



April 16, 2009

Via Email and Facsimile to (916) 319-2158  
The Honorable Charles Calderon  
State Capitol  
Sacramento, CA 95814

Re: Assembly Bill 328 - OPPOSE

**Board of Directors**

**Amy Bach, Esq.**  
*Executive Director*

**Alice J. Wolfson, Esq.**  
*Chair, Board of Directors*

**Hon. Stanley G. Feldman**  
*Chief Justice (RET)*  
*AZ Supreme Court*

**Larry P. Ginsburg, CFP®**  
*Ginsburg Financial Advisors, Inc.*

**William H. Hedden**  
*Consolidated Adjusting, Inc.*

**E. Gerard Mannion, Esq.**  
*Mannion & Lowe*

**William M. Shernoff, Esq.**  
*Shernoff, Bidart & Darrus LLP*

**Tricia Swift**  
*The Grubb Company*

Dear Assembly member Calderon,

We are writing to respectfully inform you that we oppose your bill number 328. Any person who uses email will tell you that they have not received emails that someone insisted they sent to them. This happens all the time to most of us. There are myriad technological reasons why people sometimes do not get email messages that are intended for them. These include spam and junk mail filters, connection and mailbox problems and other issues outlined in Consumer Watchdog's letter dated April 13, 2009.

Allowing insurance contracts to be non-renewed, cancelled or otherwise unenforceable on the basis of email notices alleged to have been sent is unsound. We recognize and share the goal of the cost savings, reduced paper waste and associated environmental burden this bill seeks to accomplish, if an acknowledgement procedure can be implemented that ensures that a policyholder has actually received and read notices of pending cancellations, non-renewals or reductions in coverage, an amended version of this bill could merit our support.

United Policyholders is a 501(c)(3) organization that helps solve insurance problems and advocates for fairness in insurance transactions. Over the years we have been asked to help **many** consumers with cancellations and policy changes that had not been communicated to them. In virtually every case, the insurer insisted the notice had been sent, no independent evidence supported either side, and the dispute ended up in litigation. This scenario will be multiplied a thousand fold if this bill becomes law.

Sincerely,

[www.unitedpolicyholders.org](http://www.unitedpolicyholders.org)

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