

Medina v. Safe-Guard Products International, Inc.

Year: 2007

Court: California Court of Appeal, 4th District, Division 3

Case Number: G038816

Publication threatens to undermine the enforcement of California's insurance licensing laws in two ways: 1) purchasing unlicensed insurance does not constitute "injury fact" a necessary prerequisite for standing for private plaintiffs to bring a lawsuit under Business and Professions Code section 17200. This would, in fact, abrogate the "unlawful" prong of (2 decision suggests in dictum that only rescission, not restitution is available as a remedy which means that unlicensed insurers will be able to use Medina to argue that they should be able to keep most of their illegally obtained premium revenue.

UP's request for depublication was written pro bono by Amy Bach, Esq.