

Case No. B248622

**COURT OF APPEAL OF
THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION ONE**

ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES and
PERSONAL INSURANCE FEDERATION OF CALIFORNIA,

Plaintiffs and Respondents,

v.

DAVE JONES in his capacity as Commissioner
of the California Department of Insurance,

Defendant and Appellant.

**APPLICATION FOR LEAVE TO FILE AN AMICUS BRIEF OF
UNITED POLICYHOLDERS, SCRIPPS RANCH CIVIC
ASSOCIATION, RANCHO BERNARDO COMMUNITY COUNCIL
IN SUPPORT OF DEFENDANT AND APPELLANT**

From a Decision by the Los Angeles Superior Court
Case No. BC463124, Hon. Gregory W. Alarcon, Presiding

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RANCHO BERNARDO COMMUNITY COUNCIL*

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
UNITED POLICYHOLDERS, SCRIPPS RANCH CIVIC ASSOCIATION,
AND RANCHO BERNARDO COMMUNITY COUNCIL
IN SUPPORT OF DEFENDANT AND APPELLANT**

United Policyholders (“UP”), the Scripps Ranch Civil Association and Rancho Bernardo Community Council respectfully request permission to file the accompanying amicus curiae brief in support of defendant and appellant, Dave Jones, in his Capacity as Insurance Commissioner, State of California.

United Policyholders (“UP”) is a non-profit organization based in California that serves as a voice and information resource for insurance consumers in all 50 states. UP is tax-exempt under Internal Revenue Code §501(c)(3). UP is funded by donations and grants and does not accept money from insurance companies. UP’s work is divided between three program areas: Roadmap to Recovery program (helping individuals navigate the insurance claim process and recover fair and timely settlements); Roadmap to Preparedness (UP promotes insurance and literacy and disaster readiness for homeowners and businesses); and Advocacy and Action (UP works with public officials, other non-profit and faith-based organizations and a diverse range of entities on insurance issues) and hosts a consumer-oriented Claim Help Library on its website at www.uphelp.org

UP has a particular interest in the case as a result of its extensive experience with the underinsurance problem that led to the adoption of the Regulation through direct contact with thousands of homeowners after devastating wildfires. During

the 12-24 months it generally takes for people to repair, rebuild and recover, UP hosts educational workshops and communicates regularly with the victims through a Roadmap to Recovery™ program. UP coordinates these services with the California Department of Insurance, the American Red Cross as well as local government officials and organizations in the affected communities UP monitors individual and community experiences in the long-term disaster recovery process by conducting surveys at the six-month and one-year mark.

UP's Executive Director is currently in her sixth consecutive term as an official consumer representative to the National Association of Insurance Commissioners, and has performed government service as a consultant to the California State Senate and on the California Earthquake Authority Product Enhancement Committee. UP was also an active participant in the informal and formal proceedings that led up to the issuance of the Regulation.

A diverse range of policyholders throughout California communicate on a regular basis with UP, which allows us to provide topical information to courts via the submission of amicus curiae briefs in cases involving insurance principles that are likely to impact large segments of the public and business community.

UP's amicus brief was cited in the U.S. Supreme Court's opinion in *Humana v. Forsyth*, 525 U.S. 299, 314 (1999), and its arguments have been adopted by the California Supreme Court in *TRB Investments, Inc. v. Fireman's Fund Ins. Co.*, 40 Cal.4th 19 (2006) and *Vandenberg v. Superior Court*, 21 Cal.4th

815 (1999). UP has filed amicus briefs in over three hundred cases throughout the United States, including all 50 states and many federal courts.

The Scripps Ranch Civic Association is a non-profit dedicated to preserving, promoting and enhancing the unique quality of life in a community that represents the 12,000 households located within 92131 - Scripps Ranch and Stonebridge Estates areas. A very large number of Association members lost homes and found themselves grossly underinsured due to a 2003 and a 2007 wildfire. SCRA members participated in proceedings and provided public testimony that led to the issuance of the regulation at issue.

The Rancho Bernardo Community Council is a non profit entity whose mission is to provide comfort, protection, civic service and representation for the community of Rancho Bernardo; interfacing with government agencies, utilities and any other influencing factors on issues specifically directed toward Rancho Bernardo as the principal beneficiary, so as to preserve and enhance the unique quality of life for which the community has become renown. The majority of the approximately three thousand homes that were destroyed in the 2007 Witch Creek wildfire were located in Rancho Bernardo. Rancho Bernardo residents and the community at large have been substantially harmed by underinsurance in the past and are participating here in an effort to help eradicate the problem going forward.

Dated: July 10, 2014

UNITED POLICYHOLDERS

By: _____

Ivo Labar
Attorney for Amicus Curiae,
UNITED POLICYHOLDERS

PROOF OF SERVICE

I, Brandilynn Thomas, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 101 Mission Street, 18th Floor, San Francisco, California 94105.

On July 10, 2014, I served the following document(s):

APPLICATION FOR LEAVE TO FILE AN AMICUS BRIEF OF UNITED POLICYHOLDERS, SCRIPPS RANCH CIVIC ASSOCIATION, RANCHO BERNARDO COMMUNITY COUNCIL IN SUPPORT OF DEFENDANT AND APPELLANT

on the parties listed below as follows:

Honorable Gregory W. Alarcon Los Angeles Superior Court Department 36 111 North Hill Street Los Angeles, CA 90012	Kamala D. Harris Paul D. Gifford W. Dean Freeman Attorney General of California 300 South Spring Street, Suite 1702 Los Angeles, CA 90013
Gene Livingston Monica Baumann, Esq. Greenberg Traurig, LLP 1201 K Street, Suite 1100 Sacramento, CA 95814-3938	Rancho Bernardo Community Council 12463 Rancho Bernardo Road, #523 San Diego, CA 92128-2143
Supreme Court of California 350 McAllister Street San Francisco, CA 94102 (Via e-submission)	Scripps Ranch Civic Association c/o Bob Ilko, President 10247 Rue Touraine San Diego, CA 92131

By first class mail by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 10, 2014, at San Francisco, California.

Brandilynn Thomas