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SUPREME COURT OF ARIZONA

MICHAEL McREYNOLDS, an Arizona resident,) Supreme Court
) No. CV-10-0288-PR
)
Plaintiff/Appellant,) Court of Appeals
) No. 1 CA-CV 09-0017
v.)
) Maricopa County Superior Court
AMERICAN COMMERCE INSURANCE COMPANY, a foreign corporation,) No. CV2007-005060
) Hon. Edward O. Burke
)
Defendant/Appellee.) MOTION FOR PERMISSION TO
_____) FILE AMICUS CURIAE BRIEF

On July 13, 2010, the Court of Appeals held that an insurer faced with multiple claims in excess of the insured's policy limits can meet its duty of good faith and equal consideration by promptly and in good faith filing an interpleader, paying the policy limits into court, and continuing to defend its insured. *McReynolds v. American Commerce Ins. Co.*, 225 Ariz. 125, 235 P.3d 278 (App. 2010). This procedure provides the insurer with a "safe harbor" from a bad-faith claim. The opinion makes no exceptions for different factual situations.

United Policyholders is a non-profit, tax-exempt organization founded in 1991. It is dedicated to educating the public and elected officials nationwide on insurance issues and the rights of policyholders. Its work is funded by donations and grants from individuals, businesses, and foundations. Among other activities, United Policyholders monitors legal and marketplace developments that impact insureds and participates in forums aimed at formulating public policy on insurance transactions; it also works with disaster victims to help them understand their policies and receive prompt, fair insurance-claim settlements; it provides consumer-oriented insurance education in various states, particularly in communities that have been hit by natural disasters such as hurricanes, wildfires, earthquakes, and floods giving rise to large numbers of insurance claims.

United Policyholders is frequently invited to testify at legislative and other public hearings and to participate in regulatory proceedings on rate and policy issues. It has previously appeared as amicus curiae in over 225 cases throughout the United States, including numerous cases in Arizona and California. It has also appeared before the United States Supreme Court. *See, e.g., Humana, Inc. v. Forsyth*, 525 U.S. 299, 314, 119 S.Ct. 710, 719 (1999) (citing United Policyholders' amicus brief). It was also the only national consumer organization to submit an amicus brief in the landmark case of *State Farm Mutual Automobile Insurance Co. v. Campbell*, 538 U.S. 408, 123 S.Ct. 1513 (2003).

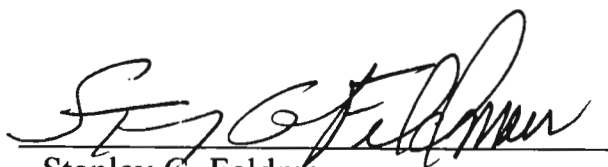
Rule 16(b) of the Arizona Rules of Civil Appellate Procedure permits application for leave to appear amicus within twenty-one days after the response to a petition for review has been filed. United Policyholders files this brief at this time because it believes that the Court of Appeals' opinion has profound implications for Arizona insurance law and that this court should therefore grant the petition for review.

Counsel for United Policyholders has read the Court of Appeals' opinion, the petition for review, and the response and is familiar with the issues. For the reasons set forth above, United Policyholders requests that the court grant it leave to file its brief in support of the court's granting review.

Dated this 20th day of October, 2010.

HARALSON, MILLER, PITT, FELDMAN
& McANALLY, P.L.C.

By:



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Original and seven copies of the foregoing transmitted by FedEx on October 30th, 2010, to:

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