

CASE NO. S157001

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PAULINE FAIRBANKS, et al.,
Plaintiffs/Petitioners,

v.

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES**
Respondent.

FARMERS NEW WORLD LIFE INSURANCE CO., et al.,
Defendants/Real Parties in Interest.

On Review of the Decision of the Court of Appeal,
Second Appellate District, Case No. B198538,
Denying a Petition for Writ of Mandate Challenging a Decision of the
Los Angeles Superior Court, Case No. BC305603.

**REQUEST FOR EXTENSION OF TIME
TO FILE APPLICATION AND AMICUS CURIAE BRIEF
ON BEHALF OF UNITED POLICYHOLDERS**

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Counsel for Amicus Curiae
UNITED POLICYHOLDERS

COPY

Pursuant to Rule of Court 8.60 and 8.520(f)(2), amicus curiae United Policyholders, respectfully requests an extension of time of 30 days, to July 9, 2008, for the filing of an Application to file an Amicus Curiae Brief, and an accompanying Amicus Curiae Brief in Support of Petitioners Pauline Fairbanks, et al. In support of this Request, United Policyholders states as follows:

1. United Policyholders is a not-for-profit corporation founded in 1991 to educate the public, the judiciary and elected officials on insurance issues and the rights of policyholders. The organization is tax-exempt under Internal Revenue Code §501(c)(3). It is based in Northern California, but operates throughout the United States. United Policyholders is funded by donations and grants from individuals, businesses, and foundations, and is governed by an eight member Board of Directors. The organization has previously appeared as amicus curiae in over 220 cases throughout the United States, including numerous cases in the California courts.

2. United Policyholders filed and served an amicus curiae letter in support of the Petition for Review in this matter, dated October 31, 2007, and intends to submit an Application requesting

leave to file an Amicus Curiae Brief on the merits, and in support of the Petitioners.

3. The Reply Brief of Petitioners was filed on May 8, 2008. Accordingly, pursuant to Rule 8.520(f), amicus curiae briefs are currently due on June 9, 2008.

4. The undersigned counsel is responsible for drafting the Application and Amicus Curiae Brief of United Policyholders. Said counsel had substantial briefing responsibilities in other matters during the month May, 2008 (including a motion for class certification in federal court for which counsel's Reply Memorandum was due on May 23, 2008, and for which the hearing is scheduled for June 6, 2008), and as a result, has been unable to turn her attention to this matter until this time. *See Declaration of Kim E. Card,* following. Counsel submits that the issues presented in this matter are significant, and require additional time for the effective presentation of information and arguments United Policyholders would like to submit for the Court's consideration.

5. No prior requests for extension of time in this matter have been requested by this amicus curiae organization.

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6. The organization United Policyholders, through its Executive Director Amy Bach, also Of Counsel in this matter, has been informed of and has consented to this Request for Extension.

7. Accordingly, the undersigned counsel for United Policyholders requests an extension of time within which to file the organization's Application and Amicus Curiae Brief, of 30 days, to July 9, 2008.

Dated: May 30, 2008

LAW OFFICES OF KIM E. CARD

By:


KIM E. CARD

**DECLARATION OF KIM E. CARD IN SUPPORT OF
REQUEST FOR EXTENTION OF TIME**

I, KIM E. CARD, hereby declare as follows:

1. I make this Declaration of my own personal knowledge, and if called as a witness, I could and would testify competently to the matters stated herein.

2. I represent United Policyholders, on a pro bono basis, for purposes drafting an amicus curiae brief in this matter in support of the Petitioners. I also drafted the Letter Brief of United Policyholders, dated October 31, 2007, submitted in support of the Petition for Review.

3. Although I have been planning since the time the Petition for Review was granted in this matter to draft the United Policyholders amicus brief, I generally wait until all briefs of the parties have been filed before drafting an amicus brief. Unfortunately, the timing of when amicus briefs are due, June 9, 2008, has turned out to be problematic for me. I had a major Motion for Class Certification due in the Northern District on May 2, 2008. I spent much of April finalizing discovery and taking depositions for that motion. The Reply was due on May 23, 2008. The hearing is scheduled for June 6, 2008. Primarily as a result of the work I had to do in connection with


that matter, which consumed much of my time in April and May, as well as discovery and motions in other cases, I have been unable to turn my attention to the amicus brief in this matter until this time.

4. I have not requested any prior extension of time in this matter.

5. I conferred with Amy Bach, the Executive Director of United Policyholders, concerning this extension request and she consented to it on behalf of United Policyholders. Ms. Bach is also Of Counsel to United Policyholders and will be counsel on the brief. It is my expectation that she, and potentially other members of her organization, will need to review and approve the brief before it is filed.

6. I am requesting an extension of 30 days, to July 9, 2008, within which to file the amicus curiae application and brief for United Policyholders.

I declare the foregoing under penalty of perjury under the laws of the State of California. Executed this 30th day of May, 2008, at Berkeley, California.


KIM E. CARD

CERTIFICATE OF SERVICE

(C.C.P. §1013a(2))

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

I, Kim E. Card, am an active member of the California Bar (Bar number 147779), and am not a party to this action. My business address is: Law Offices of Kim E. Card, 1690 Sacramento Street, Berkeley, California, 94702.

On May 30, 2008, I served the foregoing:

**REQUEST FOR EXTENSION OF TIME
TO FILE AMICUS CURIAE APPLICATION AND BRIEF ON
BEHALF OF UNITED POLICYHOLDERS**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed to each as follows:


Robert S. Gerstein Law Office of Robert S. Gerstein 12400 Wilshire Boulevard Suite 1300 Los Angeles, CA 90025	David L. Sheller The Sheller Law Firm 810 Waugh Drive, 2nd Floor Houston, Texas 77019
John A. Girardi Girardi / Keese 1126 Wilshire Boulevard Los Angeles, CA 90017	Scott A. Marks The Marks Law Firm 21900 Burbank Blvd., Third Floor Woodland Hills, CA 91367
Richard R. Mainland Peter H. Mason Fulbright & Jaworski LLP 555 South Flower Street, 41st Floor Los Angeles, CA 90071	Amy Bach UNITED POLICYHOLDERS 222 Columbus Ave., Suite 412 San Francisco, CA 94133

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[X] BY FIRST CLASS MAIL: The foregoing documents were placed in sealed envelopes, with postage fully paid, and deposited in the mail of the United States Postal Service on this date in Berkeley, California.

Executed on May 30, 2008 at Berkeley, California.

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


KIM E. CARD