

Filed 10/20/10

***CERTIFIED FOR PUBLICATION***

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

AMBER MACKAY et al.,

Petitioners,

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

Respondent;

21ST CENTURY INSURANCE  
COMPANY,

Real Party in Interest.

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21ST CENTURY INSURANCE  
COMPANY,

Petitioner,

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

Respondent;

AMBER MACKAY et al.,

Real Parties in Interest.

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B220469

(Los Angeles County  
Super. Ct. Nos. BC297438,  
BC266219)  
(John S. Wiley, Jr., Judge)

ORDER MODIFYING OPINION  
[No Change in Judgment]

B223772

(Los Angeles County  
Super. Ct. Nos. BC297438)  
(Anthony J. Mohr, Judge)

THE COURT:

It is ordered that the opinion filed herein on October 6, 2010 is modified as follows:

1. On page 2, line 14, delete the entire sentence beginning “Sedgwick, Detert . . .” and replace with:

Sedgwick, Detert, Moran & Arnold and Vanessa O. Wells for Personal Insurance Federation of California, Association of California Insurance Companies, and American Insurance Association as Amicus Curiae on behalf of 21st Century Insurance Company, Petitioner (B223772) and Real Party in Interest (B220469).

2. On page 3, line 9, delete the entire sentence beginning “The question presented by this appeal . . .” and replace with:

The principal question presented by these writ proceedings is whether, after a rate has been approved, an insured may pursue a civil action to challenge what it believes to be an illegal rate.

3. On page 9, footnote 6, delete the entire sentence beginning “We are not long detained . . . .” and replace with:

We are not long detained by plaintiffs’ suggestion that, by including this provision in its approval letters, the DOI can, as a general matter, prospectively disapprove any rating factor which may subsequently be determined to have been in conflict with California law.