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Steve Poizner, Insurance Commissioner of the State of California; and California Department of Insurance

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES, THE PERSONAL INSURANCE FEDERATION OF CALIFORNIA, THE AMERICAN INSURANCE ASSOCIATION, and THE PACIFIC ASSOCIATION OF DOMESTIC INSURANCE COMPANIES,

Plaintiffs and Petitioners,

v.

STEVE POIZNER, Insurance Commissioner of the State of California; and CALIFORNIA DEPARTMENT OF INSURANCE,

Defendants and Respondents.

Case No. BS109154

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RESPONDENTS' OPPOSITION TO PETITION FOR A PEREMPTORY WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Date: January 31, 2008
Time: 9:30 a.m.
Dept: 85

Judge: The Honorable Dzintra I. Janavs
Action Filed: May 25, 2007

Respondents, Steve Poizner, Insurance Commissioner of the State of California, and California Department of Insurance (collectively as "Respondents") respectfully request that the Court take judicial notice of the following:

1. California Department of Insurance Rulemaking File, File No. RH06092874, a copy of which is attached as Exhibit A to the Declaration of Elizabeth Mohr (¶ 4.) Judicial notice is appropriate pursuant to Evidence Code sections 452(c); *You Sow v. Conbraco Industries* (2005) 135 Cal.App.4th 431.

Dated: December 7, 2007

Respectfully submitted,

EDMUND G. BROWN JR.
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Attorneys for Respondents and Defendants, Steve Poizner, Insurance Commissioner of the State of California; and California Department of Insurance Respectfully submitted,

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **The Association of California Insurance Companies et al. v. Steve Poizner et al.**

No.: **BS109154**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On December 7, 2007, I served the attached **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RESPONDENTS' OPPOSITION TO PETITION FOR A PEREMPTORY WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Michael A.S. Newman
Barger & Wolden LLP
633 West Fifth Street
47th Floor
Los Angeles, California 90071

Harvey Rosenfield
The Foundation for Taxpayer and Consumer Rights
1750 Ocean Park Boulevard, Suite 200
Santa Monica, CA 90405

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 7, 2007, at Los Angeles, California.

John R. Huetteman
Declarant

John R. Huetteman
Signature

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RECEIVED
DEC 10 2007
BARGER & WOLEN LLP