

B234271

**COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE**

THOMAS NICKERSON,
Plaintiff and Appellant,

vs.

STONEBRIDGE LIFE INSURANCE COMPANY,
Defendant and Respondent.

**APPLICATION TO FILE
AMICUS CURIAE BRIEF OF
UNITED POLICYHOLDERS**

Appeal from the Superior Court of Los Angeles County
Honorable Mary Ann Murphy, Judge Presiding
Superior Court Case No. BC405280

Amy Bach, Esq.
California State Bar No. 142029
Executive Director
UNITED POLICYHOLDERS
381 Bush Street, 8th Floor
San Francisco, CA 94104
(415) 393-9990, Fax: (415) 677-4170
amy.bach@uphelp.org

David L. Abney, Esq.
California State Bar No. 116624
KNAPP & ROBERTS, P.C.
Suite 181
8777 North Gainey Center Drive
Scottsdale, AZ 85258
(480) 991-7677 (no fax)
abney@krattorneys.com

Attorneys for Amicus Curiae
United Policyholders

Amicus curiae United Policyholders respectfully requests that the concurrently submitted brief be accepted for filing in this case.

Interest of Amicus Curiae

United Policyholders—a non-profit 501(c)(3) organization founded and based in California—is an information resource and voice for insurance consumers in all 50 states. Donations, foundation grants, and volunteer labor support its work. United Policyholders is interested in this case because erosion of the deterrent function of punitive damages by drastic reductions in jury awards saps needed deterrence—harming the insurance consumers that United Policyholders represents.

United Policyholders operates key programs: *Advocacy and Action* (advocating pro-consumer laws and public policy), *Roadmap to Recovery*[™] (disaster recovery and claim help), *Roadmap to Preparedness* (financial literacy, disaster insurance, and preparedness). United Policyholders hosts a library of tips, sample forms, and articles on commercial and personal-line insurance products, coverage, and the claims process at www.uphelp.org.

State insurance regulators, academics, and journalists across the nation seek United Policyholders' input on insurance and related legal

matters. In fact, for 6 years in a row, United Policyholders been appointed as a consumer representative to the National Association of Insurance Commissioners.

Need for Further Briefing

Counsel is familiar with all of the briefing filed in this action to date. Amicus believes that its brief can offer this Court valuable insights regarding the issues presented. The brief addresses a limited number of issues that have not been otherwise fully discussed in the parties' briefing, including:

1. To deter effectively, punitive damages must be balanced—neither too large nor too small.
2. The trier of fact is in the best position to weigh the evidence and decide how large a punitive-damages award must be to attain the goal of deterrence.
3. The U.S. Supreme Court's punitive-damages cases have not diluted the role of punitive damages in deterring wrongful conduct by those who intentionally misuse their power.

Because these issues are so important to consumers throughout the State, amicus respectfully requests that the concurrently submitted brief be accepted for filing.

Certificate of Interested Parties

Pursuant to California Rule of Court 8.208, United Policyholders certifies that it is a non-profit 501(c)(3) organization that has no shareholders. As such, amicus and its counsel certify that they know of no other person or entity that has a financial or other interest in the outcome of the proceeding that amicus and its counsel reasonably believe the justices of this Court should consider in determining whether to disqualify themselves under Canon 3E of the Code of Judicial Ethics.

In addition to listed counsel, Stanley G. Feldman, a United Policyholders board member and former Chief Justice of the Arizona Supreme Court, assisted pro bono in preparation of the amicus brief.

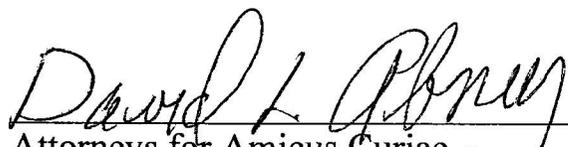
Dated: January 24, 2013.

Respectfully submitted,

UNITED POLICYHOLDERS

- and -

KNAPP & ROBERTS, P.C.


Attorneys for Amicus Curiae *with permission* 

Nickerson v. Stonebridge Life Insurance Company
Appellate No. B234271, Superior Court Case No. BC405280

PROOF OF SERVICE

STATE OF ARIZONA, COUNTY OF PIMA:

I am employed in Pima County, Arizona. I am over the age of 18 and not a party to the within action; my business address is One South Church Avenue, Suite 900, Tucson, Arizona 85701.

On January 24, 2013, I served the foregoing document, described as **Application to File Amicus Curiae Brief of United Policyholders**, on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

BY MAIL I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Tucson, Arizona in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY FACSIMILE ("FAX") In addition to the manner of service indicated above, a copy was sent by FAX to the parties indicated on the Service List.

BY OVERNIGHT MAIL/COURIER To expedite service, copies were sent via FEDEX.

(State) I declare under penalty of perjury under the laws of the State of Arizona that the above is true and correct.

Executed on January 24, 2013, at Tucson, Arizona.



Sherry Van Camp, Secretary

Nickerson v. Stonebridge Life Insurance Company
Appellate No. B234271, Superior Court Case No. BC405280

SERVICE LIST

Margaret M. Grignon, Esq.
Raymond Yoon Kim, Esq.
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
(213) 457-8000, Fax: (213) 457-8080

Attorneys for Defendant and Re-
spondent Stonebridge Life Insur-
ance Company

Mark Baute, Esq.
BAUTE CROCHETIERE & MALONEY
777 South Figueroa Street, Suite 4900
Los Angeles, CA 90017
(213) 630-5000, Fax: (213) 683-1225

Attorneys for Defendant and Re-
spondent Stonebridge Life Insur-
ance Company

William M. Shernoff, Esq.
Howard S. Shernoff, Esq.
Travis M. Corby, Esq.
SHERNOFF BIDART ECHEVERRIA
BENTLEY LLP
600 South Indian Hill Boulevard
Claremont, CA 91711
(909) 621-4935, Fax: (909) 625-6915

Attorneys for Plaintiff and Ap-
pellant Thomas Nickerson

Jeffrey Isaac Ehrlich, Esq.
THE EHRLICH LAW FIRM
16130 Ventura Boulevard, Suite 610
Encino, CA 91436
(818) 905-3970, Fax: (818) 905-3975

Attorneys for Plaintiff and Ap-
pellant Thomas Nickerson

Clerk of the Superior Court
Los Angeles Superior Court
Hon. Mary Ann Murphy
111 North Hill Street
Los Angeles, CA 90012

Clerk of the Supreme Court
350 McAllister Street
San Francisco, CA 94102

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4 copies

Clerk, Court of Appeal
Second Appellate District, Div. 3
North Tower, Floor 2
300 South Spring Street
Los Angeles, CA 90013-1213

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