

2ND CIVIL NO. B220469
2ND CIVIL NO. B223772
LASC CASE NO. BC297438
RELATED CASE BC266219
HON. JOHN S. WILEY JR.
HON. ANTHONY J. MOHR

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION 3

**AMBER MACKAY, an Individual, On Behalf of the General Public;
and JACQUELINE LEACY, an Individual, On Behalf of the General
Public,**
Petitioners & Real Parties in Interest,

vs.

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,**
Respondent,

21ST CENTURY INSURANCE COMPANY,
Petitioner & Real Party in Interest.

APPLICATION TO SHORTEN TIME; PROPOSED ORDER

Harvey Rosenfield, State Bar No. 123082
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CONSUMER WATCHDOG
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Attorneys for Amicus Curiae and Proposed Intervenor
Consumer Watchdog

APPLICATION TO SHORTEN TIME

TO THE PRESIDING JUSTICE AND HONORABLE ASSOCIATE JUSTICES OF THE SECOND DISTRICT COURT OF APPEAL, DIVISION THREE, IN AND FOR THE STATE OF CALIFORNIA:

Pursuant to Rules of Court, Rule 8.68, Consumer Watchdog hereby ~~seeks an order shortening time for any opposition to its concurrently filed~~ Motion to Intervene and for a ruling. Rules of Court, Rule 8.54 grants parties 15 days to file an opposition (Cal. R. Ct., Rule 8.54(a)(3)) and only permits the Court to rule on the motion after an opposition has been filed or the time to file an opposition has run (Cal. R. Ct., Rule 8.54(b)(1)). Since Consumer Watchdog's motion is filed on October 21, 2010, any opposition is due on or before October November 5, 2010. Thus, it is possible that this Court would not be able to rule on the Motion to Intervene before November 5, 2010.

Additionally, Consumer Watchdog has concurrently filed a petition for rehearing. "An order for rehearing must be filed before the decision is final." (Cal. R. Ct., Rule 8.268(a)(2).) Since the Court's opinion in this matter was filed on October 6, 2010, the decision will become final on November 5, 2010. (See Cal. R. Ct., Rule 8.264(b)(1).)

Consequently, the rules operate such that the Court might not be able to rule on Consumer Watchdog's motion to intervene and its petition for rehearing, unless the time to file an opposition is shortened. Thus, the Court would need to receive any opposition to Consumer Watchdog's motion to intervene some time before November 5, 2010, in order to give due consideration to Consumer Watchdog's motion and allow the Court the ability to rule on the motion and Consumer Watchdog's accompanying Petition for Rehearing. As such, Consumer Watchdog requests that the Court order any opposition to its Motion to Intervene be due some time before November 5, 2010. Consumer Watchdog defers to the Court's preference as to when to require such an opposition in order that the Court

have sufficient time to give complete consideration to any such opposition and Consumer Watchdog's Petition for Rehearing.

Dated: October 21, 2010

CONSUMER WATCHDOG

Harvey Rosenfield

Pamela Pressley

Todd M. Foreman

BY:



Todd M. Foreman

Counsel for Amicus Curiae and

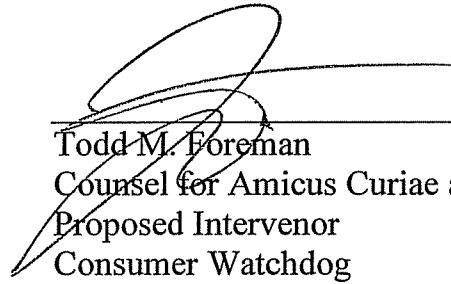
Proposed Intervenor

CONSUMER WATCHDOG

CERTIFICATE OF COMPLIANCE

Counsel of record hereby certifies that pursuant to rule 8.204(c)(1) of the California Rules of Court, the enclosed **APPLICATION TO SHORTEN TIME** is produced using 13-point Roman type, including footnotes, and contains approximately 347 words, which is less than the total words permitted by the rules of court. Counsel relies on the word count provided by Microsoft Word word-processing software.

DATED: October 21, 2010



Todd M. Foreman
Counsel for Amicus Curiae and
Proposed Intervenor
Consumer Watchdog

**[PROPOSED] ORDER GRANTING
APPLICATION TO SHORTEN TIME**

The Court having reviewed Consumer Watchdog's Application to Shorten Time dated October 21, 2010, and good cause appearing therefore, hereby GRANTS the application. Any opposition to Consumer Watchdog's Motion to Intervene must be filed on or before _____, 2010.

DATED: _____, 2010

Justice of the Court of Appeal

**PROOF OF SERVICE
[BY OVERNIGHT OR U.S. MAIL, FAX TRANSMISSION,
EMAIL TRANSMISSION AND/OR PERSONAL SERVICE]**

Case Name: Mackay v. 21st Century Insurance
Court of Appeal Case No.: B220469
Superior Court Case No.: BC297438

I declare:

I am employed in the City of Santa Monica and County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1750 Ocean Park Blvd., Suite #200, Santa Monica, California 90405, and I am employed in the city and county where this service is occurring.

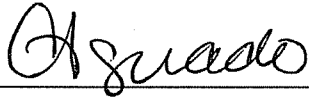
On October 21, 2010, I caused service of true and correct copies of the documents entitled:

APPLICATION TO SHORTEN TIME; PROPOSED ORDER

upon the persons named in the attached service list, in the following manner:

1. If marked FAX SERVICE, by facsimile transmission this date to the FAX number stated to the person(s) named.
2. If marked EMAIL, by electronic mail transmission this date to the email address stated.
3. If marked U.S. MAIL or OVERNIGHT or HAND DELIVERED, by placing this date for collection for regular or overnight mailing true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail and for sending of Overnight mail. If mailed by U.S. Mail, these envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service. If mailed Overnight, these envelopes would be deposited this day in a box or other facility regularly maintained by the express service carrier, or delivered this day to an authorized courier or driver authorized by the express service carrier to receive documents, in the ordinary course of business, fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 21, 2010, at Santa Monica, California.



Carmen Aguado

SERVICE LIST

<u>Person Served</u>	<u>Method of Service</u>
Mark Goshgarian	<input type="checkbox"/> FAX
Merak Eskigian	<input checked="" type="checkbox"/> U.S. MAIL
Goshgarian & Marshall	<input type="checkbox"/> OVERNIGHT MAIL
23901 Calabasas Road, Suite 2073	<input type="checkbox"/> HAND DELIVERED
Calabasas, CA 91302	<input type="checkbox"/> EMAIL

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