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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND

**ASSOCIATED INDUSTRIES
MANAGEMENT SERVICES**, in its fiduciary
capacity as administrator for an association or
member-governed group plans; **THE
ASSOCIATION OR MEMBER GROUP-
GOVERNED PLANS**; and **JAMES
DeWALT**, in his capacity as a participant in
one of the above-referenced plans,

Plaintiffs,

v.

**MODA HEALTH PLAN, INC., dba MODA
HEALTH INSURANCE**, an Oregon
Corporation,

Defendant.

Case No. 14-1711

**FIRST DECLARATION OF JAMES
DeWALT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

CONSTRUCTION INDUSTRY

I, James DeWalt, declare and state as follows:

1. I am the President & CEO of Associated Industries, which is a member of the Associated Industries of Inland Northwest. I am also the trustee of the Associated Employers

Health and Welfare Trust. I make this declaration based on personal knowledge and am competent to testify as to the matters set forth herein.

2. The Associated Industries of the Inland Northwest, which sponsors the Associated Employers Trust – Commercial Construction Health and Welfare Trust, was established as a non-profit corporation in 1964 to support the commercial construction industry in Washington State. Its members have a history of organized activities, including economic activities to support the mission of the Association, including providing educational opportunities, industry training, business promotion, networking and business development, and public affairs and business advocacy. The Association regularly sponsors events and seminars focused on issues relating to the commercial construction industry. Additionally, all members operate commercial construction industry businesses limited to the industry classifications established in the Trust Agreement.

3. The Associated Industries of the Inland Northwest was not established for the purpose of securing health insurance.

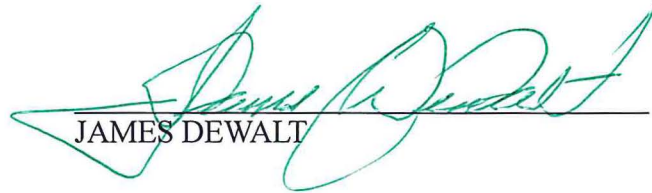
4. Associated Industries of the Inland Northwest, Inc. members are not solicited for insurance reasons.

5. Control of Associated Industries of the Inland Northwest, Inc. and Associated Employers Trust – Commercial Construction Health and Welfare Trust is vested in Pacific Business Resource Industry Group members and not an insurer.

6. If an employer-member could not get large group coverage through the Association-sponsored Associated Employers Trust – Commercial Construction Health and Welfare Trust, it is likely that the cost of coverage for its employees would increase.

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

Executed this 25 day of November, 2014, at Spokane, Washington.



JAMES DEWALT