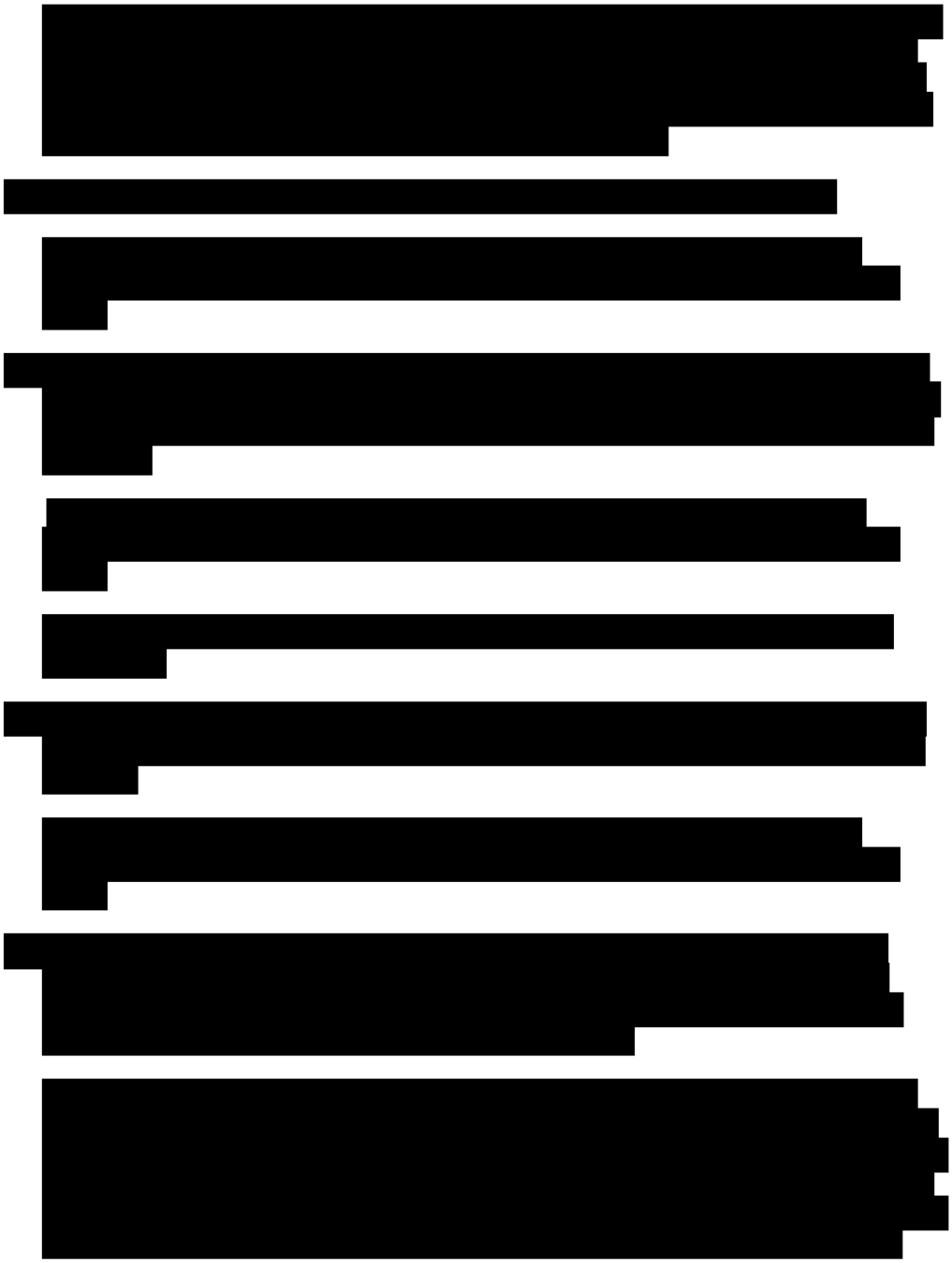
We are in receipt of your letter dated September 1, 2021, pertaining to the current investigation of Embrace Pet Insurance ("Embrace"). Please accept the following correspondence in response to the questions raised in your letter:

[redacted]

Impact is a software service vendor and affiliate network in one. They maintain and host











[redacted]

[redacted]

We trust that this correspondence addresses your questions. We respectfully request additional time to provide the remaining documents you have requested because some of Embrace's key personnel are out of the office currently and are needed to compile the remaining information. We would greatly appreciate it if you can grant us an extension of time until Tuesday, October 12, 2021, to provide you with the remaining information.

Thanks very much for your attention to this matter.

Sincerely yours,

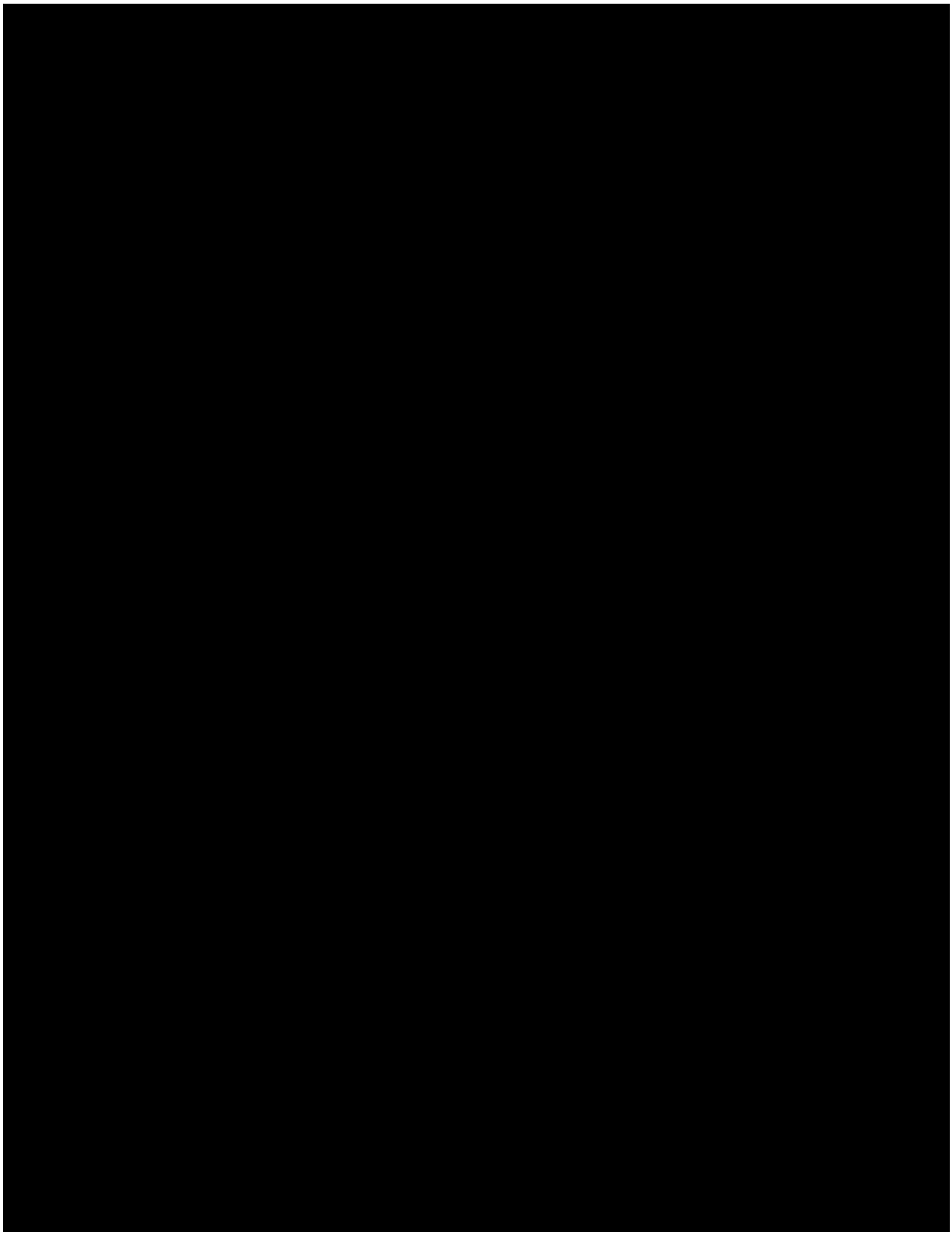
HOLLAND & KNIGHT LLP

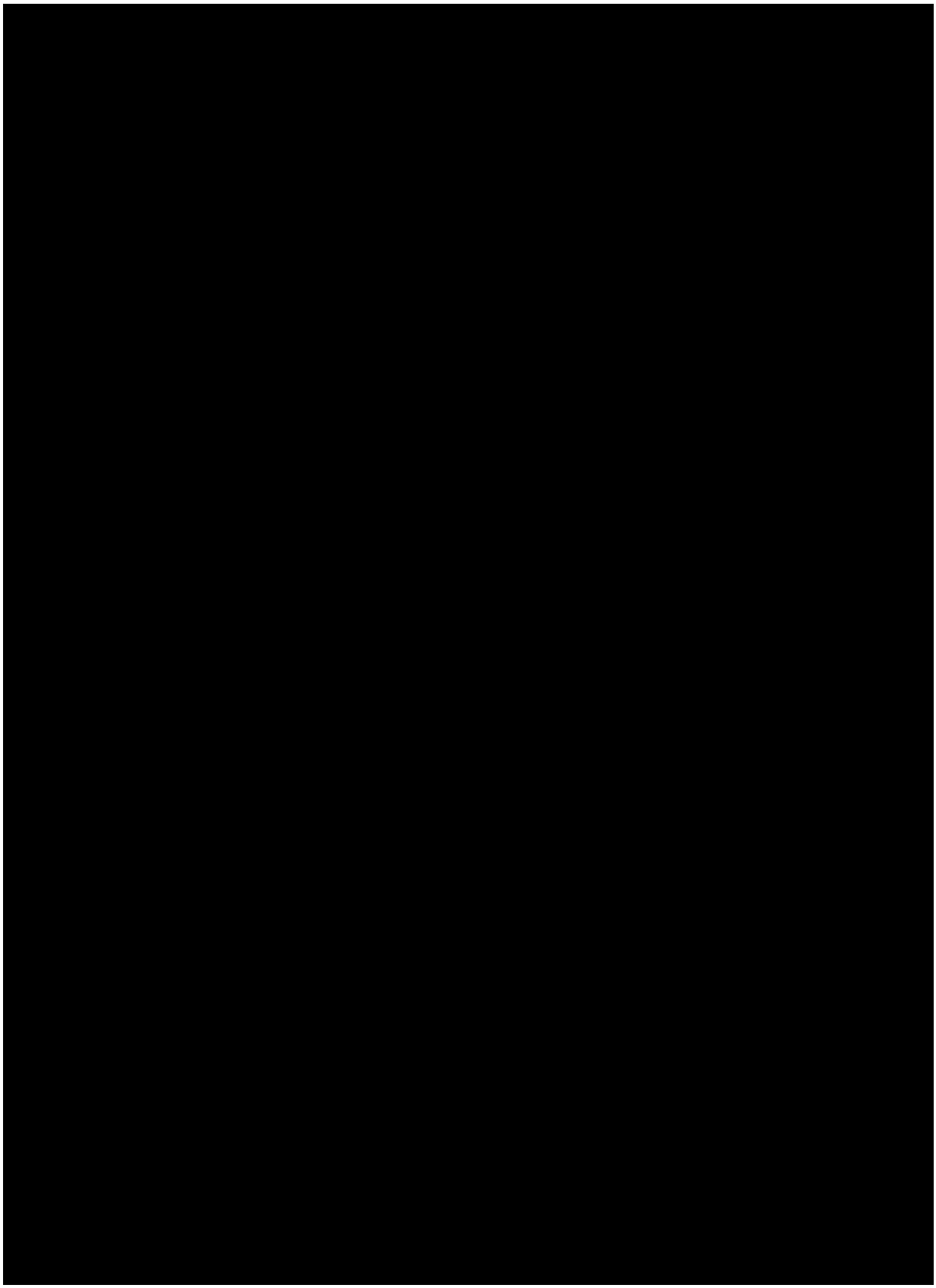


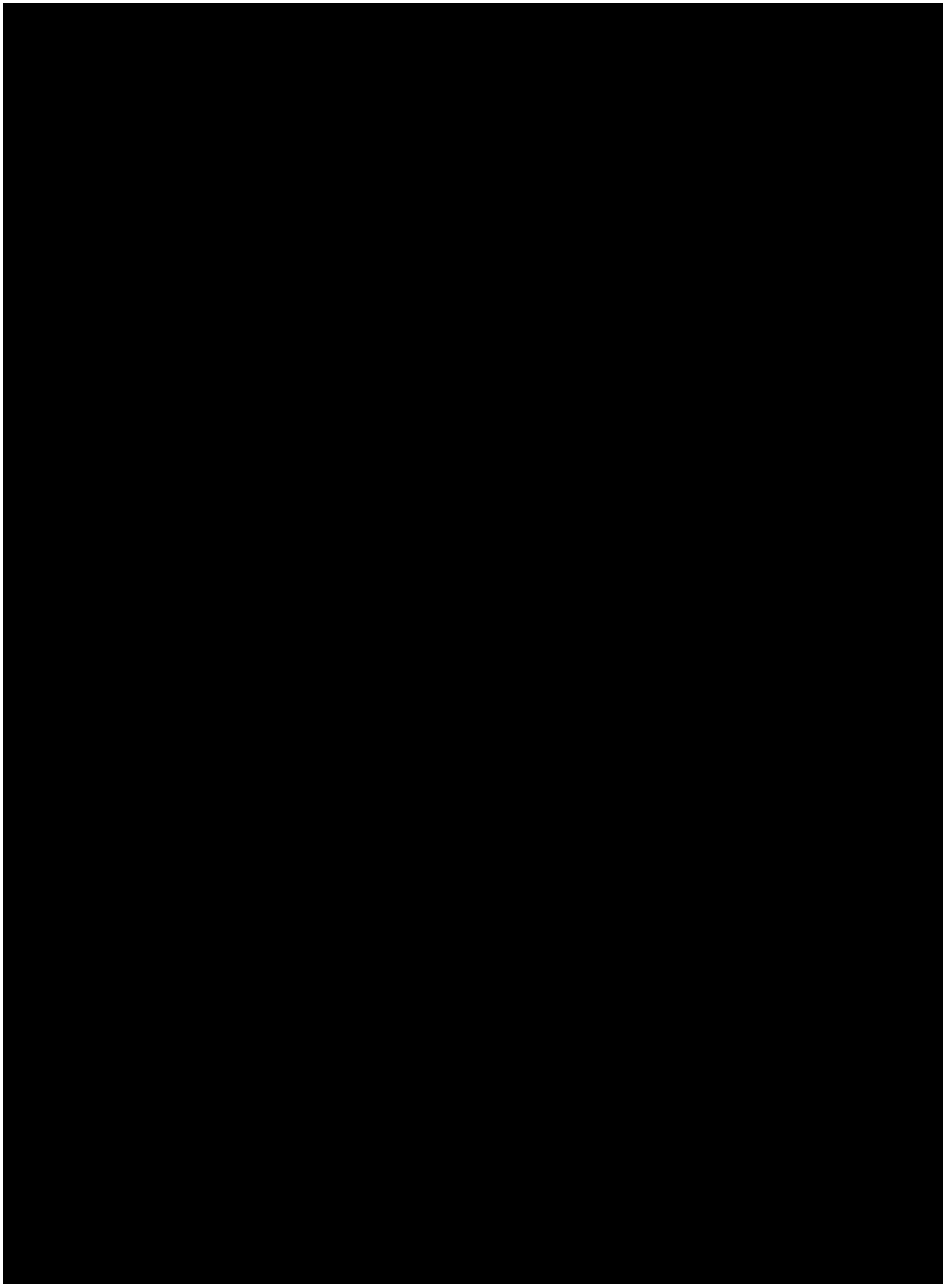
Beth A. Vecchioli

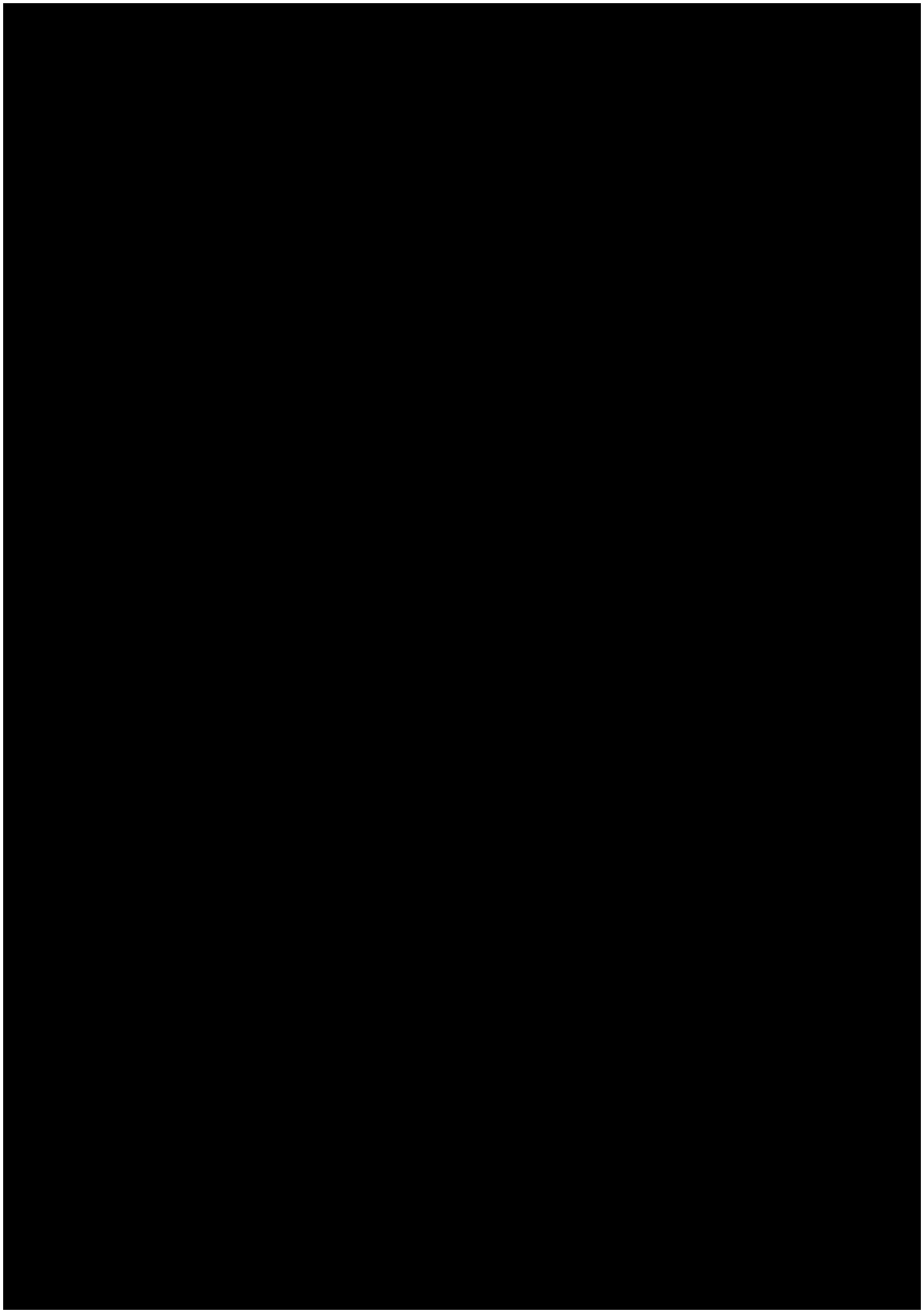
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Enclosure

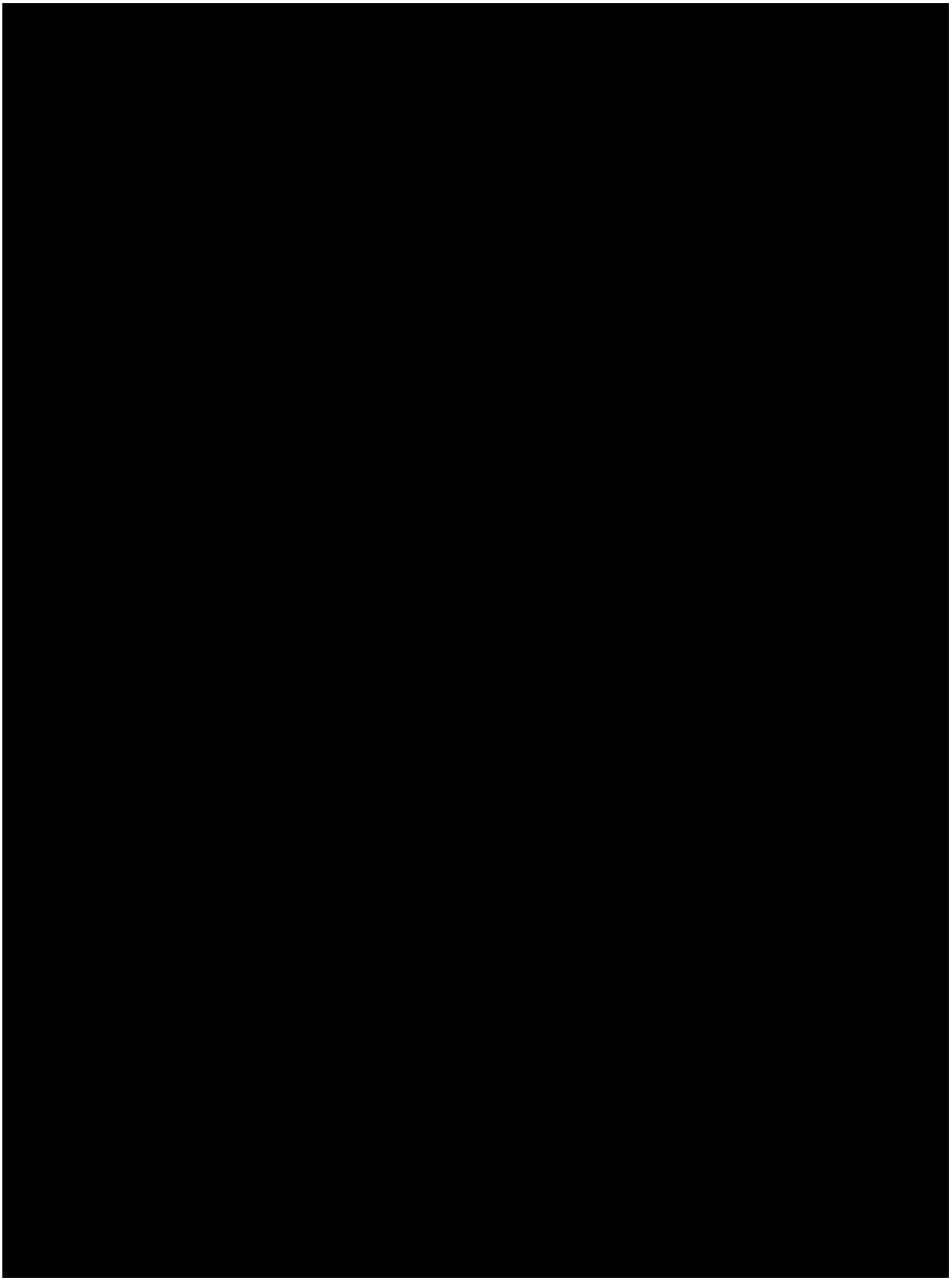
EXHIBIT 1

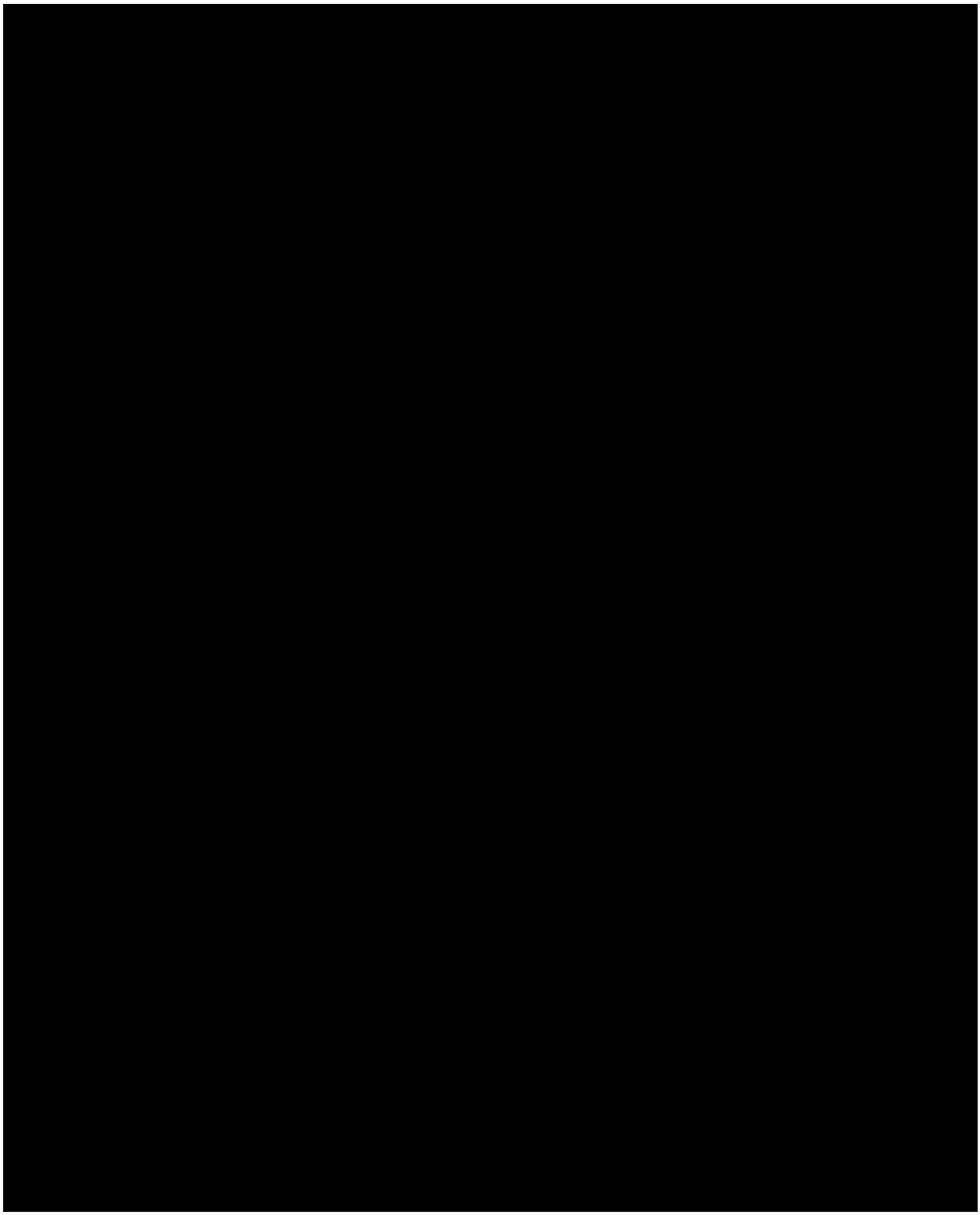












Diaz, Wes (OIC)

From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Wednesday, October 13, 2021 1:29 PM
To: Diaz, Wes (OIC)
Subject: RE: Embrace Pet Insurance
Attachments: WA Policy Numbers Premium.xlsx; Affiliate Partners - Impact WA.xlsx; Letter to Wes Diaz State of Washington Insurance Commissioner.pdf

External Email

**********CONTAINS CONFIDENTIAL & TRADE SECRET INFORMATION**********

Mr. Diaz,

Attached please find our second response to supplement the first response that we sent to you on Oct. 1st. Thanks very much for the extension that you gave us to gather this remaining information. Please let me know if you have any questions regarding this or if you need anything else. Please note that we have marked everything "Confidential & Trade Secret."

Thanks and have a good night!

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

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Subject: RE: Embrace Pet Insurance

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Thanks very much and please let me know if the extension is granted. Have a good weekend!

Beth A. Vecchioli | **Holland & Knight**
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Subject: RE: Embrace Pet Insurance

[External email]
Yes

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Subject: RE: Embrace Pet Insurance

External Email

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Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor

Holland & Knight LLP
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From: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Sent: Wednesday, September 29, 2021 1:47 PM
To: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Subject: RE: Embrace Pet Insurance

[External email]
As long as you mark the documents, it will be a trigger for our public disclosure staff. No affidavit needed.

From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Wednesday, September 29, 2021 10:21 AM
To: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Subject: RE: Embrace Pet Insurance

External Email

Thanks very much! This is very helpful. Is there a certain procedure that we must follow in order to properly mark the documents as "confidential & trade secret?" In other words, Fla requires a trade secret affidavit to be completed. Does the WA DOI require anything like that?

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Sent: Wednesday, September 29, 2021 1:13 PM
To: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Subject: RE: Embrace Pet Insurance

[External email]
Yes, the documents would be disclosable once we received them. When you mark them confidential and trade secret it will trigger our public disclosure personnel to contact you prior to releasing the documents.

Thank you for asking.

Respectfully

Schedule, location and contact: T-F: 6:00am-4:30pm, telecommuting, temporary contact 360-725-7060.

Wes Diaz
Senior Investigator
Washington state Office of the Insurance Commissioner
503-664-0119 (mobile)



From: Vecchioli, Beth A (TAL - X35623) <Beth.Vecchioli@hklaw.com>
Sent: Wednesday, September 29, 2021 9:40 AM
To: Diaz, Wes (OIC) <WesD@oic.wa.gov>
Subject: RE: Embrace Pet Insurance

External Email

Hello Mr. Diaz. We are working on our response to your letter and I was wondering if we should be marking any of our documents as "confidential & trade secret." Can you please let me know if our documents will be a public record once they are filed with the WA DOI?

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

From: Vecchioli, Beth A (TAL - X35623)
Sent: Thursday, September 23, 2021 5:53 PM
To: wesd@oic.wa.gov
Subject: Embrace Pet Insurance

Mr. Diaz,

Thanks very much for taking the time to speak to me this afternoon about the investigation of Embrace Pet Insurance. Please see all of my contact information below. As we discussed, I'll get back in touch with you next week to give you an update on the status of our response. Thanks again and have a great night. ☺

Beth A. Vecchioli | **Holland & Knight**
Senior Policy Advisor
Holland & Knight LLP
315 South Calhoun Street, Suite 600 | Tallahassee, Florida 32301
Phone 850.425.5623 | Fax 850.224.8832
beth.vecchioli@hklaw.com | www.hklaw.com

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Holland & Knight

315 South Calhoun Street, Suite 600 | Tallahassee, FL 32301 | T 850.224.7000 | F 850.224.8832
Holland & Knight LLP | www.hklaw.com

Beth A. Vecchioli
+1 850-425-5623
Beth.Vecchioli@hklaw.com

October 13, 2021

**********CONTAINS CONFIDENTIAL & TRADE SECRET INFORMATION**********

Via E-mail

Wes Diaz
Senior Investigator
State of Washington
Office of Insurance Commissioner
Post Office Box 40255
Olympia, WA 98504-0244

Dear Mr. Diaz:

We are in receipt of your letter dated September 1, 2021, pertaining to the current investigation of Embrace Pet Insurance ("Embrace"). Thank you for the additional time to collect the remaining information you have asked for. Please accept the following correspondence in further response to the questions raised and information requested in your letter.

[redacted]

Confidential & Trade Secret

therefore able to sell policies direct to the consumer through their website or by calling our



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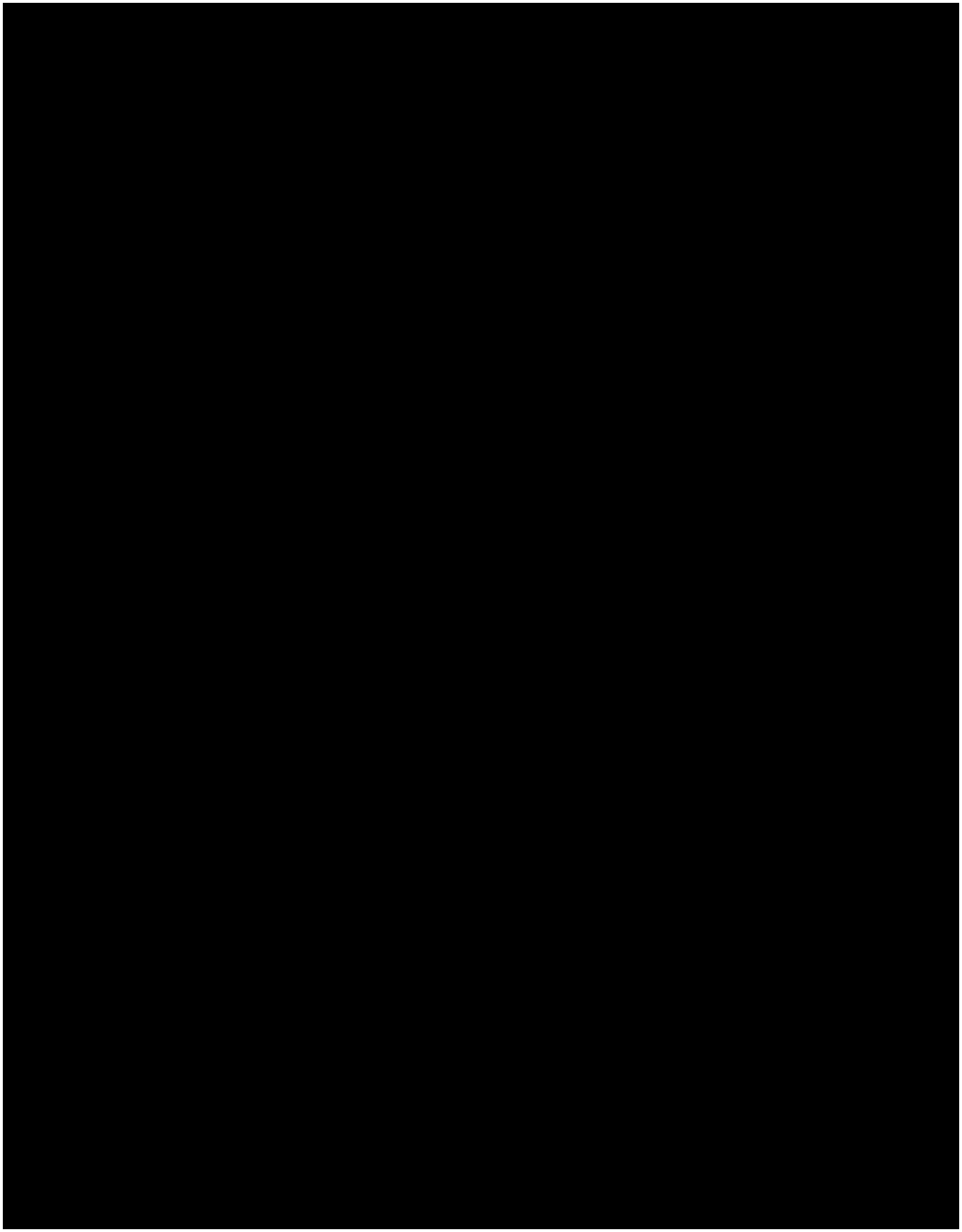
[redacted]

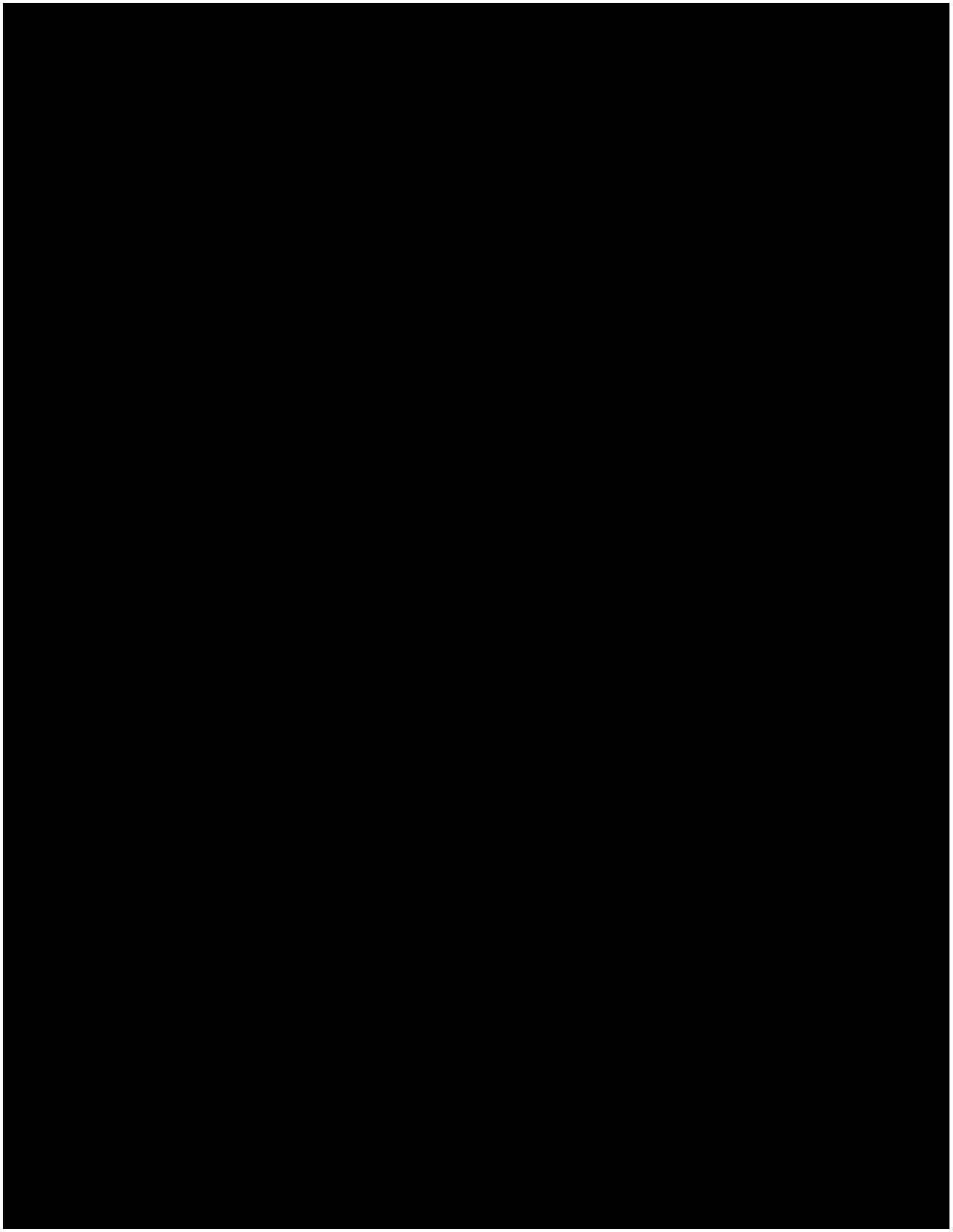
Sincerely yours,

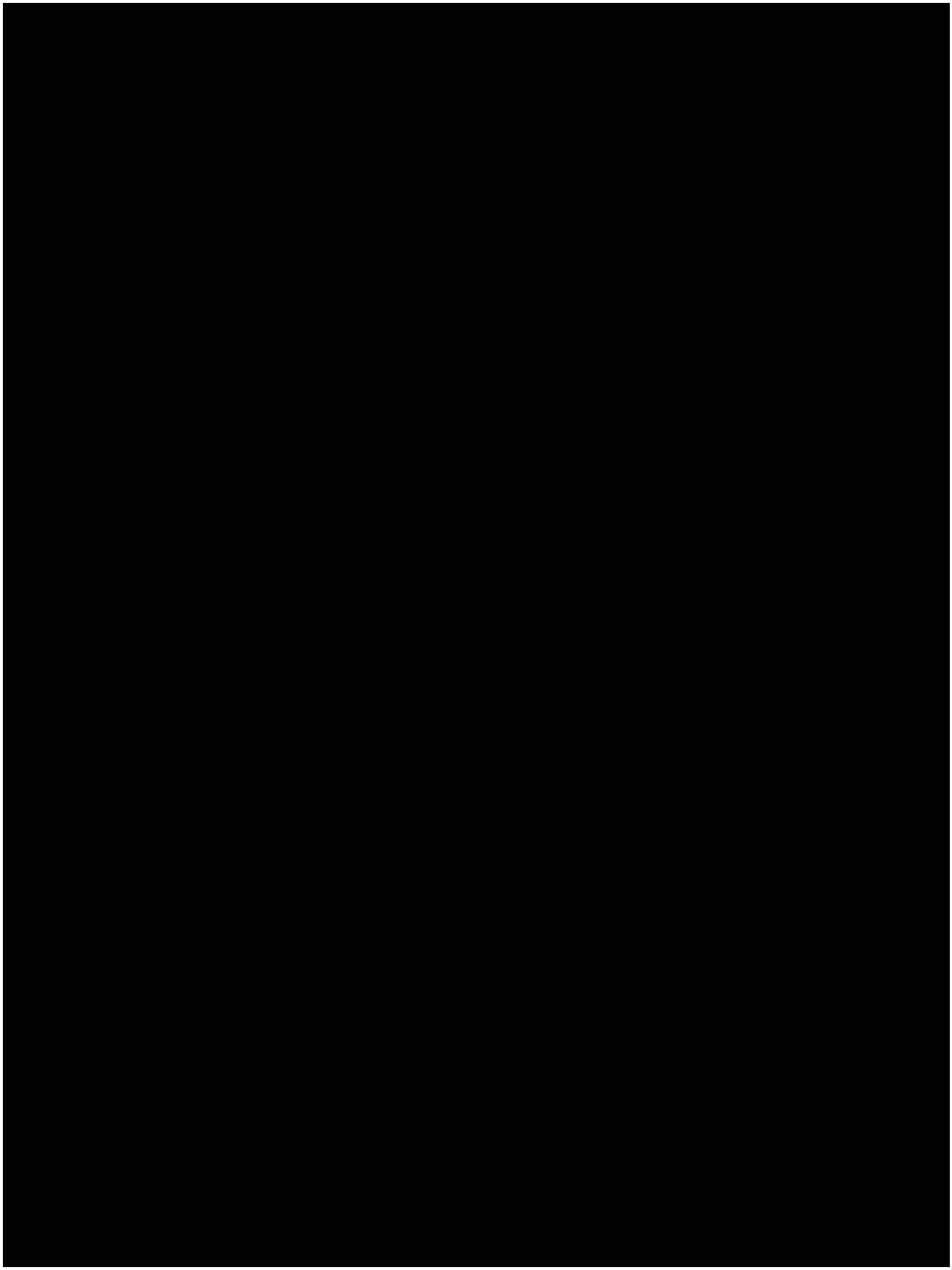
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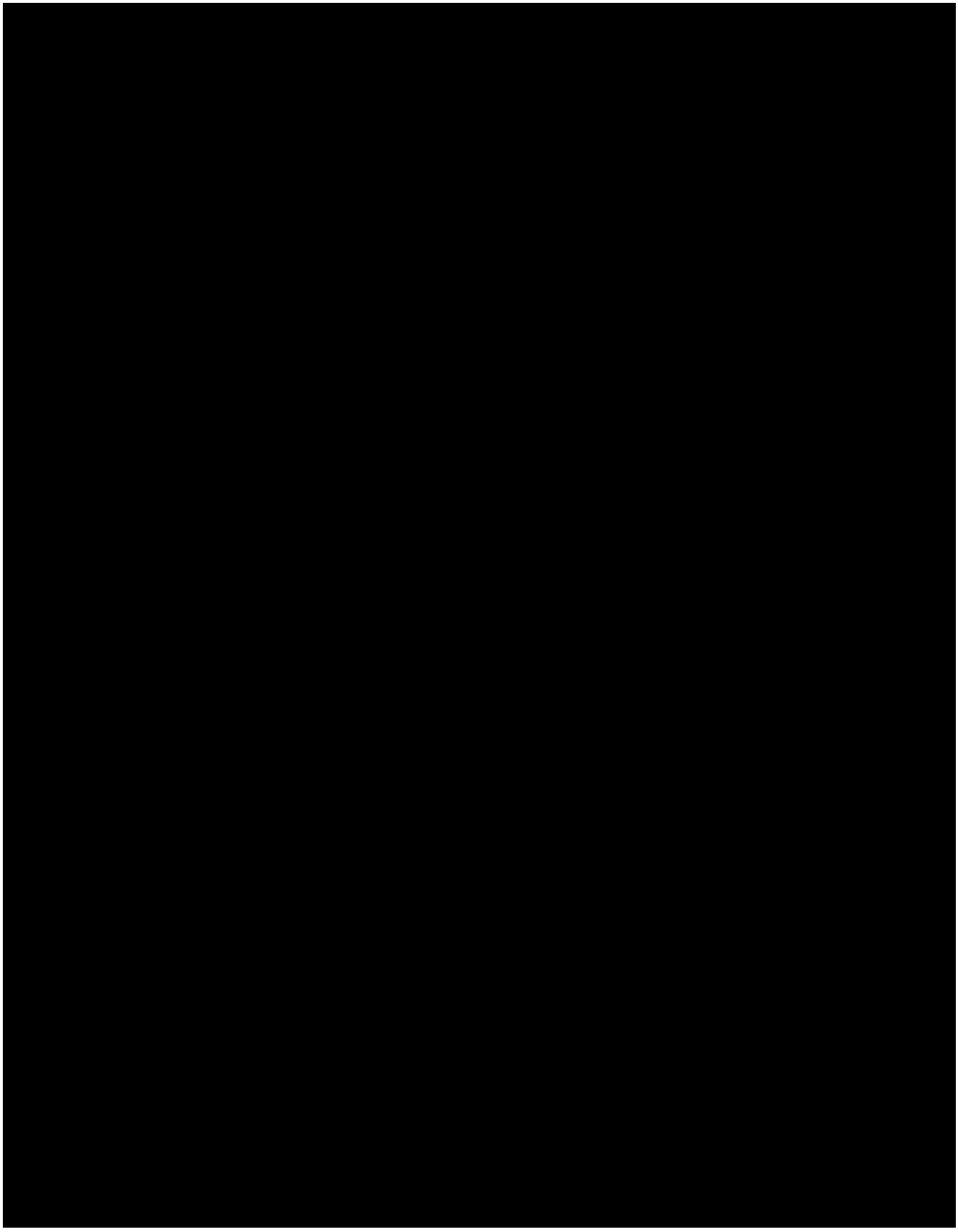
Beth A. Vecchioli

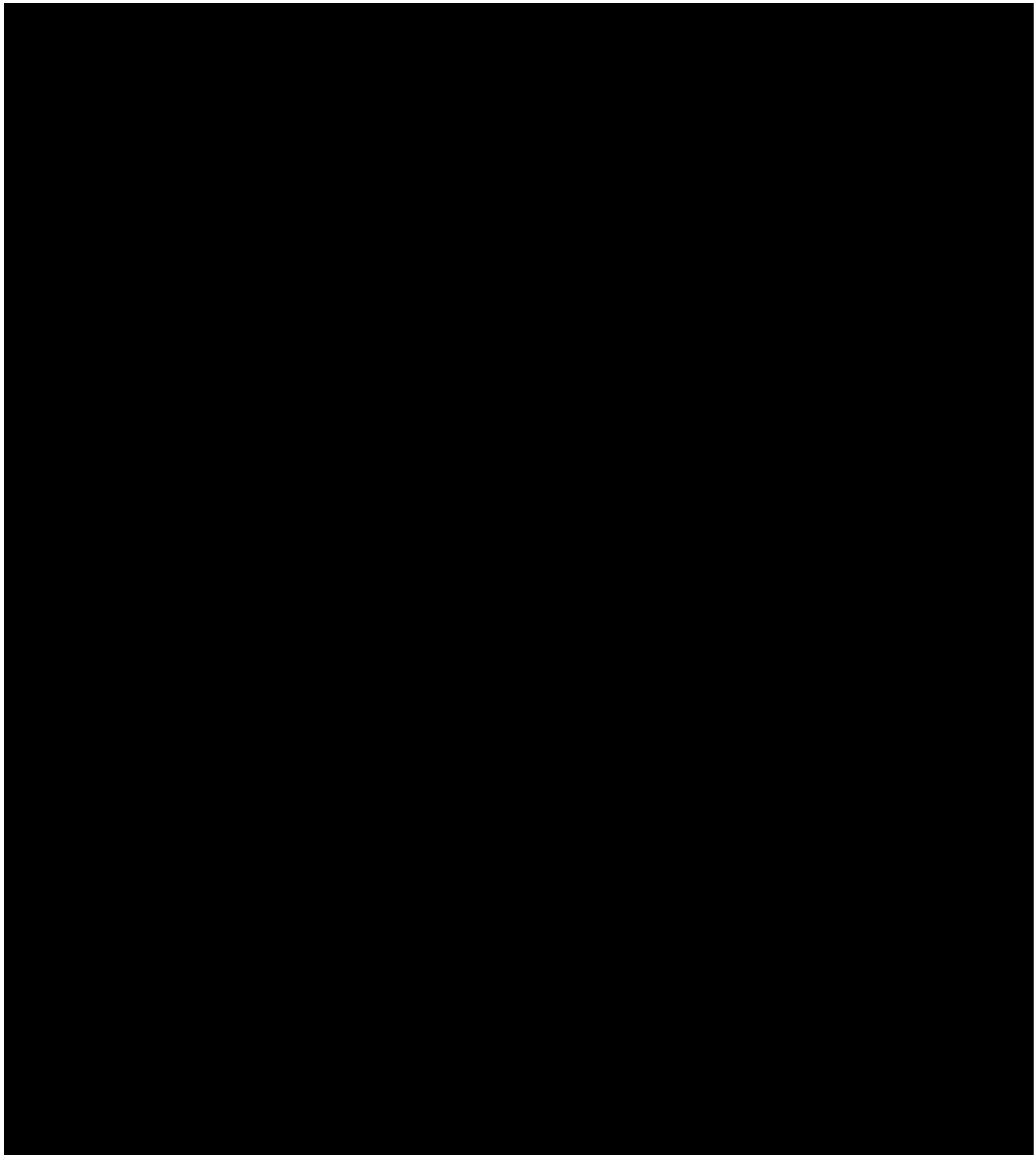
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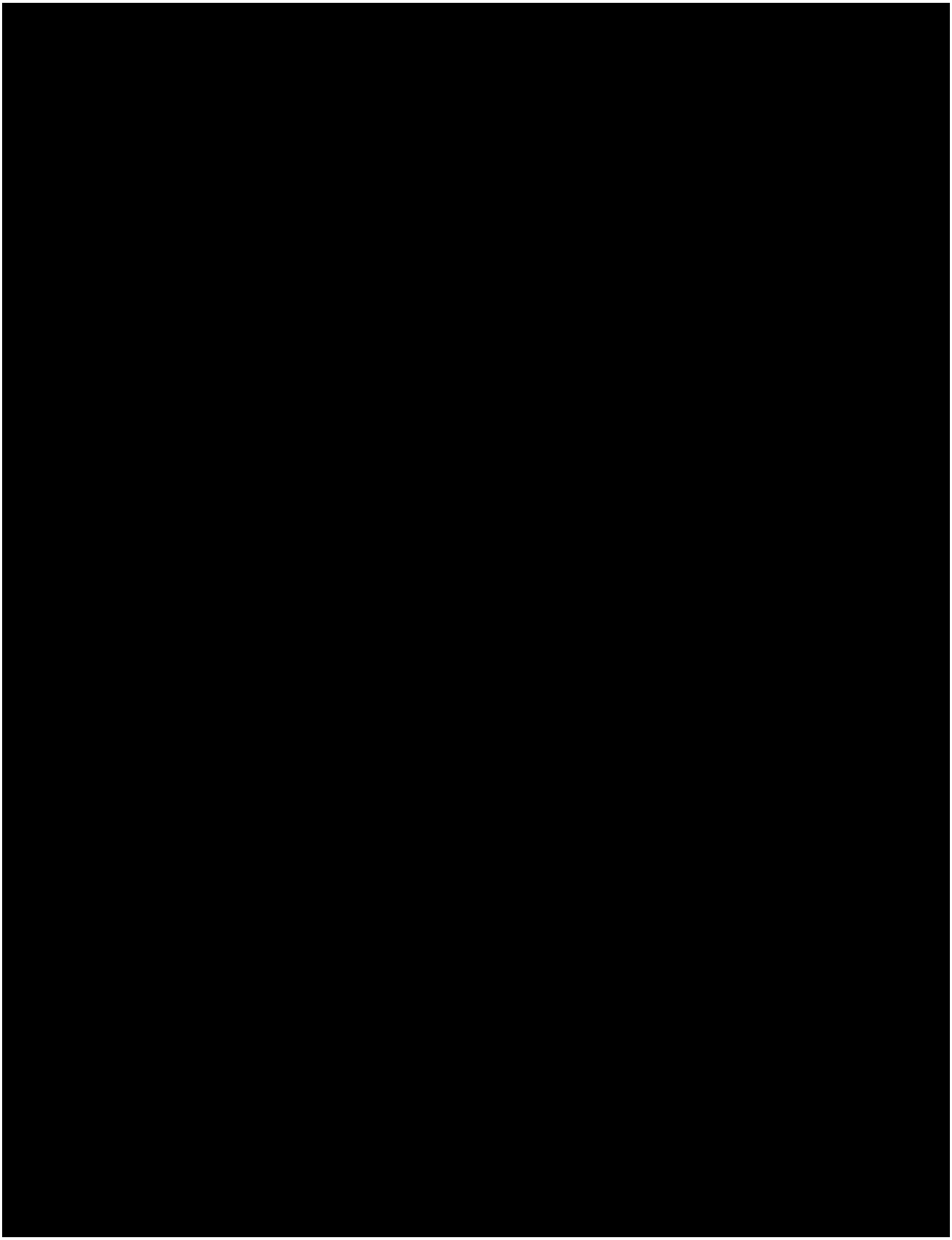


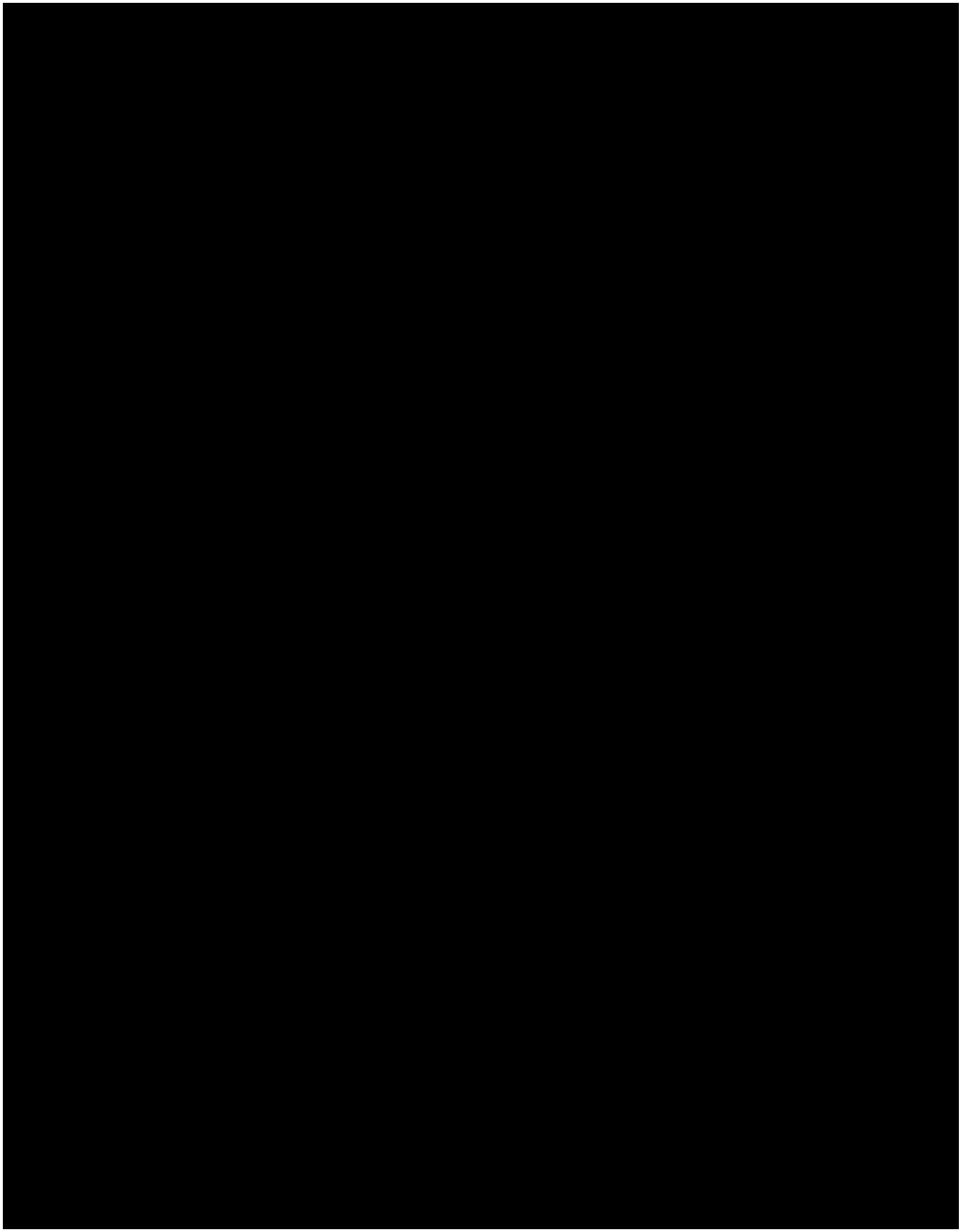


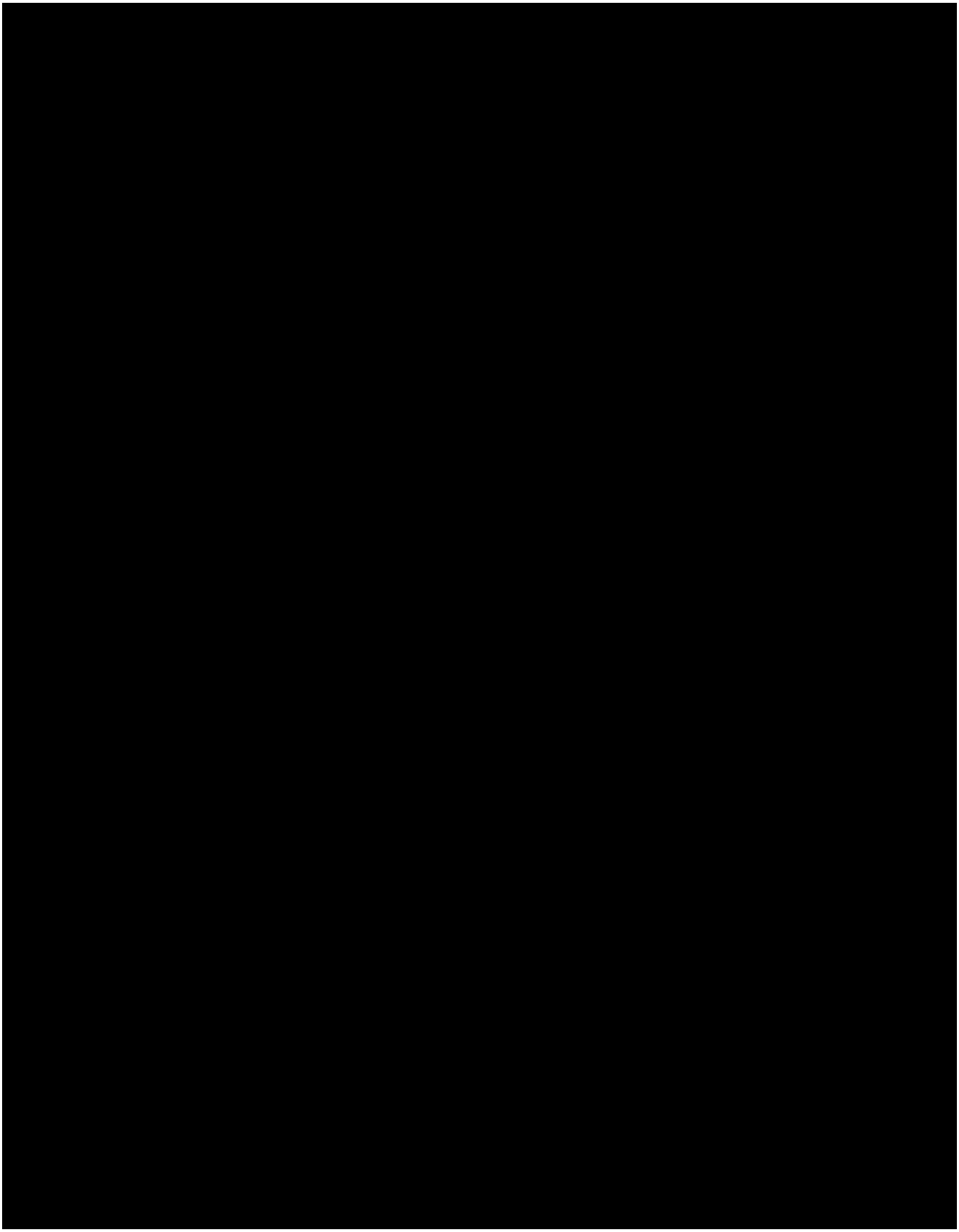














“Confidential & Trade Secret”

EXHIBIT 4

From: Bullington, Jessica (OIC)
To: Vecchioli, Beth A (TAL - X35623)
Cc: Diaz, Wes (OIC)
Subject: WA OIC Case 1630923
Date: Thursday, December 16, 2021 1:08:53 PM
Attachments: image001.png

[External email]

Dear Beth Vecchioli:

The Office of the Insurance Commissioner (OIC) has concluded its investigation regarding the complaint filed against Embrace Pet Insurance. Based on a review of the facts and evidence obtained during this investigation, the OIC has concluded that the allegation that Embrace Pet Insurance violated Washington's insurance code is unsubstantiated.

Thank you for your cooperation in this investigation.

Jessica Bullington, MCM
Fraud Analyst
Regulatory Investigations Unit
Legal Affairs Division
Washington State Office of the Insurance Commissioner
Phone: 360.725.7259
JessicaB@oic.wa.gov

Protecting Insurance Consumers
www.insurance.wa.gov | twitter.com/WA_OIC | email/text alerts

EXHIBIT 5

From: Ferrell, Stephanie (OIC)
To: Vecchioli, Beth A (TAL - X35623)
Subject: Third-party notification
Date: Tuesday, February 14, 2023 3:56:18 PM
Attachments: image003.png

[External email]
Good afternoon,

The Office of the Insurance Commissioner (OIC) received a public disclosure request from:

Emily Brill
Executive Editor and Founder
The Canine Review
https://www.thecaninereview.com
917-297-3537 | emily@thecaninereview.com

Any/all available public records in your office's possession from 10/1/2020-9/14/2022 such as complaints, supporting documents, email correspondences between these firms and OIC:

Walmart, Nationwide (pet insurance), or Nationwide affiliates
Trupanion or American Pet Insurance Company (APIC)
PetPartners/IAIC or "AKC Pet Insurance."
Embrace / American Modern Insurance Group Records

This request was made under the Public Records Act, RCW 42.56. The purpose of this notice is to:

- Notify you that records your company has marked confidential/proprietary are responsive to the request.
- Provide you an opportunity to pursue court action to stop the release of these records, should you choose to do so.

Please note that although a trade secret is protected by law, the OIC is not in a position to determine if the information provided by your company qualifies as a trade secret under the criteria specified in Ch. 19.108, RCW. Because the OIC is not willing to risk potential liability under the Public Records Act, we ask that you obtain a court order enjoining release if you wish to protect the information from disclosure.

You can access the documents through Box. These are the documents the OIC intends to release, in the format they will be released, to the requester.

Box is a cloud storage management system used to share files securely. If this is your first-time using Box, you will be asked to create a free account located within the "Individuals and Teams" tab.

I will send you a separate "invite" to the documents or you can click the link below if you already have an account. Documents are available to download for 14 days.
https://app.box.com/s/x6191w3n52jek6tyfj0e37w92zocjanr

If you intend to pursue court action to stop the release of these records, you will need to obtain a court order on or before 3:00 pm, March 9, 2023. If you do not, the requested documents will be made available to the requestor on March 10, 2023.

If you have any questions or if this notice should be directed to someone else, please let me know. You can also contact the Information Governance Manager, Kelly Cairns at 360-725-7003 or Kelly.cairns@oic.wa.gov

Stephanie Ferrell
Forms & Records Analyst 3
Washington State Office of the Insurance Commissioner
Public Records
360-725-7005
stephanie.ferrell@oic.wa.gov

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EXHIBIT 6

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Tuesday, March 07, 2023

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Pets Best loses underwriter and partner Trupanion; will now be underwritten by Independence Pet Group-owned IAIC

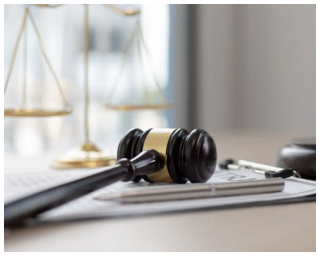
FEBRUARY 26, 2023

The Farmer's Dog Super Bowl Ad Was A Hit – But What About The Food? Veterinarians Weigh In.

FEBRUARY 13, 2023

One of the Super Bowl commercials receiving the most accolades from journalists and sports fans is the 60-second spot for The Farmer's Dog, a subscription, "human grade" dog food delivery service that promises "freshly prepared" meals. The ad — featuring a young girl growing and going through different life stages [...]

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TCR challenge to FDA blackout of DCM intensifies with help from top lawyer. UPDATED



VEG CEO Attacks Pet Insurers, Offers 'No Solution' For Those Who Can't Pay Vet Bills Up Front

JANUARY 30, 2023

Top Vet Lisa Freeman: No, DCM Has Not Gone Away

FEBRUARY 10, 2023

AVMA bungles DCM story, joining parade of misinformation

FEBRUARY 9, 2023



FDA Recall Alert: Purina Pro Plan Vet Diets El Elemental Dry Dog Food recalled after two dogs present with suspected Vitamin D poisoning

FEBRUARY 9, 2023

Pets Best to change underwriters says current underwriter and Trupanion CEO, explaining it's "not capital efficient"

FEBRUARY 21, 2023

Until today, Pets Best was one of few pet insurers that had not attracted The Canine Review's scrutiny. Last week, Trupanion (NASDAQ: TRUP), which, in addition to the core subscription product bearing its namesake also underwrites Pets Best, released its fourth quarter financial results and annual report. Trupanion reported that growth in the company's Other [...]

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Which dog foods are safe? Here's the data that fills the FDA's DCM information void:

FEBRUARY 15, 2023

FDA told The Canine Review that the agency would need 3-4 months to respond to our appeal of its first denial (now, there are two appeals going on three) of our request for expedited processing, America's veterinary profession's main trade group, the AVMA, sent a grossly inaccurate story to tens of thousands of animal health professionals, declaring that the matter of diet-associated dilated cardiomyopathy in dogs was effectively...

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according to the American Pet Products Association), The Canine Review made the decision to publish the chart below against the wishes of its authors who oversee a Facebook group, Diet-Associated [...]

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Pet Insurance

Pets Best loses underwriter and pa

FEBRUARY 26, 2023

Pet

FEBRUARY 24, 2023

pets

NOVEMBER 3, 2022

OCTOBER 17, 2022

Special Report

The Making and Unmaking of Forbes's Insurance Rankings

Forbes Misfires, Takes Down 2022 Pet Insurance Rankings; Embrace pres. compares #1 Forbes to #1 Dad medal

Business

The Making – And Unmaking — O

OCTOBER 24, 2022

Pet

OCTOBER 17, 2022

SEPTEMBER 12, 2022

AUGUST 4, 2022

Media

Dodo partner Petplan calls veteri

JULY 21, 2022

JULY 15, 2022

JUNE 16, 2022

APRIL 4, 2022

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FDA Recall Alert: Purina Pro Plan Veterinary Diets Linked to Dog Poisoning

FEBRUARY 9, 2023

DECEMBER 13, 2022

DECEMBER 5, 2022

passed since the last update.

NOVEMBER 16, 2022

FDA FOIA chief promises dead-dog

NOVEMBER 9, 2022

SEPTEMBER 12, 2022

JUNE 14, 2022

MARCH 29, 2022

Special Report

As more dogs die, pea and lentil lobbyists muzzle FDA on often fatal heart condition tied to dogs' diets

FDA now says hundreds of dogs' cases "not relevant"

Most read features

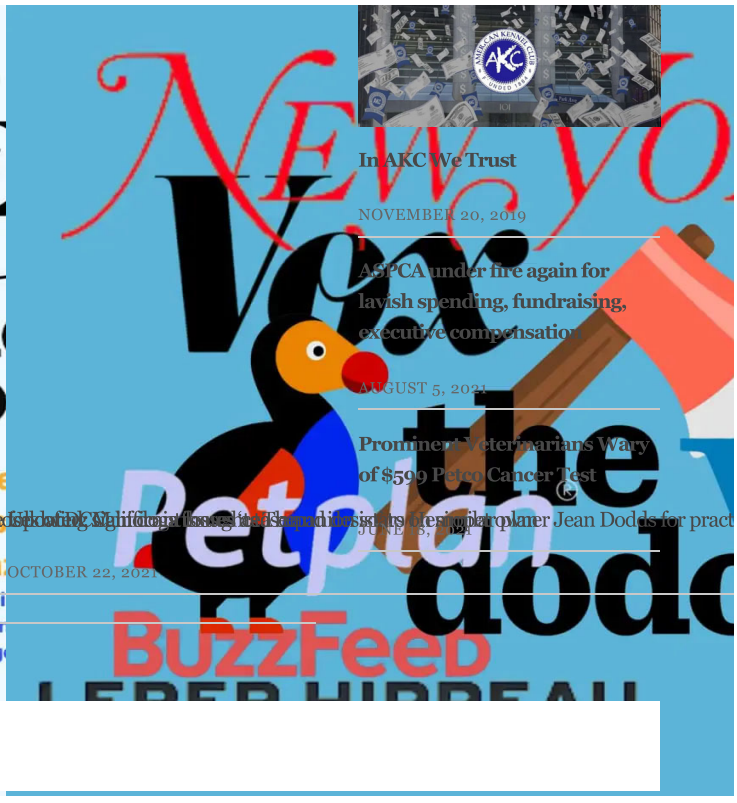


Veterinarians, owners demand FDA action linked to diet

JANUARY 18, 2022



NOVEMBER 4, 2021



In AKC We Trust

NOVEMBER 20, 2019

ASPCA under fire again for lavish spending, fundraising, executive compensation

AUGUST 5, 2021

Prominent Veterinarians Wary of $599 Petco Cancer Test

JUNE 8, 2021

OCTOBER 22, 2021

YEG CEO Attacks Pet Insurers, Offers 'No Solution' For Those Who Can't Pay

JANUARY 30, 2023

Dodo pins 'moral hazard' on pet insurance, Also Can't Pay Vet Bills

JULY 21, 2022

NYMag, Vox stand by insurance partner Petplan slash professionals

JULY 15, 2022

Our Mission

The Canine Review's mission is to provide fair, complete, and unvarnished information related to dogs. We believe that caregivers and vendors devoted to treating dog owners and their loved ones professionally and fairly deserve a spotlight – as do those who operate outside those important boundaries.

This mission is shaped by our core belief that we are obligated first to our readers. Our only agenda is truth by way of the facts we gather. We are obsessed with ethics, accuracy, research, and fairness.

THE CANINE REVIEW

TCR Life



Beloved best in show and 'born winner' CJ dies at 7

OCTOBER 8, 2020



$29,661 and I'm just getting started by Nellie Brill

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Trupanion shattered the $2 billion payout ceiling and I'm so [...]

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I chewed glass, cut my face, entertained some vets, and Trupanion paid–again. Hehe. By Nellie Brill

DECEMBER 15, 2022

I'm sorry for any inconveniences I've caused multiple people. Thank...

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Essentially Nellie

Confessions of a Labrador

I Ate A Tin Can by Nellie Brill

DECEMBER 3, 2019

Nellie's Busy Spring 2022–In Vignettes

APRIL 25, 2022

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