



Honorable Justices
California Court of Appeal
Second Appellate District, Division Seven
300 S. Spring St., Fl.2, North Tower
Los Angeles, CA 90013-1213

Re: *Farmers Ins. Exchange v. Superior Court (Bautista)*
Court of Appeal Case No. B248324
Request for Publication

Honorable Justices:

The Personal Insurance Federation of California (PIFC) respectfully requests publication of the decision in this case, pursuant to Rule 8.1120(a) of the California Rules of Court.

PIFC is a California trade association representing personal lines auto and homeowner insurers which together provide coverage to the majority of the marketplace. We believe publication of this case is appropriate for the following reasons:

1. This Court's discussion of the concurrent cause doctrine (as announced in *State Farm Mut. Auto. Ins. Co. v. Partridge* (1973) 10 Cal.3d 94 ("*Partridge*")) contains an excellent historical analysis of the development of the law over the last 50 years and the application of such law to determine insurance coverage. It will be helpful to future courts and litigants to have the benefit of this Court's guidance, as the dispute in this case arises frequently and as this opinion addresses exclusions common to almost all homeowner policies issued in California. Therefore, publication of the Court's opinion is warranted because it "makes a significant contribution to legal literature by reviewing ... the development of a common law rule." (Cal. Rules of Court, Rule 8.1105(c)(7).)

2. The insurance industry considers the distinction between automobile liability insurance and property insurance crucial to the appropriate actuarial development of rates. Each type of insurance has unique risk criteria and, in the case of auto coverage, statutorily mandated criteria. The "auto risks" exclusion in standard homeowner policies is very important, and this Court's decision properly reflects that where the instrumentality of the injury is an automobile, automobile insurance provides the appropriate coverage for injuries. This Court clearly and properly noted that the tragic death of the child in this case was an auto-related risk.

3. This Court further noted only a few California cases dealing with the subtle distinctions between cases reflecting a “Partridge”-type analysis versus those cases that should be guided by *Ohio Casualty Ins. Co. v. Hartford Accident & Indemnity Co.* (1983) 148 Cal.App.3d 641 and *National American Ins. Co. v. Coburn* (1989) 209 Cal.App.3d 914. The instant decision adds appropriate analysis to these few cases. Logically, claims of inadequate supervision of a driver or victim could almost always be alleged as a contributing cause to an auto-related injury. Such an allegation should be insufficient to trigger coverage under property insurance policies.

For the reasons set forth above, this Court’s decision in this case meets the criteria for publication and should be ordered published consistent with California Rules of Court, Rule 8.1105(c). A copy of this letter has been served on all counsel of record as shown by the attached proof of service. We thank the Court for its attention to this matter.

Respectfully submitted,



Kara Cross, General Counsel
The Personal Insurance Federation of California

Proof of Service

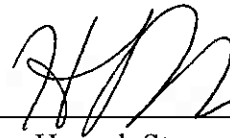
I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 1201 K Street, Suite 1220, Sacramento, CA 95814.

On October 21, 2013, I served the foregoing document on all interested parties in this action by placing a true copy of each document, enclosed in a sealed envelope addressed as follows:

See Attached Service List

- (X) **BY MAIL:** as follows: I am “readily familiar” with the firm’s practice of collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Sacramento, California.

I declare under penalty and perjury under the laws of the State of California that the above is true and correct. Executed on October 21, 2013 at Sacramento, California.



Hannah Strom-Martin

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