

December 1, 2008

The Honorable Chief Justice Ronald M. George
And the Honorable Associate Justices
Of the California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: Kenneth Sigelman *et al.* vs. Lawyers Mutual Insurance
Company, Court of Appeal, Fourth Appellate District,
Division One, Case. No. D050783,

Letter in support of Petition for Review by the Supreme Court

Dear Hon. Chief Justice Ronald M. George and the Associate Justices
of the California Supreme Court:

United Policyholders (“UP”) hereby respectfully requests that this
Court grant the Petition to Review the above-referenced decision.
The decision reversed a trial court’s judgment in a case relating to a
renewal application for professional liability insurance. UP is weighing
in because the issues raised in the Appellate Court’s decision have
compelling public importance and are of particular concern to the
policyholders whose interests UP represents.

In reversing a trial court judgment that had been entered in favor of a
policyholder under a policy that had been in force for seventeen
continuous years, the Court of Appeal decision will embolden insurers
to become more aggressive in rescinding policies.

The conditions under which an insurer may permissibly nullify a
contract for financial protection that a policyholder has paid for and
has been relying on in conducting their affairs must be very narrowly
circumscribed by our courts.

This Court has done so in cases involving rescissions in the health
insurance context. We respectfully request that the Petition for
Review be granted in this case.

Statement of Interest

UP is a non-profit organization dedicated to promoting integrity in the insurance system and to educating the public on insurance issues and policyholders' rights. UP publishes informational materials in print and online, engages in advocacy work through the National Association of Insurance Commissioners and elsewhere, and provides direct services to the public in regions that have been hit by natural disasters.

Founded in 1991, the organization is tax-exempt under §501(c) (3) of the Internal Revenue Code. UP is funded by foundation grants, donations and book sales. Detailed information about the organization's work on behalf of commercial and individual policyholders can be found at www.uphelp.org.

A diverse range of policyholders communicate on a regular basis with United Policyholders. UP pro-actively monitors legal and marketplace developments and advances policyholders' interests in courts throughout the country by filing *amicus curiae* briefs in cases involving important insurance principles. United Policyholders has participated as *amicus curiae* in more than 240 cases across the country involving significant insurance issues. The organization's reputation as a reliable friend of the court was enhanced when its *amicus curiae* brief was cited in the United States Supreme Court's opinion in Humana v. Forsyth, 525 U.S. 299 (1999), and its arguments were adopted by this Court in Vandenberg v. Superior Court, 88 Cal. Rptr.2d 366 (Cal. 1999) and in TRB Investments, Inc. v. Fireman's Fund Ins. Co., 145 P.3d 472 (Cal. 2006).

Respectfully submitted,

Amy Bach, Esq. S.B. No. 142029
On behalf of United Policyholders

PROOF OF SERVICE

Re: **Corrected Letter to Hon. Ronald M. George and Associate Justices**
Caption: *Agnes H. Everett v. State Farm General Insurance Company (2008)*
Fourth District, Division 2, Case No. E41807, 08 C.D.O.S. 5181

I declare that I am employed in the County of San Francisco, California. I am over the age of 18 years and am not a party to the within action; my business address is 222 Columbus Avenue, Suite 412, San Francisco, California 94133. On June 9, 2008, I served the forgoing document described as **Letter to Hon. Ronald M. George and Associate Justices**, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

 X (BY MAIL) I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid with adequate postage for first class delivery and deposited each with the U.S. Postal Service:

| | |
|--|---|
| Everett, Agnes : Plaintiff and Appellant | Christian J. Garris Law Offices of Christian Garris 633 West Fifth Street, 28th Floor Los Angeles, CA 90017 |
| State Farm General Insurance Company : Defendant and Respondent | Randall M. Nunn Hughes & Nunn 401 "B" Street, Suite 1250 San Diego, CA 92101 James R. Robie Robie & Matthai 500 S. Grand Avenue, Suite 1500 Los Angeles, CA 90071-2609 |
| Court of Appeal , Fourth District, Division 2 | 3389 Twelfth Street Riverside, CA 92501 |

I declare under penalty of perjury under the State of California that the foregoing is true and correct. Executed on June 9, 2008 at San Francisco, California.

Emily Cabral