

1 HARVEY ROSENFELD (SBN 123082)
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4 THE FOUNDATION FOR TAXPAYER
5 AND CONSUMER RIGHTS
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10 Attorneys for
11 The Foundation for Taxpayer and Consumer Rights

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES

14 THE ASSOCIATION OF CALIFORNIA
15 INSURANCE COMPANIES, THE PERSONAL
16 INSURANCE FEDERATION OF CALIFORNIA,
17 THE AMERICAN INSURANCE ASSOCIATION,
18 AND THE PACIFIC ASSOCIATION OF
19 DOMESTIC INSURANCE COMPANIES

20 Petitioners and Plaintiffs,

21 v.

22 STEVE POIZNER, in his capacity as Insurance
23 Commissioner of the State of California; and
24 CALIFORNIA DEPARTMENT OF INSURANCE,

25 Respondents and Defendants.

Case No. BS109154

**STIPULATION FOR AN ORDER
GRANTING THE FOUNDATION
FOR TAXPAYER AND CONSUMER
RIGHTS LEAVE TO INTERVENE**

Date Action Filed: May 25, 2007

Dept.: 85

Judge: Dzintra Janavs

26 Petitioners/Plaintiffs The Association of California Insurance Companies, The Personal
27 Insurance Federation of California, The American Insurance Association, and The Pacific Association
28 Of Domestic Insurance Companies (collectively, "Petitioners"); Respondents Steve Poizner, in his
capacity as Insurance Commissioner of the State of California ("Commissioner") and California
Department of Insurance (collectively as "Respondents"); and The Foundation for Taxpayer and
Consumer Rights through their undersigned counsel, assert and agree to the following:

1 1. Petitioners brought this action on May 25, 2007 alleging that amendments adopted by
2 the Commissioner to certain sections of the procedural regulations implementing Insurance Code
3 sections 1861.05 and 1861.10 (namely sections 2651.1, 2661.1, 2661.3, 2662.1, 2662.3, and 2662.5 of
4 Title 10 of the California Code of Regulations (“10 CCR”), which govern rate proceedings before the
5 Department of Insurance and consumer intervention in such proceedings (“Intervenor Regulations”),
6 conflict with and are not reasonably necessary to effectuate the purposes of the statutes. Petitioners
7 seek a writ of mandate and/or injunction ordering the Commissioner not to enforce the amended
8 regulations on the grounds that they violate Government Code section 11342.2. Petitioners also seek a
9 declaration from the Court of the invalidity of the amended regulations.

10 2. Respondents filed an Answer on July 20, 2007.

11 3. FTCR seeks leave to intervene pursuant to Insurance Code section 1861.10(a) and Code
12 of Civil Procedure section 387(b) to support of the Commissioner’s defense of this action and to uphold
13 the challenged amendments to the Intervenor Regulations.

14 4. On July 27, 2007, counsel for Respondents informed counsel for FTCR that they would
15 agree to stipulate to FTCR’s intervention.

16 5. Petitioners object to FTCR’s allegation that it is entitled to compulsory intervention
17 pursuant to Insurance Code section 1861.10(a) and Code of Civil Procedure section 387(b).

18 6. On July 26, 2007, the following documents were served on Petitioners’ and
19 Respondents’ counsel by facsimile transmission and were also hand-delivered to the parties’ counsel on
20 the morning of July 27, 2007:

21 (a) Ex Parte Application for Leave to Intervene; Memorandum of Points and Authorities
22 and Declaration of Pamela Pressley in Support Thereof;

23 (b) Proposed Order; and

24 (c) Proposed Complaint in Intervention.

25 7. FTCR’s Proposed Complaint in Intervention is lodged concurrently herewith.

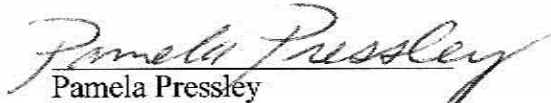
1 8. Petitioners and Respondents hereby stipulate to FTCR's intervention in this matter.
2 Petitioners so stipulate without waiving their objections as stated in paragraph (5) above, and without
3 waiving any objections and/or responses to FTCR's Complaint In Intervention in this matter.

4 PURSUANT TO THIS STIPULATION, Petitioners, Respondents and FTCR respectfully
5 request that the Court issue an order granting FTCR leave to intervene and to file its Complaint in
6 Intervention.

7
8 SO STIPULATED:

9 Dated: August 9, 2007

10 THE FOUNDATION FOR TAXPAYER AND
11 CONSUMER RIGHTS
12 Harvey Rosenfield
13 Pamela Pressley
14 Todd M. Foreman



15 Pamela Pressley
16 Attorneys for THE FOUNDATION FOR
17 TAXPAYER AND CONSUMER RIGHTS

18 Dated: August __, 2007

19 Robert Hogeboom
20 Suh Choi
21 Michael A.S. Newman
22 BARGER & WOLEN LLP

23 _____
24 Michael A.S. Newman
25 Attorneys for PETITIONERS

26 Dated: August __, 2007

27 Edmund G. Brown, Jr., Attorney General
28 Mark Richelson, Deputy Attorney General
Christine Zarifian, Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL

Christine Zarifian
Attorneys for RESPONDENTS

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9 Dated: August ____, 2007

THE FOUNDATION FOR TAXPAYER AND
CONSUMER RIGHTS
Harvey Rosenfield
Pamela Pressley
Todd M. Foreman

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Pamela Pressley
Attorneys for THE FOUNDATION FOR
TAXPAYER AND CONSUMER RIGHTS

15 Dated: August 9, 2007

16 Robert Hogeboom
17 Suh Choi
18 Michael A.S. Newman
19 BARGER & WOLEN LLP

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23 Michael A.S. Newman
24 Attorneys for PETITIONERS

25 Dated: August ____, 2007

26 Edmund G. Brown, Jr., Attorney General
27 Mark Richelson, Deputy Attorney General
28 Christine Zarifian, Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL

Christine Zarifian
Attorneys for RESPONDENTS

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THE FOUNDATION FOR TAXPAYER AND
CONSUMER RIGHTS
Harvey Rosenfield
Pamela Pressley
Todd M. Foreman

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Pamela Pressley
Attorneys for THE FOUNDATION FOR
TAXPAYER AND CONSUMER RIGHTS

15 Dated: August ____, 2007

Robert Hogeboom
Suh Choi
Michael A.S. Newman
BARGER & WOLEN LLP

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Michael A.S. Newman
Attorneys for PETITIONERS

21
22 Dated: August 8, 2007

Edmund G. Brown, Jr., Attorney General
Mark Richelson, Deputy Attorney General
Christine Zarifian, Deputy Attorney General
OFFICE OF THE ATTORNEY GENERAL

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Med. M. for Christine Zarifian
Christine Zarifian
Attorneys for RESPONDENTS

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PROOF OF SERVICE
[BY OVERNIGHT, U.S. OR INTRA-AGENCY MAIL, FAX
TRANSMISSION AND/OR PERSONAL SERVICE]

State of California, City Santa Monica, County of Los Angeles

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 August 9, 2007, I caused service of true and correct copies of these documents,

STIPULATION FOR AN ORDER GRANTING THE FOUNDATION FOR TAXPAYER AND CONSUMER RIGHTS LEAVE TO INTERVENE

[PROPOSED] ORDER


PROOF OF SERVICE

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 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.

Executed on August 9, 2007, at Santa Monica, California.



Mark Reback

1 SERVICE LIST

2 Person Served

3 Method of Service

4 Mark Richelson _____ FAX
5 Christine Zefarian X U.S. MAIL
6 Deputy Attorneys General _____ OVERNIGHT MAIL
7 OFFICE OF THE ATTORNEY GENERAL _____ HAND DELIVERED
8 300 South Spring Street, Suite 1702 X EMAIL
9 Los Angeles, CA 90013
10 Tel: (213) 897-2478
11 Fax: (213) 897-5775

12 (Counsel for Respondents Insurance
13 Commissioner, Steve Poizner and California
14 Department of Insurance)

15 Robert Hogeboom _____ FAX
16 Michael A.S. Newman X U.S. MAIL
17 Suh Choi _____ OVERNIGHT MAIL
18 BARGER & WOLEN LLP _____ HAND DELIVERED
19 633 West Fifth Street, 47th Floor X EMAIL
20 Los Angeles, CA 90071
21 Tel: (213) 680-2800
22 Fax: (213) 614-7399

23 (Counsel for Petitioners ACIC, PIFC, AIA and
24 PADIC)