

S165906

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

RANDAL D. HAWORTH, M.D. F.A.C.S.,
THE BEVERLY HILLS SURGICAL CENTER, INC.

Petitioners,

vs.

SUPERIOR COURT OF CALIFORNIA FOR
THE COUNTY OF LOS ANGELES,

Respondent.

SUSAN AMY OSSAKOW

Real Party in Interest.

*After a Decision by the Court of Appeal, Second
Appellate District, Division Five, 2nd Civil No. B204354*

**APPLICATION TO FILE *AMICUS* BRIEF
OF UNITED POLICYHOLDERS AND
JUSTHEALTH IN SUPPORT OF REAL
PARTY IN INTERSEST SUSAN
OSSAKOW**

SHARON J. ARKIN
(SBN: 154858)
THE ARKIN LAW FIRM
333 S. Grand Avenue, 25th Floor
Los Angeles, CA 90071
T: 213.943.1344
F: 866.571.5676

Attorney for *Amici Curiae* United Policyholders and JustHealth

CERTIFICATE OF INTERESTED PARTIES

Pursuant to California Rule of Court 8.208, United Policyholders and JustHealth certify that they are non-profit 501(c)(3) organizations which have no shareholders. As such, *amici* and their counsel certify that *amici* and their counsel know of no other person or entity that has a financial or other interest in the outcome of the proceeding that the *amici* and their counsel reasonably believe the Justices of this Court should consider in determining whether to disqualify themselves under canon 3E of the Code of Judicial Ethics.

Dated: August 31, 2009

SHARON J. ARKIN

APPLICATION OF UNITED POLICYHOLDERS
AND JUSTHEALTH TO FILE *AMICUS* BRIEF IN
SUPPORT OF REAL PARTY IN INTEREST
SUSAN AMY OSSAKOW

Amici curiae United Policyholders and JustHealth respectfully request that the concurrently-submitted *amicus* brief in support of Real Party in Interest Susan Amy Ossakow be accepted for filing in this action.

INTEREST OF THE *AMICI*

United Policyholders - The financial security that insurance policies provide is critical to consumers and is an integral part of the fabric of our economy and our society. United Policyholders is a non-profit charitable organization founded in 1991 that is helping preserve the integrity of the insurance system by serving as an information resource on policyholders' interests, rights and duties. Donations, grants and volunteer labor support the organization's work

United Policyholders monitors the national insurance marketplace with a particular focus on California. The organization's staff and

volunteers participate in public policy forums, disseminate information about the claim process, and file amicus briefs in cases involving coverage and claim disputes. United Policyholders serves as a clearinghouse on consumer issues related to commercial and personal lines insurance products. (www.unitedpolicyholders.org.)

This case falls squarely within the parameters of United Policyholders' interests because it deals with the requirements for disclosure by neutral arbitrators. United Policyholders has worked for years with thousands of insureds who have lost their homes to natural disasters and who have been forced by policy terms and statutory law into arbitrating the value of their losses using three-arbitrator panels like that involved in this case. The disclosure requirements for neutral arbitrators is critically important because it affects the ability of insurance consumers to obtain a fair and reasoned recovery of the policy benefits for which they have paid years of premiums. These decisions by arbitration panels go to the core of the insurer/insured relationship, and thus to the core of United Policyholders' mission.

JustHealth - JustHealth is a volunteer-run, non-profit patient advocacy organization that educates health care patients as to their rights and

intercedes, when possible, with health care plans on behalf of patients to assist patients in obtaining the health care they are contractually and legally entitled to. JustHealth works with the California Department of Insurance and the California Department of Managed Health Care on regulatory and legislative efforts to make health care coverage more consistent, easier to access and more responsive to patient needs.

Many healthcare plans require arbitration of disputes arising from the healthcare plan's denial of coverage for needed treatment. Because this case involves the applicable rules for arbitration disclosure it goes to the core of JustHealth's mission.

NEED FOR FURTHER BRIEFING

Counsel is familiar with all of the briefing filed in this action to date. *amici* believe that their *amicus* brief can offer this Court valuable insights with regard to the issues presented. The brief addresses a limited number of issues that have not been otherwise fully discussed in the parties' briefing, including:

1. The effect on *judicial* disclosure requirements if this Court establishes a rule that neutral arbitrators are required to disclose the fact that they have previously been censured;
2. The effect on the arbitration system and the judicial system if this type of disclosure is required.

Because these issues are so important to consumers throughout the State, *amici* respectfully request that the concurrently-submitted brief be accepted for filing.

Dated: August 31, 2009

THE ARKIN LAW FIRM

SHARON J. ARKIN
Attorney for *Amicus Curiae*
United Policyholders

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my
business address 333 S. Grand Avenue, 25th Floor, Los Angeles, CA
90071.

On **August 31, 2009**, I served the within document described as:

<p><u>APPLICATION TO FILE AMICUS BRIEF OF UNITED</u></p> <p><u>POLICYHOLDERS AND JUST HEALTH</u></p> <p><u>IN SUPPORT OF SUSAN AMY OSSAKOW</u></p>

on the interested parties in this action by placing true copies thereof,
enclosed in sealed envelopes to be delivered, addressed as set forth in
the attached service list with postage paid thereon and depositing
them with the United States Postal Service at Brookings, Oregon.

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

Executed on August 31, 2009 at Brookings, Oregon.

SHARON J. ARKIN

HAWORTH v. S.C. (OSSAKOW)
Case Number S165906

Party	Attorney
<p>Haworth, Randal D. : Petitioner</p> <p>Beverly Hills Surgical Center : Petitioner</p>	<p>Suzanne Derosa Schmid & Voiles 333 South Hope Street, Eighth Floor Los Angeles, CA 90071</p>
<p>Superior Court Of Los Angeles County : Respondent 1633 Purdue Avenue, Department H Los Angeles, CA 90025</p>	<p>Allan J. Goodman Superior Court P O Box 34577 Los Angeles, CA 90012</p> <p>Frederick R. Bennett Superior Court of Los Angeles County 111 N. Hill Street, Suite 620 Los Angeles, CA 90012</p> <p>Superior Court Of Los Angeles County 1633 Purdue Avenue, Department H Los Angeles, CA 90025</p>
<p>Ossakow, Susan Amy : Real Party in Interest</p>	<p>Daniel J. Koes Brown Sheno Koes LLP 175 South Lake Avenue Suite 202 Pasadena, CA 91101</p> <p>Jeffrey Scott Mitchell Bostwick Peterson & Mitchell LLP Four Embarcadero Center Suite 750 San Francisco, CA 94111</p>

<p>California Medical Association : Amicus curiae</p> <p>California Dental Association : Amicus curiae</p> <p>California Hospital Association : Amicus curiae</p>	<p>Joshua Curt Traver Cole Pedroza, LLP 200 South Los Robles Avenue Suite 678 Pasadena, CA 91101</p>
<p>The Civil Justice Association of California : Amicus curiae</p>	<p>Fred J. Hiestand Attorney at Law 1121 "L" Street, Suite 404 The Senator Office Building Sacramento, CA</p>
<p>The Consumer Attorneys of California : Amicus curiae</p>	<p>Steven Gregory Ingram Consumer Attorneys of California 770 "L" Street, Suite 1200 Sacramento, CA</p>