



AN INSURANCE CONSUMER EDUCATION ORGANIZATION

June 25, 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: Patricia Patrick v. UNUM Life Insurance Company of America, American Rock
& Asphalt Long Term Disability Income Plan
Court of Appeal, 1st A.D., Div. 4, Case No. A088190

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 review in the above-referenced matter. Insurance carriers in California have taken terrible advantage of this Court's 1988 decision in Commercial Life Ins. Co. v. Superior Court (1988) 47 Cal.3d 473 by engaging in widespread claims handling violations and hiding behind an ERISA preemption shield that cannot have been intended by this Court to immunize their conduct. Review in this case is warranted on the facts of the case in light of the U.S. Supreme Court decision in UNUM v. Ward (1999) 526 U.S. 358 and this Court's decision in McCall v. Pacificare (2001) 25 Cal.4th 412.

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 policyholders throughout the United States communicate on a regular basis with UP regarding insurance-related concerns. Petitioner Patricia Patrick's experience is very typical and we have heard her story many, many hundreds if not thousands of times in recent years.

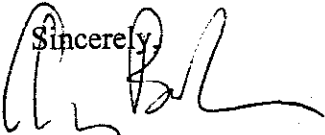
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UP advances policyholders' interests in courts throughout the country by filing *amicus curiae* briefs in cases involving important insurance principles. UP's growing reputation as a source of useful information was confirmed when our *amicus* brief 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 this 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.

This case presents a compelling issue of tremendous importance to restoration of California insurance consumers' legal rights and to the preservation of the proper, rightful exercise by California of its historic police powers, which have proven to be necessary to protect those consumer rights. Our position is supported by the National Association of Attorneys General, the National Association of Insurance Commissioners and the United States Department of Labor, among others.

We respectfully urge the Court to grant review in this case.

Sincerely,



Amy Bach
Executive Director

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 Chief Justice George and Honorable Associate Justices
Requesting 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 Mill Valley, California addressed as follows:

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Petitioner

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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 June 18, 2001 at Mill Valley, CA



Amy Bach