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5 Attorneys for Proposed Intervenors
Personal Insurance Federation of California,
6 American Insurance Association, Property Casualty
Insurers Association of America dba Association of
7 California Insurance Companies, National
Association of Mutual Insurance Companies, and
8 Pacific Association of Domestic Insurance
Companies

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO
11

12 MERCURY CASUALTY COMPANY,
13
14 Petitioner and Plaintiff,

15 v.

16 DAVE JONES, IN HIS OFFICIAL
CAPACITY AS THE INSURANCE
17 COMMISSIONER OF THE STATE OF
CALIFORNIA,

18 Respondent and Defendant.
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20

21
22 CONSUMER WATCHDOG,
23
24 Intervenor.
25
26
27
28

Case No. 34-2013-80001426
Assigned to: Hon. Eugene L. Balonon, Dept. 14

**EX PARTE APPLICATION FOR AN
ORDER SHORTENING TIME FOR
HEARING ON MOTION FOR LEAVE TO
INTERVENE**

**(Cal. Rules of Court, Rule 3.1200 et seq. and
Rule 3.1300(b))**

Date: May 3, 2013
Time: 10:00 a.m.
Dept.: 14

Action Filed: March 1, 2013

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 3, 2013, at 10:00 a.m., in the courtroom of the
3 Honorable Eugene L. Balonon, located in Department 14 of the Sacramento County Superior
4 Court, located at 720 9th Street, Sacramento, California 95814, the Personal Insurance Federation
5 of California¹ (“PIFC”), American Insurance Association (“AIA”), Property Casualty Insurers
6 Association of America dba Association of California Insurance Companies (“PCI/ACIC”),
7 National Association of Mutual Insurance Companies (“NAMIC”), and Pacific Association of
8 Domestic Insurance Companies (“PADIC”) (collectively the “Trades”) will hereby apply to this
9 Court, pursuant to Rule of Court 3.1300(b), for an order shortening the time for hearing on their
10 pending motion for leave to intervene in the above-captioned action (the “Motion”). As fully set
11 forth in the Declaration of Vanessa Wells, good cause exists to grant this application.

12 PLEASE TAKE FURTHER NOTICE that pursuant to Rule 3.1200 *et seq.*, the Trade’s
13 counsel provided notice to counsel for Mercury Casualty Company (“Mercury”), counsel for
14 Respondent, and counsel to Intervenor Consumer Watchdog via e-mail on April 25, 2013 at 6:29
15 p.m. of the intent to apply *ex parte* for an order shortening time for hearing on the Motion. *See*
16 Declaration of Vanessa Wells in Support of Ex Parte Application for an Order Shortening Time
17 (“Wells Decl.”), ¶¶ 8-9. Counsel for Mercury, Respondent, and Intervenor Consumer Watchdog
18 have advised that they will not oppose the application, and have agreed to the following proposed
19 schedule for briefing and hearing on the Motion: briefs in opposition to the Motion shall be filed
20 and served by May 24, 2013; briefs in reply shall be filed and served by May 31, 2013; hearing
21 on the Motion will occur on June 7, 2013. *See* Wells Decl., ¶¶ 10-12. Counsel for the
22 Commissioner advised that the Commissioner will oppose the Motion for Leave to Intervene.

23 Concurrent with this application, the Trades have filed the Motion with this Court. As
24 detailed in the Motion and its supporting memorandum of points and authorities, the Trades are
25 entitled to participate in this action as intervening parties under Insurance Code section

26 _____
27 ¹ As a matter of candor, PIFC discloses that Mercury is one of its members. Mercury,
28 however, is involved in this action to represent its own rights as to the specific rate order issued
by the Commissioner. It does not appear in a representative capacity on behalf of PIFC or its
fellow PIFC members.

1 1861.10(a) and Code of Civil Procedure sections 387(a) and (b).

2 Pursuant to Rule of Court 3.1304(a) the Court's next available regularly scheduled hearing
3 day for hearing on this motion is, at the earliest, September 13, 2013. As of this time, no briefing
4 schedule or hearing date has been set regarding Mercury's writ petition. However, since the
5 Court would be unable to hear the Motion on a regularly scheduled motion day until September,
6 good cause exists to shorten the time for all parties to respond to the Motion and for the Court to
7 set a hearing so that resolution of the Motion will not interfere with briefing and hearing on the
8 writ petition.

9 For the foregoing reasons and the reasons set forth in the accompanying Memorandum
10 and Declaration of Vanessa Wells, the Trades request that the *ex parte* application be granted.

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12 Dated: April 26, 2013

Respectfully submitted,

HOGAN LOVELLS US LLP

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14
15 By: 
16 Vanessa O. Wells

17 Attorneys for Proposed Intervenors
18 Personal Insurance Federation of California,
19 American Insurance Association, Property
20 Casualty Insurers Association of America dba
21 Association of California Insurance
22 Companies, National Association of Mutual
23 Insurance Companies, and Pacific Association
24 of Domestic Insurance Companies