

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

June 11, 2009

Honorable Justices
California Supreme Court
350 McAllister Street
San Francisco CA 94102-4797

Re: Amicus Letter in Support of Petition for Review
Safeco Insurance Company of America, et al., v. Superior Court, B213044

Dear Chief Justice George and Associate Justices:

We respectfully submit this *amici curiae* letter pursuant to California Rules of Court, Rule 8.500(g) to urge you to accept review of the issues raised by the above-entitled case.

Statement of Interest

As elected representatives of the constituents of various Senate and Assembly districts throughout the State of California, we represent the interests of our respective districts and advocate for fair and reasonable application of our laws. It is in our constituents' best interests to ensure that the laws of the state, whether enacted by the Legislature or by voter-initiative, are faithfully and reasonably applied to satisfy the intent and purpose behind the law. It is for these reasons that we write to the Court to urge review of the opinion issued by the Court of Appeal in the action denoted above.

Why Review Should Be Granted

On November 2, 2004, the California voters adopted Proposition 64 by a margin of approximately 59% to 41%. Pursuant to the Official Title and Summary prepared by the Attorney General, the primary purpose of Proposition 64 was to limit an "individual's right to sue by allowing private enforcement of unfair business competition laws only if that individual was actually injured by, and suffered financial/property loss because of, an unfair business practice." In other words, in adopting Proposition 64, California voters sought to stop actions brought under California's Unfair Competition Law (the "UCL"), Cal. Bus. & Prof. Code §§ 17200 et. seq. by *uninjured* plaintiffs.

In passing Proposition 64, the California voters sought to serve several salutary goals, to include ending frivolous lawsuits against businesses, requiring any private action to be

initiated and maintained by a plaintiff with standing, and restoring public confidence in a transparent system of civil justice.

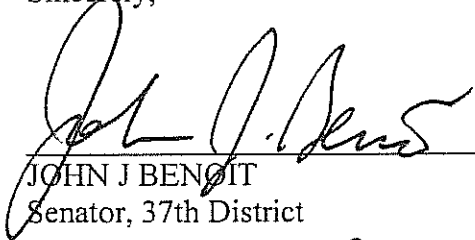
The California Court of Appeal's opinion in *Safeco*, however, effectively moots the voters' action by permitting plaintiff-less lawsuits to be initiated and maintained under the UCL. Under *Safeco*, the Court of Appeal held that a plaintiff who was never injured by the alleged wrongdoing and, therefore, never had standing to maintain a UCL class action, could be permitted to maintain that action and obtain discovery to attempt to locate a plaintiff to continue an action that should not have been maintained in the first instance.

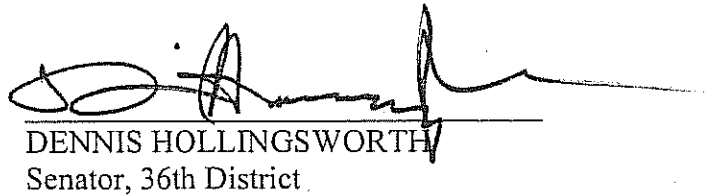
Safeco is inconsistent with the terms and intent of Proposition 64. This opinion will allow attorneys and fronting organizations to file lawsuits in the hopes of extracting generous settlements and attorneys' fees though there is no injured plaintiff. This is precisely the type of litigation abuse that was supposed to be ended by the passage of Proposition 64.


For these reasons, we respectfully request that the Court grant the petition filed in this matter to address these issues. Thank you for your time and consideration.

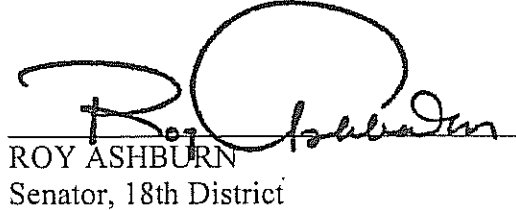
The following are interested *amici curiae* that endorse this letter.

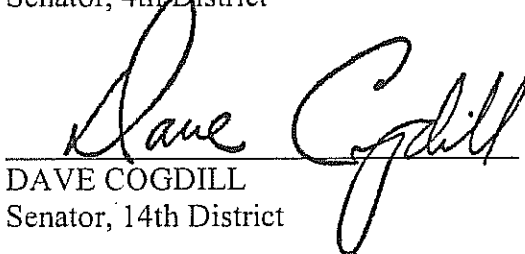
Sincerely,

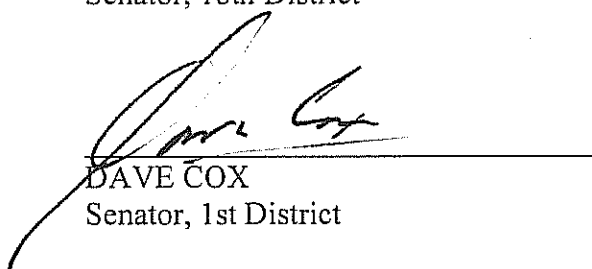

JOHN J BENOIT
Senator, 37th District



DENNIS HOLLINGSWORTH
Senator, 36th District


SAM AANESTAD
Senator, 4th District


ROY ASHBURN
Senator, 18th District


DAVE COGDILL
Senator, 14th District



DAVE COX
Senator, 1st District




JEFF DENHAM
Senator, 12th District



ROBERT DUTTON
Senator, 31st District



TOM HARMAN
Senator, 35th District




BOB HUFF
Senator, 29th District

ABEL MALDONADO
Senator, 15th District



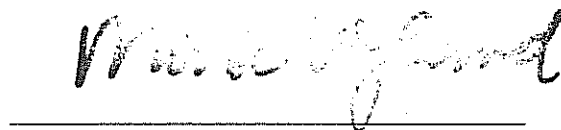
GEORGE RUNNER
Senator, 17th District



TONY STRICKLAND
Senator, 19th District

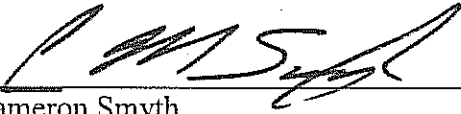


MIMI WALTERS
Senator, 33rd District



MARK WYLAND
Senator, 38th District

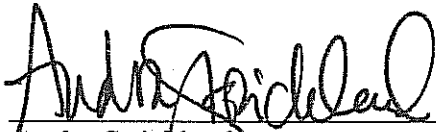
I would like to sign onto Senator Benoit's Amicus letter in Support of a petition for review of Safeco Insurance Co. of America v. Superior Court.



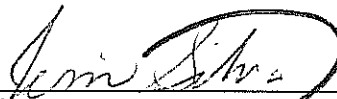
Cameron Smyth
Assemblymember, 38th District



Van Tran
Assemblymember, 68th District



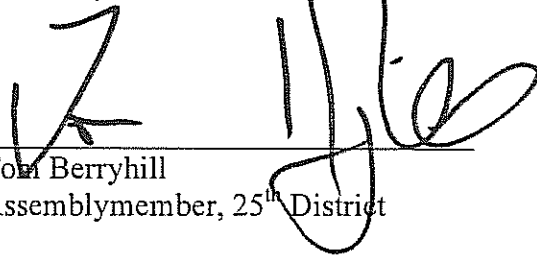
Audra Strickland
Assemblymember, 37th District



Jim Silva
Assemblymember, 67th District



Nathan Fletcher
Assemblymember, 75th District



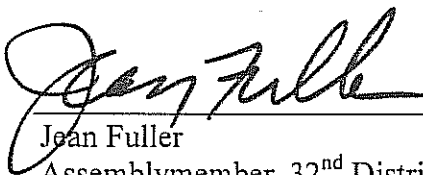
Tom Berryhill
Assemblymember, 25th District



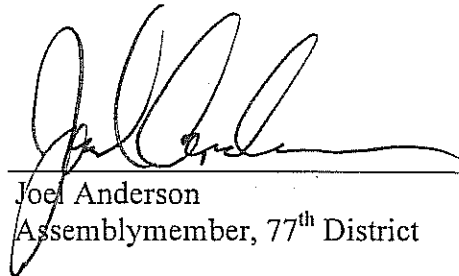
Martin Garrick
Assemblymember, 74th District



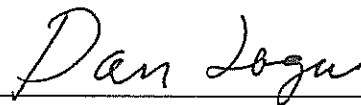
Danny Gilmore
Assemblymember, 30th District



Jean Fuller
Assemblymember, 32nd District



Joel Anderson
Assemblymember, 77th District



Dan Logue
Assemblymember, 3rd District



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: Apex Attorney Services, 1055 West Seventh Street, Suite 1550, Los Angeles, California 90017.

On **June 15, 2009**, I served the foregoing document(s) described as **LETTER DATED JUNE 11, 2009 TO THE CALIFORNIA SUPREME COURT FROM CALIFORNIA LEGISLATURE REGARDING SAFECO INSURANCE COMPANY OF AMERICA, ET AL., V. SUPERIOR COURT, B213044** on the interested parties in this action by placing [] the original [X] a true copy thereof enclosed in sealed envelope addressed as stated in the attached mailing list.

[X] **BY MAIL**

[X] I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true **June 15, 2009**.

STEVE KAISER



(Signature)

MAILING LIST

Safeco Insurance Company of America v. Superior Court
Supreme Court of California, No. S173602

Court of Appeal [COPY-VIA FIRST CLASS MAIL]
Second Appellate District, Div. 3
300 South Spring Street
Second Floor (North Tower)
Los Angeles, CA 90013-1213

COUNSEL FOR PLAINTIFFS

John J. Stoia, Jr. Esq. [COPY-VIA FIRST CLASS MAIL]
Theodore J. Pintar, Esq.
Coughlin Stoia Geller Rudman & Robbins LLP
655 West Broadway, Suite 1900
San Diego, California 92101
tmerrick@csgrr.com
Telephone: (619) 231-1058
Facsimile: (619) 231-7423

Jay Angoff, Of Counsel [COPY-VIA FIRST CLASS MAIL]
Mehri & Skalet, PLLC
1250 Connecticut Avenue NW, Suite 300
Washington, DC 20036
Telephone: (202) 822-5100
Facsimile: (202) 822-4997

Harvey Rosenfield, Esq. [COPY-VIA FIRST CLASS MAIL]
Consumer Watchdog
1750 Ocean Park Boulevard, Suite 200
Santa Monica, CA 90405
Telephone: (310) 392-0522
Facsimile: (310) 392-8874

COUNSEL FOR DEFENDANT

Steven H. Weinstein, Esq. [COPY-VIA FIRST CLASS MAIL]
Spencer Y. Kook, Esq.
Peter Sindhuphak, Esq.
Barger & Wolen LLP
633 W. 5th Street, 47th Floor
Los Angeles, CA 90071
Telephone: (213) 680-2800
Facsimile: (213) 614-7399