

B175073

IN THE COURT OF APPEAL, STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION EIGHT

STATE OF CALIFORNIA ex rel. **JOHN METZ**,
Plaintiff and Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
Respondent.

FARMERS GROUP, INC., et al.

Real Parties in Interest

*From an order of the Superior Court, William F. Fahey,
Judges Presiding, LASC Case No. BC 278 259*

**AMICUS BRIEF OF
UNITED POLICYHOLDERS, THE CALIFORNIA
CONSUMER HEALTH CARE COUNCIL, AND THE HEALTH
ADMINISTRATION RESPONSIBILITY PROJECT IN
SUPPORT OF PLAINTIFF AND PETITIONER STATE OF
CALIFORNIA**

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STATEMENT OF INTEREST OF THE *AMICUS CURIAE*

United Policyholders ("UP"), California Consumer Health Care Council ("CCHCC") and Health Administration Responsibility Project ("HARP") respectfully seek permission to file a brief in support of Plaintiff State of California's Petition for Extraordinary Writ in this case.

UP was founded in 1991 as a non-profit charitable organization dedicated to educating the public on insurance issues and consumer rights. UP publishes informational materials in print and on-line at www.unitedpolicyholders.org and testifies on a wide range of insurance matters in public policy forums. Through its' Amicus Project UP files briefs in insurance litigation in jurisdictions all across the United States, including the U.S. Supreme Court. UP has a strong interest in protecting and advancing consumer rights. This interest extends to the filing of qui tam like actions under Insurance Code Section 1871.7

CCHCC is a California non-profit, grassroots, volunteer-governed and operated, public benefit corporation. CCHCC acts as an advocate, in all available forums, to protect health care consumers from dangerous, deceptive, dishonest, unlawful or unfair practices. Ensuring that existing

WHY REVIEW SHOULD BE GRANTED

For three compelling reasons UP, CCHCC and HARP urge the Court to grant the relief sought by Plaintiff State of California.

First, this is a case of first impression in California. (See e.g. *Save Open Space Santa Monica Mountains v. Sup. Ct.* (2000) 84 Cal.App.4th 235 (an issue of first impression is appropriate for decision by writ)) At no time prior to the filing of this action has any private citizen ever brought an action against an insurer under Section 1871.7, which deputizes private parties, acting on behalf of and in the name of the State of California, to bring such an action. Therefore, not only will this Court's opinion resolve the unique issues presented in this case but it will provide guidance to other private parties (Relators), as well as trial courts, attorneys and the California Department of Insurance¹ on how they may assist the State in enforcing the code of conduct mandated by Section 1871.7.

Second, the issues presented in this case are of widespread interest. (See *Science Applications International Corp. V. Sup. Ct. (Dept. of General Services* (1995) 39 Cal.App.4th 1095, 1100-1101 (writ relief is

¹ The California Department of Insurance filed an amicus brief in the trial court in support of Plaintiff State of California's position regarding the applicability of 1871.7.