

COMMONWEALTH OF KENTUCKY
SUPREME COURT
NO. 2018-SC-000138-D

**NISHA WEST, AS ADMINISTRATRIX
OF THE ESTATE OF RANDALL
BRIDGEMAN AND BEULAH
BRIDGEMAN**

APPELLANT

v. On Discretionary Review from the Ky Court of Appeals
Case No. 15-CA-000720

**WOODMEN OF THE WORLD LIFE
INSURANCE SOCIETY**

APPELLEE

**MOTION BY UNITED POLICYHOLDERS FOR LEAVE
TO FILE BRIEF AS *AMICUS CURIAE***

United Policyholders moves pursuant to CR 76.12(7) for leave to file a brief as *Amicus Curiae* in support of the Appellant Nisha West's position in this case – that the Appellee Woodmen of the World Life Insurance Society's unilateral mandatory arbitration language is unenforceable under Kentucky law and as a matter of public policy.

United Policyholders was founded in 1991 and is a non-profit organization dedicated to educating the public on insurance issues and consumer rights. It advocates for consumer-friendly insurance rights and regularly supports policyholders by participating as *amicus curiae* in state and federal courts throughout the country. The organization is tax-exempt under Internal Revenue Code § 501(c)(3) and is funded by donations and grants from individuals, businesses and foundations.

United Policyholders is an information resource on sales, coverage, claims and litigation-related issues pertaining to the full range of insurance products. An average of 20,000 monthly visitors read articles and tips at www.unitedpolicyholders.org. The

organization participates in proceedings of the National Association of Insurance Commissioners and receives frequent invitations to testify at legislative and other public hearings, and to participate in regulatory proceedings on rate and policy issues.

A diverse range of policyholders and policyholder advocates communicate on a regular basis with United Policyholders. By processing these communications and monitoring the insurance marketplace and the industry in general, United Policyholders is able to submit pertinent and accurate information to courts throughout the country via *amicus* briefs. United Policyholders has participated as *amicus curiae* in approximately 400 cases across the country involving significant insurance issues. The organization's reputation as a reliable friend of the court was enhanced when its *amicus curiae* brief was cited in the United States Supreme Court's opinion in *Humana, Inc. v. Forsyth*, 525 U.S. 299 (1999), and its arguments were adopted by the California Supreme Court in *Vandenberg v. Superior Court*, 982 P.2d 229 (Cal. 1999) and in *TRB Invs., Inc. v. Fireman's Fund Ins. Co.*, 145 P.3d 472 (Cal. 2006). United Policyholders has appeared in many cases in the Sixth Circuit Court of Appeals, including: *Russell v. Catholic Healthcare Partners*, 614 Fed.Appx. 271 (6th Cir. 2015); *Rochow v. Life Insurance Co. of N. America*, 780 F.3d 364 (6th Cir. 2014); *Demolition Contractors, Inc. v. Westchester Surplus Lines Ins. Co.*, 381 Fed.Appx. 526 (6th Cir. 2010); *GenCorp Inc. v. AIU Insurance Co.*, 138 Fed.Appx. 732 (6th Cir. 2005); and *Advance Watch Co. v. Kemper Nat'l Insurance Co.*, 99 F.3d 795 (6th Cir. 1996).

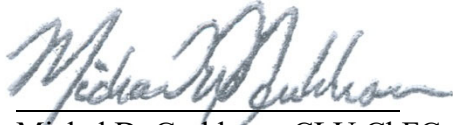
United Policyholders has also appeared in cases involving both Kentucky insurance issues and policyholder interests, including: *Hicks v. State Farm Fire and Cas. Co.*, 2018 U.S.App. LEXIS 28894, __ Fed.App'x __ (6th Cir. Oct. 15, 2018); *Knotts v.*

Zurich Ins. Co., 197 S.W.3d 512 (Ky. 2006); and *Ky. Farm Bureau Mut. Ins. Co. v. Rodgers*, 179 S.W.3d 815 (Ky. 2005). A complete listing of the cases in which United Policyholders has appeared as *amicus curiae* can be found at its online Amicus Project library: www.uphelp.org/amicus.

Again, United Policyholders regularly appears before the courts as *amicus curiae* in appellate proceedings throughout the United States, providing the courts with its broad experience with insurance principles likely to impact a large segment of the consuming public. United Policyholders' interest in this case is similarly based on its experience and advocacy on behalf of Kentucky policyholders, specifically the interaction between mandatory arbitration clauses and insurance. Its *amicus curiae* should prove helpful to the Court in understanding and resolving this case.¹

Wherefore, United Policyholders respectfully moves for leave to file a brief as *Amicus Curiae* and tenders said brief with this motion.

Respectfully submitted,




Michal D. Grabhorn, CLU ChFC
Grabhorn Law | Insured Rights
2525 Nelson Miller Parkway, Suite 107
Louisville, Kentucky 40223
p: (502) 244-9331
f: (502) 244-9334
m.grabhorn@grabhornlaw.com

*Counsel for Amicus Curiae
United Policyholders*

¹ Please note this brief was not authored in whole or part by counsel for either party. Further, no monetary contribution was made by counsel for either party to fund the preparation or submission of this brief.

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2019 ten (10) copies of this motion, brief, and \$150 filing fee were served via UPS Overnite upon Susan Stokley Clary, Clerk of the Supreme Court, State Capitol, Room 235, 700 Capitol Ave., Frankfort, KY 40601, with one (1) copy served upon each of the following: Sam Givens, Clerk of the Kentucky Court of Appeals, 360 Democrat Drive, Frankfort, KY 40601; Hon. Vernon Miniard, Wayne Circuit Court, 100 W. Columbia Avenue, Monticello, KY 42633; R. Craig Reinhardt, 449 Lewis Hargett Circle, Suite 210, Lexington, KY 40503; Lance W. Turner & Yassmin B. King, 56 Court Street, Monticello, KY 42633.


Michael D. Grabhorn