



June 18, 2001

The Hon. Ronald M. George
Chief Justice of the California Supreme Court
and the Honorable Associate Justices of the
California Supreme Court
350 McAllister Street
San Francisco, CA

Re: *Blue Ridge Ins. Co. v. Jacobsen* (2001) 25 Cal.4th 489

Dear Chief Justice George and Associate Justices of the Court:

We are writing to the Court today as *amicus curiae* to respectfully request that the Court grant a rehearing on its own motion in this case. We only became aware of the Court's opinion in this case this week. We are deeply concerned that this Court's opinion in this case will create many unintended consequences and undermine settled insurance law.

United Policyholders was founded in 1991 as a non-profit corporation dedicated to educating the public on insurance issues and consumer rights. The organization is tax-exempt under Internal Revenue Code §501(c)(3). UP is funded by donations and grants from individuals, businesses, and foundations.

A diverse range of residential and commercial policyholders throughout the United States communicate on a regular basis with UP regarding insurance-related concerns. UP advances policyholders' interests in courts throughout the country by filing *amicus curiae* briefs in cases involving important insurance principles.

UP's growing reputation as a source of useful information for appellate courts was confirmed when our *amicus* brief was cited in the U.S. Supreme Court's opinion in Humana Inc. et al v. Mary Forsyth 525 U.S. 299 (1999). We have been invited by several divisions of the California Court of Appeal, to participate in oral argument as *amicus curiae*. Arguments from our *amicus curiae* brief were cited with approval by the California Supreme Court in Vandenburg v. Superior Court, 21 Cal.4th 815 (1999). UP has filed *amicus* briefs on behalf of policyholders in over ninety cases around the United States in the past five years.

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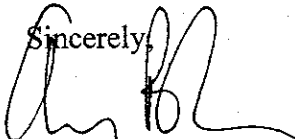
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For the reasons set forth in the *amicus* letter submitted by Elizabeth Bader on June 8, 2001 with which we concur, we respectfully urge the Court to grant a rehearing and to allow some time for interested persons to provide practical input to the Court on the effect of its extraordinary ruling in this case or to otherwise address the practical implications of this Court's decision. At a minimum, we ask the Court to modify its opinion in order to address the concerns touched upon in Ms. Bader's letter.

We thank you for your anticipated attention to this matter.

Sincerely,



Amy Bach
Executive Director

PROOF OF SERVICE BY MAIL

CCP Sections 1013A, 2015.5

I, the undersigned, declare as follows:

I am a citizen of the United States over the age of 18 years and not a party to the within action. My business address is 42 Miller Ave., Mill Valley, CA. .

On the last date below written, I served the within the following documents:

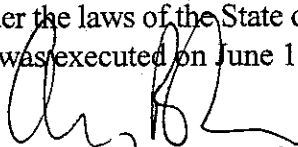
Letter to Chief Justice George and Honorable Associate Justices
Requesting Rehearing on its Own Motion

on the parties in said cause, by placing a true and correct copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Mill Valley, California addressed as follows:

Paul Joseph O'Rourke
McCormick, Barstow, Sheppard et al.
P.O. Box 28912
5 River Park Plaza East
Fresno, CA 93720-1501

Glen A Brown, Jr.
Wasserman, Comden & Cassleman
556 7 Reseda Blvd.
Suite 330
Tarazana, CA 91357-7033

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 18, 2001 at Mill Valley, CA



Amy Bach