

SUPREME COURT
FILED

Case No. S226529

APR - 8 2016

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

Frank A. McGuire Clerk

Deputy

ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES and
PERSONAL INSURANCE FEDERATION OF CALIFORNIA,

Plaintiffs and Respondents,

v.

DAVE JONES in his capacity as Commissioner
of the California Department of Insurance,

Defendant and Appellant.

**APPLICATION FOR LEAVE TO FILE AN AMICUS BRIEF OF
UNITED POLICYHOLDERS IN SUPPORT OF DEFENDANT
AND APPELLANT DAVE JONES**

California Court of Appeal, Second Appellate District, Case No.
B248622

Los Angeles Superior Court, Case No. BC463124,
Honorable Gregory W. Alarcon, Presiding Judge

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**APPLICATION FOR LEAVE TO FILE AN AMICUS BRIEF OF
UNITED POLICYHOLDERS IN SUPPORT OF DEFENDANT AND
APPELLANT DAVE JONES**

Under California Rule of Court 8.520(f), United Policyholders (“UP”), respectfully requests permission to file the accompanying amicus curiae brief in support of defendant and appellant, Dave Jones, in his Capacity as Insurance Commissioner, State of California.

United Policyholders (“UP”) is a non-profit organization based in California that serves as a voice and information resource for insurance consumers in all 50 states. UP is tax-exempt under Internal Revenue Code §501(c)(3). UP is funded by donations and grants and does not accept money from insurance companies. UP’s work is divided between three program areas: Roadmap to Recovery program (helping individuals navigate the insurance claim process and recover fair and timely settlements); Roadmap to Preparedness (UP promotes insurance and literacy and disaster readiness for homeowners and businesses); and Advocacy and Action (UP works with public officials, other non-profit and faith-based organizations and a diverse range of entities on insurance issues) and hosts a consumer-oriented Claim Help Library on its website at www.uphelp.org

UP has a particular interest in the case as a result of its extensive experience with the underinsurance problem that led to the adoption of the Regulation through direct contact with thousands of homeowners after devastating wildfires. During the 12-24 months it generally takes for people to repair, rebuild and recover, UP hosts educational workshops and communicates regularly with the victims through a Roadmap to Recovery™ program. UP coordinates these services with the California Department of Insurance, the American Red Cross as well as local government officials and organizations in the affected communities UP monitors individual and community experiences in the long-term disaster recovery process by conducting surveys at the six-month and one-year mark.

UP's Executive Director is currently in her seventh consecutive term as an official consumer representative to the National Association of Insurance Commissioners, and has performed government service as a consultant to the California State Senate and on the California Earthquake Authority Product Enhancement Committee. UP was also an active participant in the informal and formal proceedings that led up to the issuance of the Regulation.

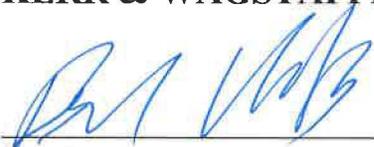
A diverse range of policyholders throughout California communicate on a regular basis with UP, which allows us to provide topical information to courts via the submission of amicus curiae briefs in cases involving

insurance principles that are likely to impact large segments of the public and business community.

UP's amicus brief was cited in the U.S. Supreme Court's opinion in *Humana v. Forsyth*, 525 U.S. 299, 314 (1999), and its arguments have been adopted by the California Supreme Court in *TRB Investments, Inc. v. Fireman's Fund Ins. Co.*, 40 Cal.4th 19 (2006) and *Vandenberg v. Superior Court*, 21 Cal.4th 815 (1999). UP has filed amicus briefs in four hundred cases throughout the United States, including all 50 states and many federal courts.

DATED: April 8, 2016

KERR & WAGSTAFFE LLP

By: 

IVO LABAR

DANIEL J. VEROFF

*Attorneys for Amicus Curiae
United Policyholders*

PROOF OF SERVICE

I, Ginie Phan, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 101 Mission Street, 18th Floor, San Francisco, California 94105. On April 8, 2016, I served the following document(s):

APPLICATION FOR LEAVE TO FILE AN AMICUS BRIEF OF UNITED POLICYHOLDERS IN SUPPORT OF DEFENDANT AND APPELLANT DAVE JONES

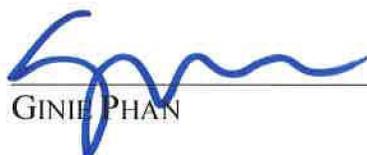
on the parties listed below as follows:

Hon. Gregory W. Alarcon Los Angeles Superior Court Department 36 111 North Hill Street Los Angeles, CA 90012	California Court of Appeal Second Appellate District, Div. 1 300 S. Spring Street 2nd Floor, North Tower Los Angeles, CA 90013
Gene Livingston Stephen E. Pafrath Greenberg Taurig, LLP 1201 K Street, Suite 1100 Sacramento, CA 95814-3938	Theodore J. Boutrous Jr. Julian W. Poon Gibson, Dunn & Crutcher LLP 333 South Grand Avenue Los Angeles, CA 90071-3197
Supreme Court of California 350 McAllister Street San Francisco, CA 94102 <i>via e-submission</i>	Kamala D. Harris Lisa W. Chao Attorney General of California 300 South Spring Street, Suite 1702 Los Angeles, CA 90013

By first class mail by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United

States mail at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 8, 2016, at San Francisco, California.



GINIE PHAN