

NORTH CAROLINA COURT OF APPEALS

RADIATOR SPECIALTY COMPANY,)	
)	
Plaintiff,)	<u>From Mecklenburg County</u>
)	No. 13 CVS 2271
v.)	
)	
FIREMAN’S FUND INSURANCE)	
COMPANY <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

**MOTION OF UNITED POLICYHOLDERS FOR LEAVE
TO FILE AN *AMICUS CURIAE* BRIEF**

Pursuant to Rule 28(i) of the North Carolina Rules of Appellate Procedure, United Policyholders respectfully petitions this Court for leave to file an *amicus curiae* brief in support of Appellant Radiator Specialty Company.

NATURE OF APPLICANT’S INTEREST

United Policyholders (“UP”) is a not-for-profit corporation founded in 1991 as an educational resource for the public on insurance issues and insurance consumer rights. The organization is tax-exempt under the Internal Revenue Code § 501(c)(3). UP is based in California but operates nationwide and is funded by

donations and grants from individuals, businesses, and foundations and governed by an eight-member Board of Directors. UP contributes on an ongoing basis to the formulation of insurance-related public policy at both the national and state level.

UP exists because businesses and individuals rely on the insurance they buy to protect themselves, their property, and their livelihoods against the risk of loss, and insurance companies are in the business to earn profits by assuming that risk. Insurance is a regulated industry because the financial security insurance policies provide is an integral part of the fabric of our society and economy. UP monitors the insurance sector, works with public officials, has a nationwide network of volunteers and affiliate organizations, publishes written materials, files *amicus* briefs in cases involving coverage and claim disputes and is a general information clearinghouse on consumer issues related to commercial and personal lines insurance products. UP provides disaster aid to property owners across the U.S. via educational activities designed to illuminate and demystify the claim process.

UP assists courts as *amicus curiae* in coverage and claim related appellate proceedings throughout the U.S. UP's *amicus* brief was cited with approval in the U.S. Supreme Court's opinion in *Humana Inc. v. Forsyth*, 525 U.S. 299, 314 (1999), and its arguments have been cited and relied upon by many state and federal courts.

QUESTION OF LAW TO BE ADDRESSED

UP's brief will address the extensive drafting history of the insurance industry, which confirms that the standard commercial general liability policy, once triggered by injury or damage happening during the policy period, is intended to provide coverage for a policyholder's liability in full up to the policy limits ("all sums"), rather than some lesser, prorated amount.

This 12th day of September, 2016.

Electronically submitted

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N.C. R. App. P. 33(b) Certification:
I certify that all of the attorneys
listed below have authorized me to
list their names on this document as
if they had personally signed it.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing on counsel of record by depositing a copy, contained in a first-class mail postage-paid wrapper, into a depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

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This the 12th day of September, 2016.

Electronically Submitted

R. Steven DeGeorge
