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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**
12

13 **THE ASSOCIATION OF CALIFORNIA)**
INSURANCE COMPANIES, THE)
14 **PERSONAL INSURANCE FEDERAL OF)**
CALIFORNIA, THE AMERICAN)
15 **INSURANCE ASSOCIATION, AND THE)**
PACIFIC ASSOCIATION OF DOMESTIC)
16 **INSURANCE COMPANIES)**

Case No.:
NOTICE OF RELATED CASES

17 Petitioners and Plaintiffs,)
18 vs.)

19 **STEVE POIZNER, Insurance Commissioner)**
of the State of California; and CALIFORNIA)
20 **DEPARTMENT OF INSURANCE,)**

21 Respondents and Defendants.)
22)
23)

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1 PLEASE TAKE NOTICE that the above-entitled action is related to an action previously
2 filed in Superior Court of the State of California, for the County of Los Angeles, Department 85,
3 The Honorable Dzintra I. Janavs, Judge, presiding. The case is entitled *American Healthcare*
4 *Indemnity Company and SCPIE Indemnity Company v. John Garamendi*, Case No. BS094515 (Cal.
5 Super. [Los Angeles] Ct.), filed January 12, 2005 (“SCPIE Action”).

6 L.A. Superior Court, Local Rule 7.3(f)(1)(a) through (d) provides that “[a] civil case may
7 be ordered related when “(a) aris[ing] the same or substantially identical transactions, happenings or
8 events; or (b) “[r]equiring a determination of the same or substantially identical questions of law
9 and/or fact”; or (c) “[a]re likely for other good reasons to require substantial duplication of labor if
10 heard by different judges”; or (d) when the current case is "the same or substantially similar to a
11 prior case in the Superior Court that has been dismissed, either with our without prejudice." Local
12 Rule provides that the judge with the earliest filed case, here, Judge Janavs, “shall determine
13 whether the cases shall be ordered related and assigned to such department.”

14 The SCPIE action and the above-entitled action arise from substantially identical
15 transactions, happenings, events and issues of law. Both cases involve the interpretation of
16 California Insurance Code section 1861.10, relating to the awards of compensation for consumer
17 participation in insurance rating matters. In the SCPIE Action, Judge Janavs ruled that, under
18 California Insurance Code section 1861.10, a consumer group was not entitled to an award of
19 compensation where the Commissioner had not issued any order or decision and the consumer
20 group was not a party to a “proceeding” as its petition for intervention and hearing was denied.

21 The present case arose as a result of the Commissioner’s attempts to escape the effect
22 Judge Janav’s ruling in the SCPIE Action by promulgating revised regulations. It is Plaintiff’s
23 position that the Commissioner’s actions are unavailing, and that the regulations are illegal and in
24 violation of section 1861.10, for the reasons set forth in Judge Janavs’ ruling. Thus, both cases
25 require determination of the same or substantially the same questions of law. Furthermore, as Judge
26 Janavs is already familiar with the legal and factual issues arising in this matter, the assignment of
27 any other judge to this matter will result in substantial duplication of labor.

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For the Court’s convenience, a copy of the Writ Petition in the SCPIE Action is attached hereto as Exhibit “A.” A copy of Judge Janavs ruling in the SCPIE Action is attached hereto as Exhibit “B.”

Dated: May____, 2007

BARGER & WOLEN LLP

By: _____
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