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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

In re:)	
)	Case No. 19CV54124
GRIDWORKS LAB, INC., an Oregon)	
corporation,)	
)	DECLARATION OF MAREN COHN IN
)	SUPPORT OF RECEIVER’S MOTION
)	FOR ORDER GRANTING LIMITED
)	RELIEF FROM THE AUTOMATIC STAY
Petitioner.)	OF ORS 37.220
)	

I, Maren Cohn, declare as follows:

1. I am senior associate and lead representative of Clyde A. Hamstreet & Associates, LLC, the court appointed receiver in this action (the “Receiver”). I am competent to testify herein, have personal knowledge of the following facts, and make this Declaration in support of Receiver’s Motion for Order Granting Limited Relief form the Automatic Stay of ORS 37.220 (the “Motion”).

2. On December 18, 2019, the court entered a Stipulated Order Appointing Receiver (the “Receivership Order”) in the above-referenced case, commencing the receivership and appointing the Receiver to take charge of and manage all assets of GridWorks for the purposes set forth in the Receivership Order and the Oregon Receivership Code ORS 37.010 *et seq.* The Receiver took possession of all known assets after entry of the Receivership Order and has continued to possess and manage the receivership property since approximately December 18, 2019.

1 3. The Receiver is informed and believes that in November 2019, a GridWorks
2 laptop computer containing certain unencrypted Protected Health Information (“PHI”) and
3 Personally Identifiable Information (“PII”) of Health Share client-members was stolen from
4 Gridworks’ office by a third-party (the “Data Breach Incident”).

5 4. The Receiver is informed and believes that GridWorks maintained a Technology,
6 Cyber, Data Risk, and Media Insurance Policy, Policy No. MPL 4098029.19 (the “Data Breach
7 Policy”) issued to Gridworks by and through Certain Underwriters at Lloyds, London
8 (“Underwriters”) and Hiscox ClearTech (“Hiscox ClearTech”) (collectively “Gridworks’ Data
9 Breach Insurers”), which may provide coverage for claims asserted by Health Share of Oregon
10 (“Health Share”) and Health Share’s insurer, Aspen Specialty Insurance Company (“Aspen”)
11 arising from the Data Breach Incident.

12 5. The Receiver is informed and believes that: the Cyber Limit of Liability, under
13 Insuring Agreement B. “Cyber,” in the Data Breach Policy is \$5,000,000.00 for “Each Claim or
14 Event”; Gridworks’ Cyber Retention amount under the Data Breach Policy is \$50,000.00; and
15 the Data Breach Incident constitutes a single “Claim” or “Event” for purposes of applying the
16 Data Breach Policy’s “Cyber Limit of Liability” and “Cyber Retention.” Also, the Receiver is
17 informed and believes that the Data Breach Incident occurred and was timely reported to Hiscox
18 USA and Gridworks’ Data Breach Insurers during the policy period under the Data Breach
19 Policy for the discovery and reporting of covered claims for losses resulting from a data breach.

20 6. The Receiver is informed and believes that Health Share and/or Aspen have
21 submitted or in the future will submit to Hiscox USA and Gridworks’ Data Breach Insurers
22 economic claims and/or subrogation claims for monetary damages and financial losses resulting
23 from the Data Breach Incident constituting: (a.) certain “Breach Costs,” *i.e.*, such as legal costs,
24 notification costs, call-center costs and identity-protection services; and (b.) certain “Claim
25 expenses” and “Damages” due to third-party claims, *i.e.*, such as fees, costs and expense
26 (including the fees of attorneys and forensic or other experts) incurred in the investigation and

1 defense of third-party claims, as well as monetary judgments or awards that Health Share
2 becomes legally obligated to pay third-party claimants (including pre- or post-judgment interest
3 and third-party claimants' attorney fees) or, alternatively, suitable and mutually agreed upon
4 settlements of third-party claims asserted against Health Share.

5 I hereby declare that the above statements are true to the best of my knowledge and
6 belief, and that I understand they are made for use as evidence in court and are subject to penalty
7 for perjury.

8 DATED this 27th day of October, 2020 at Portland, Oregon.

9

s/ Maren Cohn

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Maren Cohn

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*22537-003\DECLARATION OF M. COHN IN SUPPORT OF MOTION FOR LIMITED RELIEF (03541094);1

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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2020 I caused to be served a full and exact copy of the foregoing **DECLARATION OF MAREN COHN IN SUPPORT OF RECEIVER’S MOTION FOR ORDER GRANTING LIMITED RELIEF FROM THE AUTOMATIC STAY OF ORS 37.220** on the following persons:

Douglas Pahl Perkins Coie LLP 1120 N.W. Couch Street, 10 th Floor Portland, OR 97206 Attorneys for Petitioner Gridworks Lab, Inc.	Joseph M. VanLeuven Davis Wright Tremaine LLLP 1300 S.W. Fifth Ave., St. 2400 Portland, OR 97201 Attorneys for Health Share of Oregon
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C. Ross Peterson GridWorks Lab, Inc. 8950 SW Midea Ln Portland, OR 97225 Interested Party	Kimberley Hanks McGair Farleigh Wada Witt 121 SW Morrison Street, Suite 600 Portland, OR 97204 Attorneys for First Transit, Inc.
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Greg Kelminson American Medical Response c/o Global Medical Response 209 Texas 121 Frontage Rd Suite 21 Lewisville, TX 75067	Gridworks Lab, Inc. 715 SW Morrison St Ste 400 Portland, OR 97205-3123
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Randy Arthur Lloyd Bernstein Bullivant Houser One SW Columbia Street, Suite 800 Portland, OR 97204	Gridworks Labs, Inc. c/o WSCJ BUSINESS SERVICES, INC., Registered Agent 805 SW Broadway STE 2440 Portland, OR 97205
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Joseph Schramm
FisherBroyles, LLP
100 Overlook Center 2nd Floor
Princeton, NJ 08540

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1 by the following indicated method(s):

- 2 First Class Mail, postage prepaid, deposited in the US mail at Portland, OR
- 3 Hand delivery
- 4 Facsimile transmission
- 5 Overnight delivery
- 6 Email (where indicated)
- 7 Electronic filing notification

8 Dated: October 27, 2020

9 *s/ Susan S. Ford*
10 _____
11 Susan S. Ford, OSB No. 842203