

December 6, 2010

Blake A Hawthorne, Court Clerk  
Supreme Court of Texas  
201 W. 14<sup>th</sup> St., Rm. 104  
Austin, Texas 78701

***Via: UPS Overnight***

*Re:* Cause No. 10-0238; In the Supreme Court of Texas; *In re: Universal Underwriters Insurance Company*; Letter Brief for Amicus Curiae, United Policyholders

Dear Mr. Hawthorne:

Please accept this letter as a letter brief submitted on behalf of *Amicus Curiae*, United Policyholders. We have included twelve copies of the letter as necessary for distribution to the justices of the Court.

United Policyholders ("UP") 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 and a voice for policyholders' interests. The financial security that insurance policies provide is critical to business and property owners and to the fabric of our economy and our society. UP monitors the national insurance marketplace with a particular focus on regions impacted by large-scale natural disasters. Donations, grants, and volunteer labor support the organization's work.

UP has filed over two hundred and thirty-five *amicus* briefs, since it was founded, in state and federal appellate courts throughout the United States. The organization has participated by court invitation in briefing and oral argument, and many arguments from UP's *amicus curiae* briefs have been cited with approval by reviewing courts. UP's *amicus* brief was cited in the U.S. Supreme Court's opinion in *Humana Inc. v. Forsyth*, 525 U.S. 299 (1999).

UP has been actively assisting individual and business policyholders in Texas since the mid- 1990's. Texas residents regularly contact UP for information, and UP's Claim Help Library includes materials that are tailored for the laws, customs and practices in the state of Texas. UP has filed numerous *amicus* briefs in Texas courts, and works closely with the Office of Public Insurance Counsel.

The case currently pending in Texas will have a substantial impact on the rights of Texas policyholders to be promptly and properly compensated by their insurance companies, and will also impact the consistency of court decisions on a statewide basis.

Amicus Curiae, United Policyholders, joins in the argument and brief filed by Texas Apartment Association, Inc. ("TAA"), Texas Association of School Boards Legal Assistance

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Fund (“TASB LAF”), and Texas Organization of Rural & Community Hospitals (“TORCH”), but presents this separate letter brief to advise the Court that, as advocates for property owners and policyholders, United Policyholders has insight and interest in the Court’s handling of the issues involved in this case.

This proceeding is of great importance to Texas law. For the reasons stated in the *amici curiae* brief filed by TAA, TASB LAF and TORCH, the Court should continue to require insurance companies to promptly investigate and pay covered losses in good faith. Any delay by an insurance company in invoking appraisal after the insurer is aware that there is a disagreement about the amount of the loss should be deemed a waiver of appraisal.

Sincerely,

/s/ William F. Merlin, Jr.

William F. Merlin, Jr.

*Signed in attorney’s absence to avoid delay*

On behalf of *Amicus Curiae*,  
United Policyholders

**CERTIFICATE OF SERVICE**

On this day, the undersigned served a copy of forgoing on all counsel of record via first-class mail.

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