



AN INSURANCE CONSUMER EDUCATION ORGANIZATION

January 8, 2004

The Honorable Chief Justice Ronald M. George
and Honorable Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-3600

Re: *California Automobile Insurance Co. v. Hogan*, S120950

Dear Chief Justice Ronald M. George and Associate Justices:

Pursuant to Rule 28(g)(1) of the California Rules of Court, United Policyholders ("UP") respectfully submits this letter in support of the Petition for Review in the above-referenced case. The policyholder in *Hogan* was killed by an uninsured motorist during the statutorily mandated exchange of operator information that follows every accident.

The Hogan case presents two principle issues that are important to policyholders. The first issue is whether this Court should reaffirm the standard it set forth in *Partridge v. State Farm* for determining whether a loss "arises out of the use of" a motor vehicle. The second issue is how the determination should be made as to whether or not an uninsured motorist loss is "accidental." In our view, that determination should be made by applying the insured's point of view rather than the perspective of the uninsured tortfeasor.

UP is a non-profit organization founded in 1991 that monitors the insurance marketplace and educates the public on insurance issues and consumer rights. UP publishes educational materials and a newsletter, See www.unitedpolicyholders.org. All seven members of the Board of Directors of the organization have personal or professional expertise in insurance. UP receives frequent invitations to testify at legislative and other public hearings, and to participate in regulatory proceedings on rate and policy. The organization is funded by donations and grants from individuals, businesses, and foundations.

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Re: S120950

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UP provides information to courts throughout the country via the submission of *amicus curiae* briefs in cases involving insurance principles that are likely to impact large segments of the public. UP's *amicus* brief was cited favorably in the U.S. Supreme Court's opinion in *Humana, Inc. v. Forsythe* (1999) 525 U.S. 299, and its *amicus* arguments were consistent with this Court's decision in *Vandenberg v. Sup. Ct.* (1999) 21 Cal.4th 815. UP has filed *amicus* briefs on behalf of policyholders in over one hundred and twenty cases throughout the United States.

United Policyholders respectfully submits this letter urging that review be granted.

Dated: January 8, 2004

Respectfully submitted,

UNITED POLICYHOLDERS



By, Amy Bach
Counsel for United Policyholders
as *amicus curiae*

PROOF OF SERVICE BY MAIL

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 Honorable Chief Justice Ronald George Supporting Review
on the parties in said cause, by placing a true and correct copy thereof enclosed in a sealed envelope, with postage fully prepaid, in the United States mail at San Francisco, California addressed as follows:

Attorneys for Appellant Hogan

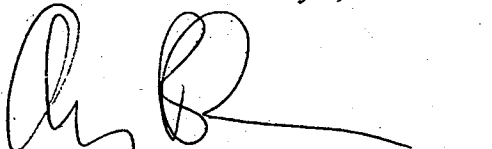
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 8, 2004 at San Francisco, CA



Amy Bach