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5 Attorneys for Proposed Intervenors
Personal Insurance Federation of California,
6 American Insurance Association, Property Casualty
Insurers Association of America dba Association of
7 California Insurance Companies, National
Association of Mutual Insurance Companies, and
8 Pacific Association of Domestic Insurance
Companies

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO
11

12 MERCURY CASUALTY COMPANY,
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14 Petitioner and Plaintiff,

15 v.

16 DAVE JONES, IN HIS OFFICIAL
CAPACITY AS THE INSURANCE
17 COMMISSIONER OF THE STATE OF
CALIFORNIA,

18 Respondent and Defendant.

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22 CONSUMER WATCHDOG,
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24 Intervenor.
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Case No. 34-2013-80001426
Assigned to: Hon. Eugene L. Balonon, Dept. 14

**DECLARATION OF VANESSA WELLS IN
SUPPORT OF THE *EX PARTE*
APPLICATION FOR AN ORDER
SHORTENING TIME FOR HEARING ON
MOTION FOR LEAVE TO INTERVENE**

**(Cal. Rules of Court, Rule 3.1200 et seq. and
Rule 3.1300(b))**

Date: May 3, 2013
Time: 10:00 a.m.
Dept.: 14

Action Filed: March 1, 2013

1 I, Vanessa Wells, hereby declare as follows:

2 1. I am an attorney licensed to practice by the State of California before this Court. I
3 am a partner in the firm Hogan Lovells US LLP, attorneys of record for the Personal Insurance
4 Federation of California¹ (“PIFC”), American Insurance Association (“AIA”), Property Casualty
5 Insurers Association of America dba Association of California Insurance Companies
6 (“PCI/ACIC”), National Association of Mutual Insurance Companies (“NAMIC”), and Pacific
7 Association of Domestic Insurance Companies (“PADIC”) (collectively the “Trades”) in this
8 action. I am making this declaration in support of the Trades’ *ex parte* application for an order
9 shortening time for opposition briefing and hearing on the Trades’ pending motion for leave to
10 intervene in the above-captioned action (the “Motion”). The matters set forth herein are based on
11 my own personal knowledge, and if called as a witness, I could and would testify competently to
12 them.

13 2. Concurrent with this application, the Trades have filed the Motion with this Court.
14 As detailed in the Motion and its supporting memorandum of points and authorities, the Trades
15 are entitled to participate in this action as intervening parties under Insurance Code section
16 1861.10(a) and Code of Civil Procedure sections 387(a) and (b).

17 3. Pursuant to Rule of Court 3.1304(a) the Court’s next regularly scheduled hearing
18 day is September 13, 2013. As of this time, no briefing schedule or hearing date has been set
19 regarding the writ petition. However, good cause exists to shorten the time for all parties to
20 respond and for the Court to hear the Motion so that the Trade’s status as intervenors can be
21 considered in the briefing and hearing on the writ petition.

22 4. If the Trades’ application to shorten time is not granted, then either (a) hearing on
23 the Motion will occur too late for the Trades to meaningfully participate in this writ action and
24 other parties will be deprived of adequate time to address the Trades’ arguments if they are
25 permitted to intervene, or (b) briefing and hearing on the merits will be delayed by several months

26 ¹ As a matter of candor, PIFC discloses that Mercury is one of its members. Mercury,
27 however, is involved in this action to represent its own rights as to the specific rate order issued
28 by the Commissioner. It does not appear in a representative capacity on behalf of PIFC or its
fellow PIFC members.

1 while the Motion is pending.

2 5. Shortening time for hearing on the Motion will permit determination of the
3 Trades' intervention before a schedule is set for briefing or hearing on the writ petition, thus
4 permitting a schedule to be crafted that accounts for the Trades, if intervention is allowed.

5 6. The Court will also benefit from a prompt resolution of the Motion because it will
6 resolve any uncertainty about the proper parties to this writ action and which parties are entitled
7 to participate in future proceedings.

8 7. The Court has recently permitted another third party, Consumer Watchdog, to
9 intervene in this action through an expedited process.

10 8. On April 25, 2013 at 6:29 p.m. I informed counsel for Mercury, Respondent, and
11 Intervenor Consumer Watchdog via e-mail of the intent to file this application requesting an order
12 shortening time for briefing and hearing on the Motion, and also proposed a schedule for briefing
13 and hearing on the Motion. Attached hereto as exhibit 1 is a true and correct copy of this e-mail.

14 9. Through e-mail dated April 26, 2013 at 10:17 a.m. to counsel for Mercury,
15 Respondent, and Intervenor Consumer Watchdog, I proposed a revised schedule based on
16 correspondence with Consumer Watchdog's counsel. The revised proposed schedule provides:
17 briefs in opposition to the Motion shall be filed and served by May 24, 2013; briefs in reply shall
18 be filed and served by May 31, 2013; hearing on the Motion will occur on June 7, 2013. Attached
19 hereto as exhibit 2 is a true and correct copy of this e-mail.

20 10. Through a telephone conference with Peter Sindhupak, counsel for Mercury,
21 Mercury advised that it does not object to this application and agrees to the revised proposed
22 schedule for briefing and hearing on the Motion.

23 11. Through an e-mail exchange with Stephen Lew, counsel for Respondent,
24 Respondent advised that he does not object to this application and agrees to the revised proposed
25 schedule for briefing and hearing on the Motion.

26 12. Through an e-mail exchange with Pamela Pressley, counsel for Intervenor
27 Consumer Watchdog, Consumer Watchdog advised that it does not object to this application and
28 requested the revised proposed schedule for briefing and hearing on the Motion.

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13. Counsel for Respondent has indicated that he will oppose the Motion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I executed this declaration at Palo Alto, California, this 26th day of April, 2013.



Vanessa O. Wells

EXHIBIT 1

Dolan, Matthew J.

From: Wells, Vanessa
Sent: Thursday, April 25, 2013 6:29 PM
To: steven.green@doj.ca.gov; stephen.lew@doj.ca.gov; pam@consumerwatchdog.org; Weinstein, Steven H. (sweinstein@bargerwolen.com); Sindhuphak, Peter (psindhuphak@bargerwolen.com)
Cc: Dolan, Matthew J.; Altamirano, Ramona; May, Kristine "Kris"
Subject: Mercury v. Jones, Sacramento Superior Court Case No. 34-2013-80001426

All: The Commissioner has indicated that he will oppose the motion for leave to intervene, which will be filed by Personal Insurance Federation of California, American Insurance Association, Property Casualty Insurers Association of America, National Association of Mutual Insurance Companies, and Pacific Association of Domestic Insurance Companies (the "Trades").

The next available hearing date on ordinary time is September 18. Consequently, we will be making an ex parte application for an order shortening time, to have the motion heard earlier than September 18. The Court has allowed us to appear ex parte on May 3, with the hearing on Mercury's motion for stay. That is to say, I will be appearing ex parte on behalf of the Trades on Friday, May 3, 2013, at 10:00 a.m., before Judge Balonon in Department 14 of the Sacramento County Superior Court, to request an order shortening time on the Trades' motion for leave to intervene. All that is at issue for the Trades on May 3 is the briefing and hearing schedule for the Trades' motion for leave to intervene.

I realize that all of you are very busy, and if possible I would like to stipulate to a briefing and hearing schedule that is not too onerous. We plan to file tomorrow or at the latest Monday. The proposed Complaint In Intervention will be part of the filing so you will be able to review the Complaint by tomorrow or Monday. My proposal for a briefing/hearing schedule is to request a hearing date of May 31, with the opposition(s) due May 17 and the reply due May 24. I will seek the May 31 hearing date in the application for an order shortening time, but I am happy to discuss.

For purposes of the ex parte, I need to include in my declaration a statement as to whether each of the parties opposes or does not oppose (or stipulates to) the requested order shortening time. If you are able to respond by tomorrow morning at 10:00 am, I would greatly appreciate it.

Thank you.

Vanessa Wells

Partner

Hogan Lovells US LLP

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Please consider the environment before printing this e-mail.

EXHIBIT 2

Dolan, Matthew J.

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Sent: Friday, April 26, 2013 10:17 AM
To: steven.green@doj.ca.gov; 'stephen.lew@doj.ca.gov'; pam@consumerwatchdog.org; Weinstein, Steven H. (sweinstein@bargerwolen.com); Sindhuphak, Peter (psindhuphak@bargerwolen.com)
Cc: Dolan, Matthew J.; Altamirano, Ramona; May, Kristine "Kris"
Subject: RE: Mercury v. Jones, Sacramento Superior Court Case No. 34-2013-80001426

In response to a request from Consumer Watchdog, we will shift the proposed schedule, setting the hearing for June 7, with the opposition due May 24, and the reply due May 31.

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Thank you.

Vanessa Wells
Partner

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