

The Honorable Lauren King

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Case No. 2:20-cv-00421-LK

STEVEN BENANAV, BRYAN GAGE, MONICA KOWALSKI, LINDSAY PURVEY, STEPHANIE CAUGHLIN, and KATHERINE THOMAS, on behalf of themselves and all others similarly situated,	Plaintiffs,
vs.	
HEALTHY PAWS PET INSURANCE LLC,	Defendant.

**DECLARATION OF NICHOLAS GATT IN  
SUPPORT OF NON-PARTIES ACE  
AMERICAN INSURANCE COMPANY,  
INDEMNITY INSURANCE COMPANY  
OF NORTH AMERICA, AND  
WESTCHESTER FIRE INSURANCE  
COMPANY’S RESPONSE TO HEALTHY  
PAWS PET INSURANCE LLC’S MOTION  
TO SEAL AND REQUEST THAT  
EXHIBIT E TO THE STRAUSS  
DECLARATION REMAIN UNDER SEAL**

NOTING DATE: AUGUST 5, 2022

I, Nicholas Gatt, make this declaration pursuant to 28 U.S.C. § 1746. I hereby state as follows:

1. I am Chief Operating Officer of the Westchester Programs within the Chubb Group of Insurance Companies. ACE American Insurance Company (“ACE”), Indemnity Insurance Company Of North America (“Indemnity”), and Westchester Fire Insurance Company (“Westchester”) (collectively, the “Insurers”) are affiliates that operate under the Chubb trade name. As Chief

1 Operating Officer of the Westchester Programs, I am authorized to act on behalf of ACE, Indemnity,  
2 and Westchester. I respectfully submit this declaration in support of ACE, Indemnity, and  
3 Westchester’s Response To Healthy Paws Pet Insurance LLC’s Motion To Seal And Request That  
4 Exhibit E To The Strauss Declaration Remain Under Seal.

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6 2. My job responsibilities include, among other things, overseeing the Insurers’ work  
7 relating to the Healthy Paws pet insurance program (the “Program”).

8 3. ACE, Indemnity, and Westchester are underwriters of pet insurance policies marketed  
9 to the public under the Program. Healthy Paws Pet Insurance LLC (“Healthy Paws”) administers the  
10 Program on behalf of the Insurers pursuant to a contractual agency agreement.

11 4. I am familiar with the document that was filed as Exhibit E to the Declaration of Samuel  
12 J. Strauss, dated July 15, 2022. *See* ECF 92. Although I understand that the document was produced  
13 by Healthy Paws in this litigation, the document contains pricing information belonging to the  
14 Insurers. The document is not available to the public or the Insurers’ competitors.

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16 5. The document is a PDF version of a spreadsheet that compiles the monthly “base rate”  
17 each Insurer uses (and historically used) for pet insurance policies for dogs and cats in states in which  
18 the Insurer offers (and historically offered) pet insurance policies under the Program. The base rate is  
19 a component of the premium (*i.e.*, price) that each Insurer charges to customers who purchase pet  
20 insurance in the Program. Ultimately, the premium amount is based on the application of a variety of  
21 factors to the base rate.

22  
23 6. Because of the pricing information contained in the document, as well as the unique  
24 manner in which it is compiled, the document is maintained confidentially and is competitively  
25 sensitive for the Insurers. The public disclosure of this document—in particular, disclosure to the  
26 Insurers’ competitors in the pet insurance industry—would likely result in irreparable harm to the  
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1 Insurers' business by giving other pet insurers a competitive advantage in pricing and marketing their  
2 policies against the Insurers' policies.

3 7. Specifically, the document compiles the base rate that each Insurer applies to dog and  
4 cat pet insurance policies it offers under the Program in states in which it operates, both currently and  
5 historically (disclosing, in some instances, as much as ten years of base rate data). If the Insurers'  
6 competitors in the pet insurance industry were to obtain the data in the document compiled in this  
7 fashion, they could use the base rate data which they do not ordinarily have access to for the purpose  
8 of developing a strategy to market competing products against the Insurers, including by undercutting  
9 the Insurers on pricing in these markets.  
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11 8. Moreover, because the spreadsheet compiles historical base rate data, the Insurers'  
12 competitors would be able to analyze the changes in the Insurers' pricing over the life of the Program.  
13 By conducting this analysis, competitors would be able to derive non-public insight into the Insurers'  
14 underwriting and general business strategy, and how that strategy evolved over time. Absent  
15 disclosure of this private, confidential, and sensitive compilation of information, the Insurers'  
16 competitors would not be able to conduct that analysis in this way.  
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18 9. Some of the data in the spreadsheet can be derived from information filed by the  
19 Insurers with state insurance regulators. However, the document is not public, and the information  
20 compiled in this form is competitively sensitive to the Insurers, and would likely result in irreparable  
21 competitive harm if disclosed to their competitors.  
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23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed this August 1, 2022 at Philadelphia, Pennsylvania.

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27 /s/ Nicholas Gatt  
NICHOLAS GATT  
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