

Filed 10/22/10

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.

21ST CENTURY INSURANCE
COMPANY,

Petitioner,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent;

AMBER MACKAY et al.,

Real Parties in Interest.

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:

This is a second order of modification.

On page 35, at the end of line 8, please add a footnote:

This court has been advised by written communications from the parties, each dated September 29, 2010, that a tentative “settlement” of this class action has been negotiated. We have nonetheless determined to exercise our discretion to retain jurisdiction and file our decision in this matter. There are two reasons for doing so. First, as both parties have recognized, the negotiated settlement is only tentative and subject to further court proceedings as well as potential objections by class members. In addition, such settlement was negotiated after this matter had been submitted for decision. (*Cadence Design Systems, Inc. v. Avant! Corp.* (2002) 29 Cal.4th 215, 218, fn. 2; *Castro v. Superior Court* (2004) 116 Cal.App.4th 1010, 1014, fn. 3.) Second, the issues presented by these consolidated writ petitions and addressed in this opinion are of major importance to both insurers and policy holders in California and are clearly of continuing public interest and are likely to recur. (See *People v. Eubanks* (1996) 14 Cal.4th 580, 584, fn. 2.)