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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

**CONSUMER WATCHDOG, a non-profit  
organization,**

**Petitioner/Plaintiff,**

**v.**

**RICARDO LARA, in his official capacity as the  
Insurance Commissioner of the State of  
California; CALIFORNIA DEPARTMENT OF  
INSURANCE; and DOES 1–50,**

**Respondents/Defendants.**

Case No. 20STCP00664

*Assigned for all purposes to the Hon. Mitchell  
L. Beckloff, Dept. 86*

**PETITIONER’S OPENING BRIEF IN  
SUPPORT OF PETITION FOR WRIT OF  
MANDATE, INJUNCTION, AND  
DECLARATORY RELIEF REGARDING  
VIOLATIONS OF THE CALIFORNIA  
PUBLIC RECORDS ACT; DECLARATION  
OF BENJAMIN POWELL; EXHIBITS 1–40**

Action Filed: February 18, 2020  
Opening Brief Due: July 5, 2022  
Hearing Date: September 2, 2022

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## I. INTRODUCTION

In the wake of widespread public reports of a pay-to-play scandal involving Insurance Commissioner Ricardo Lara and the Department of Insurance (“Department,” together with Commissioner Lara, “Respondents”), Petitioner submitted two California Public Records Act (“CPRA”)<sup>1</sup> requests for records of meetings and communications with (a) 13 individuals whom the Petitioner had identified as relevant to the pay-to-play scandal, **AND** (b) “any individuals employed by or representing” the insurance companies involved in the scandal (Declaration of Benjamin Powell [“Powell Decl.”] **Exs. 7 and 9.**)<sup>2</sup> The Department ultimately produced some responsive records, but indicated it was withholding others for which it refused to provide any information regarding their quantity or general nature, despite repeated requests.

During discovery, Respondents admitted that they had done nothing to determine who was “employed by or representing” Applied or the other companies, or to search for records responsive to the second half of the CPRA Requests. After this litigation was filed, Petitioner uncovered evidence that Respondents were aware of other individuals who represented the companies, but still failed, perhaps intentionally, to include their names as search terms in order to identify other responsive documents. As a result, the universe of responsive documents remains unknown. The so-called “master calendar” produced by Respondents is yet more proof of the inadequate search: *that document contains summaries of responsive meetings for which no records were produced.*

Petitioner also learned through discovery that Respondents not only refused to search for responsive documents, but Respondents also withheld 96 communications<sup>3</sup> and redacted six others<sup>4</sup>, claiming they are “absolutely protected” under section 6254, subdivision (d), and Insurance Code section 735.5. Yet, Respondents failed to meet their burden to establish that those provisions apply to the records.

The Petition cannot be resolved by simply filing a new CPRA request. To this day, there is no way for Consumer Watchdog to know all the individuals “employed by or representing” the companies involved in the pay-to-play scandal. Moreover, Petitioner previously offered to settle the lawsuit if

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<sup>1</sup> Gov. Code section 6250, et seq. All further statutory references are to the California Government Code and all emphasis is added, unless otherwise indicated.

<sup>2</sup> All references to Exhibits are references to the Powell Declaration.

<sup>3</sup> As noted herein, though Respondents withheld 102 total records, Petitioner is only challenging that 96 of those records were wrongly withheld under claims of privilege and/or exemption.

<sup>4</sup> While Respondents redacted 18 documents, Petitioner only challenges the redaction of six.

1 Respondents would simply conduct the required search. Respondents refused.<sup>5</sup> Therefore, Petitioner  
2 respectfully requests that the Court order Respondents to (1) conduct a new search for and produce  
3 responsive records of meetings and communications with “any individuals employed by or representing”  
4 the companies, and (2) produce the 96 withheld and six redacted records in an unredacted form.

## 5 **II. STATEMENT OF FACTS**

6 The Department is the nation’s largest state regulatory agency. It is responsible for regulating the  
7 \$310 billion insurance industry in California and keeping insurance available and affordable. (Pet. ¶ 2.)<sup>6</sup>  
8 Petitioner Consumer Watchdog has represented the interests of consumers at the Department for more  
9 than 30 years, and its founder, Harvey Rosenfield, wrote the 1988 ballot initiative making the Insurance  
10 Commissioner an elected (rather than appointed) position in order to increase public accountability. (Pet.  
11 ¶ 15; Answer to Verified Petition [“Answer”], March 30, 2020, ¶ 15; Powell Decl. ¶ 45; **Ex. 38**.)  
12 Respondent Lara is the current elected Insurance Commissioner.

13 In early 2019, individuals linked to Applied Underwriters, Inc. (“Applied”), Applied’s two  
14 subsidiaries, California Insurance Company (“CIC”) and Constitution Insurance Company, and  
15 Independence Holding Company (“IHC”) made \$54,300 in campaign contributions to Respondent Lara’s  
16 2022 re-election campaign after he pledged not to accept contributions from insurance companies. (Pet.  
17 ¶ 4, fns. 1, 3; Powell Decl. ¶ 4; **Ex. 16**.) Some of the contributions were made in the names of relatives  
18 of company executives, apparently to hide their true sources. (Pet. ¶¶ 41–43; Powell Decl. ¶ 4; **Ex. 16**.)  
19 Despite the fact that Applied’s workers’ compensation insurance plans had been deemed “bait and switch”  
20 by Respondent Lara’s predecessor (Powell Decl. ¶ 3; **Ex. 19**) and were under investigation in multiple  
21 other states, Lara ordered Administrative Law Judges to reverse their prior orders in at least four  
22 proceedings before the Department to benefit Applied. (Pet. ¶ 6; Powell Decl. ¶ 5; **Ex. 20**; Answer ¶ 5.)

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23 <sup>5</sup> The Department responded that not only would it *not* conduct the requisite search, but that the only  
24 settlement Respondents would entertain was one in which, in exchange for “consider[ing] Consumer  
25 Watchdog’s attorney’s fees . . . [.] ***Consumer Watchdog must also agree that it will not seek any further***  
26 ***records associated with its two PRA requests, including those in any way related to the alleged ‘pay-***  
27 ***to-play scandal’ . . . .”*** (**Ex. 23**.) While Respondents made these statements during settlement discussions  
28 citing Evidence Code section 1152, this does not make these communications inadmissible. Instead, it  
merely prevents Petitioner from using them to demonstrate “liability.” Admission of this information for  
purposes other than liability is permissible. (*Volkswagen of Am., Inc. v. Super. Ct.* (2006) 139  
Cal.App.4th 1481, 1491 [section 1152 is “not absolute bar[] to admissibility, since a settlement document  
may be admissible for a purpose other than proving liability.”].) Here, this information is used not for  
purposes of liability, but rather to establish that the dispute cannot be resolved without the Court’s  
adjudication of the Petition.

<sup>6</sup> About the Department, <https://www.insurance.ca.gov/0500-about-us/02-department/index.cfm>.

1 Applied’s President, Steven M. Menzies (“Menzies”), also stood to gain if Respondent Lara approved  
2 his purchase of Applied’s affiliate, CIC, as part of a \$920 million deal with Berkshire Hathaway to  
3 acquire Applied. (Pet. ¶ 7; Powell Decl. ¶¶ 6–7; Exs. 1 and 15.)

4 Widespread news coverage of these events reported influence peddling involving Respondents in  
5 dozens of news stories across the state. (Pet. ¶ 10, fns. 1, 3; Powell Decl. ¶ 8.) A *Sacramento Bee* Editorial  
6 called Respondent Lara’s actions “shady and suspicious.”<sup>7</sup> (Ex. 21.) As a *Los Angeles Times* Editorial  
7 noted, “[t]he issue raised by Lara’s actions is part and parcel of a bigger debate in society about the  
8 corrosive effect that campaign donations from special interests can have on policymaking and on the  
9 public’s faith in its elected officials.”<sup>8</sup> (*Ibid.*) In response, Lara promised “transparency”<sup>9</sup> (Powell Decl.  
10 ¶ 19; Ex. 22), yet Respondents have refused to produce records that would shed light on these issues.

11 After submitting an initial records request, Petitioner and Respondents engaged in negotiations  
12 to amend the request (Pet. ¶¶ 22–29; 33–34; Powell Decl. ¶¶ 9–18), which resulted in an agreement on  
13 the following language for the final CPRA Requests seeking records<sup>10</sup> of:

- 14 • “[a]ll appointment schedules, calendars, meeting logs, phone call logs, mobile phone records,  
15 and any other records relating to any meetings or phone calls . . . between Insurance  
16 Commissioner Lara . . . and . . . **any individuals employed by or representing [Applied],**  
17 **[CIC], . . . or [IHC].**” (“Meetings CPRA Request.”) (Ex. 7.)<sup>11</sup>
- 18 • “[a]ll e-mail or any other communications . . . between Insurance Commissioner Lara or his  
19 representatives, including staff of the Department and . . . **any individuals employed by or**  
20 **representing**” [the named companies]. (“Communications CPRA Request”; together with  
21 Meetings CPRA Request, “CPRA Requests.”) (Ex. 9.)

22 Respondents ultimately produced records reflecting only **two meetings and three emails**  
23 involving Lara. Only a single text message was turned over, and **no records of phone calls (for example,**  
24 **phone call logs or mobile phone billing records) were produced.** The Department vaguely claimed it  
25 was withholding an unspecified number of documents under a variety of exemptions. (See, e.g., Ex. 10.)

26 <sup>7</sup> Editorial: Insurance Commissioner’s Campaign Cash Scandal Raises Troubling Questions,  
27 Sacramento Bee (July 10, 2019), <https://www.sacbee.com/opinion/editorials/article232509952.html>.

28 <sup>8</sup> Editorial: Troubling Behavior From California’s Insurance Commissioner Ricardo Lara, Los Angeles  
Times (July 11, 2019), <https://www.latimes.com/opinion/editorials/la-ed-ricardo-lara-insurance-donations-20190711-story.html>.

<sup>9</sup> Group Sues Cal. Commissioner over Public Records of Dealings with Insurance Executives, Insurance  
Journal, (Feb. 18, 2020), <https://www.insurancejournal.com/news/west/2020/02/18/558731.htm>.

<sup>10</sup> The CPRA Requests define “records” to “include[] writings and correspondence that are printed, typed,  
hand-written, facsimiles or computer-generated e-mail.”

<sup>11</sup> Only item 1 in the Meetings CPRA Request is at issue in the Petition.

1 Despite numerous meet-and-confers, Respondents refused to provide any further information on what  
2 grounds or how many documents they were withholding. (Powell Decl. ¶¶ 24–27.) Consumer Watchdog  
3 had no recourse but to file the Petition.

4 Following unsuccessful meet-and-confer efforts, the Court’s May 12, 2021 order required  
5 Respondents to reveal “everything that [the Department] did to search for records responsive to the PRA  
6 Requests,” including the search terms used to identify potentially responsive documents. (Ex. 26.)  
7 Respondents’ verified discovery responses reveal that Respondents did ***absolutely nothing*** to determine  
8 whether Respondent Lara and Department staff met or communicated with “***any individuals employed***  
9 ***by or representing [Applied], [CIC], . . . or [IHC]***” beyond the 13 individuals listed in the CPRA  
10 Requests.<sup>12</sup> (Ex. 30.) For example, ***the only search terms*** used by Respondents were the list of  
11 specifically identified individuals from Petitioners’ CPRA Requests and the names of the four companies.  
12 (*Ibid.*) Though Respondents were on notice that, for example, Fabian Núñez, Rusty Areias, Eric Serna,  
13 and Jamie Sahara represented Applied and/or CIC and IHC, they did not search for records regarding  
14 them. (See, e.g., Section III.B.2, *infra.*) In fact, though photos establish that Respondent Lara met with  
15 Eric Serna in Santa Fe, New Mexico on February 26, 2019 (Ex. 27; Powell Decl. ¶ 32), and Respondents  
16 admit the meeting occurred (Answer ¶ 47), no records of that meeting—no calendar entries, email  
17 communications, text messages, or phone records—were identified or provided by Respondents.

18 Regarding the 13 individuals specifically identified in the CPRA Requests, Respondents only  
19 searched for the full names and last names of the individuals, not for only the first names in conjunction  
20 with other identifiers (for example, if Menzies signed a communication as “Steve”), and Respondents  
21 did not search by email addresses of the individuals identified in the CPRA Requests or emails generated  
22 by domains associated with the insurance companies involved in the pay-to-play scandal. (Ex. 30.)  
23 Certain Department staff were given only one night to search for documents responsive to the CPRA  
24 Requests (for example, two internal search requests were made after 4:15 p.m. and staff were asked to  
25 provide any responsive documents by 10:00 the next morning). (Ex. 32, Bates 000398, 000406.)  
26 Moreover, in response to this Court’s discovery orders, the Department revealed that only certain staff  
27 were asked to search their emails on Department-issued mobile devices or personal mobile devices.  
28 (Ex. 30, p. 22; Ex. 32 [compare Bates 000422–23 and 000438–39 with Bates 000398 and 000406].) The

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<sup>12</sup> Respondents have acknowledged that they did not consider the request for records regarding individuals “employed by or representing” the companies. (See Ex. 24 at p. 12:7–14 and Ex. 25 at ¶ 12.)

1 Department did not even attempt to search Department phone records, nor were any staff asked to search  
2 for or produce records of phone calls on their mobile devices. (Ex. 30.) Finally, while the Meetings CPRA  
3 Request identified certain Department staff to prioritize in the search, the Communications CPRA  
4 Request did not restrict the search in that way. (Compare Ex. 7 with Ex. 9.) However, the Department  
5 ignored this important distinction and applied the same narrowed search to *both* of the CPRA Requests.  
6 (Ex. 30, p. 21:5–11; see also Answer ¶ 9.)

7 Other responsive documents were neither identified nor produced. For example, Respondent Lara  
8 at least “communicated” (and is in possession of responsive documents related to those communications)  
9 with four individuals named in the CPRA Requests—Darlene Graber, Steve and Carol Acunto, and  
10 Theresa DeBarbrie. Those individuals made campaign contributions to Respondent Lara on Applied’s  
11 behalf (Powell Decl. ¶ 4; Ex. 16), and Respondent Lara was acting as treasurer for his own 2022 re-  
12 election campaign at the time of the contributions. (Ex. 34.) Respondents admit that the four individuals  
13 made contributions to Respondent Lara’s re-election 2022 campaign. (Answer ¶¶ 41, 43.) Yet, public  
14 records related to those individuals were neither identified nor produced.

15 Pursuant to the Court’s May 12, 2021 order, Respondents were also required to disclose details  
16 in the form of a privilege log of the 96 records Respondents withheld under claims of exemption.  
17 (Ex. 29.) 94 of the 96 withheld records were sent to or from just one individual at the center of the pay-  
18 to-play scandal: Jeffrey Silver, Applied’s chief lawyer, who was among the 13 individuals identified in  
19 the CPRA Requests. According to Respondents, the 96 withheld records—almost entirely consisting of  
20 email communications—include 30 records regarding the “Form A” document for approval of the sale  
21 of CIC to Menzies, and 66 records regarding a “multi-state examination of CIC” that occurred between  
22 2014 and 2017.<sup>13</sup> Records related to the “multi-state examination” are central to the pay-to-play scandal  
23 because it would have been necessary for Applied to achieve a whitewash of the prior negative findings  
24 of Applied regarding its “bait-and-switch tactics” in order to satisfy legal requirements of the company’s  
25 sale. (See Ins. Code § 1215.2, subd. (d)(1)–(5); see also Answer ¶ 7.) The Form A application was  
26 submitted to the Department pursuant to Insurance Code section 1215.2. (Ex. 15.)

27 Respondents also produced a “master calendar,” reflecting *summaries of other selected meetings*  
28 attended by Lara. (Ex. 8.) The “master calendar” is *additional evidence of the inadequacy of*

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<sup>13</sup> Of the 102 total withheld records, Petitioner is not challenging two records regarding a 2019 Annual Review of CIC and four records regarding a declaration of CIC’s dividends/solvency.



1 ***Respondents’ search*** for responsive public records because, as explained below, ***the “master calendar”***  
2 ***confirms that certain meetings occurred, despite the fact that no responsive records for those meetings***  
3 ***were provided.*** For example, certain meetings involving Respondent Lara and Serna (and Serna’s  
4 lobbying firm) were summarized in the “master calendar,” but no corresponding public records of those  
5 meetings were identified in Respondents’ privilege log or produced. Therefore, the “master calendar”  
6 independently establishes that Respondents failed to identify and produce responsive records.

7 Finally, a declaration submitted under penalty of perjury by former legislator-turned-lobbyist  
8 Rusty Areias confirms that Mr. Areias communicated with Department Special Counsel Bryant Henley  
9 on behalf of Applied. (Powell Decl. ¶ 44; **Ex. 35.**) Though Mr. Areias initially stated he “cannot recall  
10 the date of these calls” with Mr. Henley and another Department staffer, Mr. Areias declared under oath  
11 that his work on behalf of Applied began “immediately” following June 26, 2019. (*Ibid.*) A subsequent  
12 declaration from Mr. Areias obtained by Respondents, and another declaration by Special Counsel Bryant  
13 Henley, confirm that Mr. Areias’s and fellow legislator-turned-lobbyist Fabian Núñez’s names should  
14 have been included among the search terms used to identify responsive records, as the Department was  
15 on notice of their roles during the course of its search. (Powell Decl. ¶ 44; **Exs. 36 and 37.**) Yet,  
16 Respondents failed to do so.

### 17 **III. ARGUMENT**

#### 18 **A. Access to Public Records Is a Fundamental Right**

19 The California Constitution was amended in 2004 to guarantee that “the meetings of public bodies  
20 and the writings of public officials and agencies shall be open to public scrutiny” and that

21 A statute, court rule, or other authority, including those in effect on the effective date of  
22 this subdivision, shall be broadly construed if it furthers the people’s right of access, and  
23 narrowly construed if it limits the right of access. A statute, court rule, or other authority  
24 adopted after the effective date of this subdivision that limits the right of access shall be  
25 adopted with findings demonstrating the interest protected by the limitation and the need  
26 for protecting that interest.

27 (Cal. Const. art. I, § 3, subd. (b), pars. (1)–(2).) Moreover, the California Supreme Court has opined that  
28 “access to information concerning the conduct of the people’s business is a fundamental and necessary  
right of every person in this state.” (*City of San Jose v. Super. Ct.* (2017) 2 Cal.5th 608, 615, quoting  
section 6250.) And as the Court of Appeal noted, “[p]ublic disclosure is a critical weapon in the fight  
against government corruption. Whether there is a real impropriety or merely the appearance of an

1 impropriety, the public has a right to know the particulars.” (*Kunec v. Brea Redev. Agency* (1997) 55  
2 Cal.App.4th 511, 515.)

3 **B. Respondents’ Search for Responsive Records Was Inadequate**

4 **1. Respondents Failed to Establish Reasonable Search Terms and Protocols**

5 Like FOIA, Respondents have a duty under the CPRA to establish search protocols and adopt  
6 search terms adequate to identify responsive records. Respondents violated this duty. “[U]pon a request  
7 for a copy of records *that reasonably describes an identifiable record* or records, [a state agency] shall  
8 make the records promptly available . . . .” (Section 6253, subd. (b).) The public agency is required “to  
9 identify records and information that are responsive to the request or to the purpose of the request, if  
10 stated.” (Section 6253.1; accord *ACLU v. Super. Ct.* (2011) 202 Cal.App.4th 55, 82.) “[W]ritings may be  
11 described by their content . . . . An agency is thus obliged to search for records based on criteria set forth  
12 in the search request.” (*Cal. First Amendt. Coal. v. Super. Ct.* (1998) 67 Cal.App.4th 159, 166; see also  
13 *Cnty. Youth Athletic Ctr. v. City of Nat’l City* (2013) 220 Cal.App.4th 1385, 1425 [An agency’s  
14 “unwillingness to locate [] records had the same effect as withholding [] information from the public.”].)

15 This principle reflects the obvious challenge that “*a requester, having no access to agency files,*  
16 *may be unable to precisely identify the documents sought.*” (*Cal. First Amendt. Coal.*, *supra*, 67  
17 Cal.App.4th at pp. 165–66.) The “focus should be on the criteria in the request and the description of the  
18 information, as reasonably construed, and the search should be broad enough to account for the problem  
19 that the *requester may not know what documents or information of interest an agency possesses.*”  
20 (*Cnty. Youth Athletic Ctr.*, *supra*, 220 Cal.App.4th at p. 1425; see also *Pac. Merch Shipping Ass’n v. Bd.*  
21 *of Pilot Comm’rs* (2015) 242 Cal.App.4th 1043, 1058 [similar].) These commonsense requirements  
22 address the concern that “*government agencies—particularly those with an incentive not to assist in*  
23 *the dissemination of their files . . . may demand an unreasonable level of specificity*” as a roadblock to  
24 accessing records. (*ACLU*, *supra*, 202 Cal.App.4th at p. 85.)

25 By failing to make any effort whatsoever to determine whether Department staff met with  
26 individuals “employed by or representing” the companies beyond the 13 named individuals, it is clear  
27 that Respondents’ search was inadequate and that Respondents have failed to uphold their duty under the  
28 CPRA. In *Republican Nat’l Comm. v. Dep’t of State* (D.D.C. 2016) 235 F.Supp.3d 235, 237 (“RNC”),

1 the RNC submitted a FOIA<sup>14</sup> request for information related to visitor records of then-Secretary of State  
2 Hillary Clinton. The agency did not maintain any visitor logs or other records related to Secretary  
3 Clinton’s formal quarters or personal office and it responded there were no responsive records. (*Ibid.*)  
4 Two months later, the Inspector General’s office released a report that mentioned an Outlook calendar  
5 that Secretary Clinton’s staff used. (*Id.* at p. 238.) The agency claimed it had not searched any Outlook  
6 schedules or calendars as the schedules detailed *meetings*, not *visitors*, and therefore provided only  
7 *indirect evidence* of which individuals may have been in the vicinity of the Secretary’s personal office.  
8 (*Ibid.*) The court concluded the search was inadequate, as the agency failed to fairly interpret the broader  
9 aim of the request. (*Id.* at pp. 241–242.) “Parsing a . . . request to exclude purportedly ‘indirectly’  
10 responsive records, as the State Department suggests, would undercut the long-standing mandate to  
11 agencies to construe FOIA requests liberally.” (*Id.* at p. 241.) Applied here, even if Petitioner had  
12 requested only records of meetings and communications with the four companies, rather than explicitly  
13 requesting records related to individuals “employed by or representing” the companies, Respondents  
14 would still have failed to reasonably interpret the request to include those records as indirectly  
15 responsive—what records could be responsive to such requests *aside* from records of meetings or  
16 communications with individuals “employed by or representing” those companies? Given that here,  
17 Petitioner did *explicitly* make the request, and Respondents opted to ignore it, Respondents’ failure to  
18 uphold their duty under the CPRA is rendered all the more egregious.

19 Similarly, in *Husch Blackwell LLP v. U.S. E.P.A.* (D.D.C. 2020) 442 F.Supp.3d 114, 119, the  
20 plaintiff requested that the EPA search for communications with six named individuals outside of the  
21 EPA. The EPA limited its search to the email inboxes of certain agency employees, while leaving out  
22 searches of other employees’ inboxes that were likely to contain responsive communications. (*Id.* at  
23 p. 121.) The court found the search inadequate, noting, “the agency did have to undertake a reasonable  
24 effort to determine which EPA personnel other than the six custodians might have communicated with  
25 the six non-EPA persons and to search those additional custodial files.” (*Id.* at pp. 121–22.) Whether an  
26 agency fails to search locations that were likely to have responsive records or whether an agency fails to

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27 <sup>14</sup> “The CPRA was modeled on the [] Freedom of Information Act (FOIA) . . . and was enacted for the  
28 purpose of increasing freedom of information by giving members of the public access to information in  
the possession of public agencies.” (*City of Los Angeles v. Super. Ct.* (2017) 9 Cal.App.5th 272, 282,  
internal citations and quotation omitted.) The legislative history and judicial construction of FOIA “serve  
to illuminate the interpretation of its California counterpart,” the CPRA. (*ACLU Found. v. Deukmejian*  
(1982) 32 Cal.3d 440, 447.)

1 use proper search terms, the result is the same—the agency improperly fails to appropriately search for  
2 records responsive to a public records request. (See also *Protect Our Defenders v. Dep’t of Defense*  
3 (D. Conn. 2019) 401 F.Supp.3d 259, 274–275 [Air Force’s search was not reasonably calculated to  
4 uncover all responsive materials where search protocol and parameters of search were too limited].) Here,  
5 the purpose of the CPRA Requests was well known to Respondents (Powell Decl. ¶¶ 9–18; **Exs. 7** and  
6 **9**), and the CPRA Requests were clear and specific. Instead of developing search terms and protocols  
7 designed to identify records of individuals “employed by or representing” the companies, Respondents  
8 ignored these essential terms of the CPRA Requests and failed to make a reasonable effort to determine  
9 whether Department staff communicated with other representatives of Applied or the other named  
10 companies. (Declaration of John Bambenek in Support of Petitioner’s Opening Brief [“Bambenek  
11 Decl.”] ¶ 17.)

12 **2. Respondents’ Failure to Search for Responsive Documents That They Were**  
13 **on Notice of Is a Violation of the CPRA**

14 It is abundantly clear that an agency is obligated to expand an initial search when it is made aware  
15 of additional potentially responsive records. An agency fails to conduct an adequate search when it fails  
16 to pursue leads in response to a records request that, if followed, could reasonably lead to further  
17 responsive records. (*RNC, supra*, 235 F.Supp.3d at p. 242; see also *Rojas v. Fed. Aviation Admin.* (9th  
18 Cir. 2019) 927 F.3d 1046, 1053–54, on reh’g en banc, 989 F.3d 666 (9th Cir. 2021) [search was  
19 inadequate where there was no indication of any search conducted for underlying documents after  
20 responsive summaries were located].) In *Campbell v. U.S. Dep’t of Justice* (D.C. Cir. 1998) 164 F.3d 20,  
21 27, as amended (Mar. 3, 1999), for example, the FBI disclosed records that contained references to  
22 “tickler” files that may have contained further responsive records. The FBI did not search through these  
23 tickler files though there was evidence that they contained additional responsive records. (*Ibid.*) As a  
24 result, the FBI’s search was found to be inadequate. (*Id.* at pp. 28–29.) Similarly, in *Brady Ctr. to Prevent*  
25 *Gun Violence v. U.S. Dep’t of Justice* (D.D.C. 2019) 410 F.Supp.3d 225, 235, the ATF discovered that  
26 an attachment to a responsive email was missing in the course of responding to a FOIA request. The ATF  
27 failed to search for the contents of the attachment in its computer files even though the ATF was on notice  
28 of the attachment. (*Ibid.*) The court determined that once the missing responsive record was identified, a  
more thorough search for the additional responsive record should have been conducted. (*Ibid.*)

1 Similarly, in *Whitaker v. Cent. Intel. Agency, et al.* (D.D.C. 2014) 31 F.Supp.3d 23, 28, the  
2 plaintiff filed a series of FOIA requests regarding the disappearance of his father and an airplane. During  
3 the course of the FOIA search, the name of the co-pilot of the father’s plane was discovered. (*Id.* at p. 44.)  
4 The court noted that searching by the co-pilot’s name may have resulted in additional records about the  
5 plaintiff’s father. (*Ibid.*) The State Department failed to pursue this lead. (*Ibid.*) The court determined the  
6 search was inadequate because the agency failed to search for documents using the co-pilot’s name, even  
7 though the co-pilot’s name was not included in the records request. (*Id.* at pp. 44–45.) The “issue to be  
8 resolved is not whether there might exist any other documents possibly responsive to the request, but  
9 rather whether the *search* for those documents was *adequate*.” (*Id.* at p. 42, emphasis in original, internal  
10 citations omitted.) The court emphasized that an agency cannot ignore a lead that is “clear and certain  
11 . . . . [An agency must] pursue leads that raise red flags pointing to the probable existence of responsive  
12 agency records.” (*Id.* at p. 43, internal citations omitted.) Therefore,

13 [An agency] must revise its assessment of what is “reasonable” in a particular case to  
14 account for leads that emerge during its inquiry. Consequently, the *court evaluates the*  
15 *reasonableness of an agency’s search based on what the agency knew at its conclusion*  
16 *rather than what the agency speculated at its inception.*

17 (*Ibid.* [quoting *Campbell, supra*, 164 F.3d at p. 28]; see also *Iturralde v. Comptroller of Currency* (D.C.  
18 Cir. 2003) 315 F.3d 311, 315; *Valencia-Lucena v. U.S. Coast Guard* (D.C. Cir. 1999) 180 F.3d 321, 327–  
19 28 [search inadequate where no investigation despite sufficient nexus between agency personnel and a  
20 missing record].) The same is true of the CPRA. (See, e.g., *Cnty. Youth Athletic Ctr., supra*, 220  
21 Cal.App.4th at p. 1425 (citing *ACLU, supra*, 202 Cal.App.4th at p. 85).)

22 Here, Respondents had a number of opportunities to correct the deficiencies in their search  
23 described above, but again failed to do so. Respondents’ own production of records establishes that they  
24 failed to modify their search for responsive records once they discovered (and indeed, produced to  
25 Petitioner) records indicating that, for example, Eric Serna and Jamie Sahara did in fact represent  
26 Applied. Respondents were put on notice that Eric Serna and Jamie Sahara represented Applied but failed  
27 to include their names among the search terms for other responsive records. For example, Respondents  
28 produced email communications from Jamie Sahara explicitly requesting a meeting between Applied’s  
president, Menzies, and Respondent Lara (Menzies was specifically identified in the CPRA Requests as  
a person representing Applied). (Ex. 18, Bates 00039–43.) At 2:48 p.m. on April 25, 2019, Mr. Sahara  
sent an email stating, “Hello Roberta [Potter, Department Scheduling Director] I’m contacting you to

1 arrange a meeting / lunch with Steve Menzies. Feel free to work directly with me to schedule this. Best  
2 Jamie Sahara.” (*Id.* at Bates 00039.) At 5:48 p.m., Ms. Potter replied, “Hi, Jamie, please give me a call I  
3 don’t have a point of reference for this. Is this to schedule with Commissioner Lara?” (*Ibid.*) Mr. Sahara  
4 replied, confirming, “Yes it is. I’ll call you in 5 min.” (*Ibid.*) Another series of emails from Mr. Sahara  
5 to a different Department staffer in May 2019 is yet another meeting request on behalf of Menzies, this  
6 one for a “[f]ormal policy discussion with the Commissioner to discuss The California Insurance  
7 Company,” the wholly owned subsidiary of Applied that was also specifically named in the CPRA  
8 Requests. (*Id.* at Bates 00047.) Despite the clear indications that Mr. Sahara represented Applied and/or  
9 CIC, Respondents failed to update their search using Mr. Sahara’s name as a search term to identify other  
10 potentially responsive records.

11 Respondents also produced communications identifying Eric Serna as a “contact” for a  
12 fundraising lunch at the Camden Spit & Larder between Respondent Lara and executives for Applied  
13 Underwriters, Inc., including Menzies. (*Id.* at Bates 00004–30.) Yet Serna’s name was also not included  
14 among the search terms used to identify other potentially responsive records. Specifically, Bates 00004–  
15 30 are a series of emails to or from Ms. Potter regarding the March 12, 2019 meeting. Serna is explicitly  
16 referenced as the “contact” in a memo about the fundraising meeting, which lists Jamie Sahara, Menzies,  
17 and Jeff Silver as attendees. (*Id.* at Bates 00030.) Silver and Menzies are explicitly linked to Applied in  
18 the memo, both were named in the CPRA Requests, and Respondents admit Silver was representing  
19 Menzies in the purchase of CIC. (Powell Decl. ¶ 6; Answer ¶ 40.) A March 5, 2019 email from Roberta  
20 Potter to Respondent Lara about the meeting with Silver and Menzies and Applied’s parent company  
21 Berkshire Hathaway notes, “It’s with Eric Serna.” (**Ex. 18**, Bates 00004.) Respondents were also aware  
22 that Berkshire Hathaway was Applied’s parent company. (**Ex. 18**, Bates 0002; **Ex. 19**). The same series  
23 of emails includes communications sent to Ms. Potter by Respondent Lara’s political fundraiser Dan  
24 Weitzman or his staff regarding the same March 12, 2019 meeting. (Answer ¶ 50.) Those emails identify  
25 Mr. Serna as a representative of Applied as well. For example, at Bates 00005 is a March 1, 2019 email  
26 about the same March 12, 2019 fundraiser with the subject, “Event Requests: Eric Serna.” The email  
27 states, “[p]er Dan and Eric Serna’s discussion this afternoon, please see below for the event request Eric  
28 would like to set up for Ricardo [Lara].” Additionally, a March 5, 2019 email to Ms. Potter states, “[s]ince  
3/12 11am-12:00pm is open for Lara, can we book the Eric Serna lunch w/ Berkshire Hathaway  
[Applied’s then-owner] during that time?” (**Ex. 18**, Bates 00008.) On the day of the March 12, 2019

1 fundraising lunch, emails from Mr. Silver to Respondents cc'ing Mr. Serna explicitly reference the  
2 Form A filing and CIC. (*Id.* at Bates 00031–33.)

3 Despite the clear indications that Mr. Serna represented Applied, Respondents failed to update  
4 their search using Serna's name as a search term to identify other potentially responsive records. In fact,  
5 no communications "to" or "from" Mr. Serna were produced. This is particularly galling since the  
6 "master calendar" summarized certain other meetings between Respondent Lara and Serna for which no  
7 records were produced. Moreover, Respondents admit that Respondent Lara and Mr. Serna were together  
8 in Santa Fe, New Mexico during the relevant time period, though no records of that meeting were  
9 produced. Simply, the emails referencing Mr. Serna as a contact for a fundraising meeting with Applied's  
10 president and lawyer, as well as the emails from Mr. Sahara discussed above, were "red flags pointing to  
11 the probable existence of responsive agency records." (*Whitaker, supra*, 31 F.Supp.3d at p. 43.)  
12 Respondents' failure to include Mr. Serna and Mr. Sahara's names in the search terms constitutes a  
13 violation of Respondents' duty under the CPRA to search for and produce responsive documents.

14 In addition to Serna and Sahara, declarations submitted by Rusty Areias, a former legislator–  
15 turned–lobbyist, now confirm that Mr. Areias and Fabian Núñez, former Speaker of the California  
16 Assembly–turned–lobbyist, communicated with Respondents on behalf of Applied. According to an  
17 initial declaration of Mr. Areias, Areias communicated with Department Special Counsel Bryant Henley  
18 and at least one other Department staffer, Lazlo Komjathy. "In these calls I informed Henley and  
19 Komjathy, among other things, that I was representing [California Insurance Company] and Applied  
20 Underwriters." (**Ex. 35.**) This was confirmed in a subsequent declaration of Mr. Areias obtained by  
21 Respondents. (**Ex. 36.**)

22 Even presuming, *arguendo*, that the first contact Mr. Areias had with Mr. Henley on behalf of  
23 Applied and/or CIC was indeed September 3, 2019, as Mr. Henley now claims (Powell Decl. ¶ 44,  
24 **Ex. 37**), *this date was still during the period that Respondents were in the process of responding to*  
25 *Petitioner's CPRA Requests*, as Respondents did not complete their response to the CPRA Requests  
26 until at least September 16, 2019, and Respondents and Petitioner were corresponding about the status  
27 of the search until October 31, 2019. (**Exs. 10 and 14**; Answer ¶¶ 34–38.) Respondents were thus required  
28 to revise their search terms and search for records involving Mr. Areias and Mr. Núñez and other  
Department staff during the time period relevant to the CPRA Requests. (*RNC, supra*, 235 F.Supp.3d at  
pp. 241–242; *Campbell, supra*, 164 F.3d at p. 28.) Though Respondents had approximately 170 internal

1 email communications about how to respond to Petitioner’s CPRA Requests, and more than one-third of  
2 those email communications were “to” or “from” Mr. Henley, neither Mr. Núñez’s nor Mr. Areias’s  
3 name appears among the search terms that Respondents used to identify records of meetings and  
4 conferences with individuals “employed by or representing” Applied. (**Ex. 33.**)

5 In addition to Mr. Henley, Mr. Areias and Mr. Núñez also spoke with Respondent Lara sometime  
6 between February and June 2019, telling Respondent Lara that they “might be or were about to be  
7 representing Applied.” (**Ex. 35** ¶ 3.) This communication, though not conclusive evidence that Mr. Núñez  
8 or Mr. Areias would definitely represent Applied, was also more than sufficient to put the agency on  
9 notice to search for records involving Areias and Núñez and other Department staff. (See, e.g., *Whitaker*,  
10 *supra*, 31 F.Supp.3d at p. 43; *RNC*, *supra*, 235 F.Supp.3d at pp. 241–42.) Respondents’ failure to do so  
11 violated the CPRA, and as a result the universe of responsive documents remains unknown.

12 Remarkably, Respondents had at least 21 meetings involving a number of high-level staff  
13 members regarding the CPRA Requests. (**Ex. 28**, pp. 14–18.) Respondent Lara’s Chief Deputy, Catalina  
14 Bautista, who participated in at least five meetings, was aware that Respondent Lara was meeting with  
15 Mr. Menzies and Mr. Sahara together. (**Ex. 18**, Bates 00055–60.) Special Counsel Bryant Henley  
16 participated in seven meetings and was aware that at least Mr. Areias represented Applied. (**Ex. 28**,  
17 pp. 14–18.) Respondent Lara’s Scheduler Roberta Potter also participated in the meetings and was aware  
18 that Mr. Serna and Mr. Sahara represented Applied and had met with Respondent Lara. (*Ibid.*) Yet,  
19 despite Bautista’s, Henley’s, and Potter’s participation in these high-level meetings regarding the  
20 Department’s response to the CPRA Requests, Respondents did not use Serna, Sahara, Areias, or Núñez’s  
21 names as search terms.

22 Finally, the “master calendar” contains summaries of meetings responsive to the CPRA Requests  
23 (with Eric Serna and others) for which no records were produced. (Powell Decl. ¶ 22.) As the Court noted  
24 in its October 4, 2021 discovery order, “[t]he court agrees the master calendar provides evidence  
25 concerning the adequacy of the Department’s search for and production of responsive records. The master  
26 calendar provides evidence in a summary form of certain meetings for which (to some extent) the  
27 Department produced no documents . . . [and] may inform on Petitioner’s CPRA requests and whether  
28 documents subject to disclosure have not been produced by the Department . . . .” (**Ex. 31**, p. 4.) Even  
if Respondents were not aware of these missing records until the “master calendar” was provided to  
Petitioner on September 13, 2019 (**Ex. 8**), or that Mr. Serna and Mr. Sahara represented the companies



1 in question until they produced the records summarized above, Respondents had an ongoing duty, once  
2 they discovered the omissions, to supplement their search.

3 Therefore, even if Respondents' search terms and protocols were initially adequate, which  
4 Petitioner does not concede, Respondents' failure to expand their search terms in the face of new  
5 information uncovered during the search renders the search inadequate under the CPRA.

### 6 **3. Respondents Failed to Satisfy Other Indicia of an Adequate Search**

7 A number of other flaws further demonstrate Respondents' search was inadequate.

8 First, Respondents failed to question any Department employees or Respondent Lara about other  
9 individuals representing Applied that they met or communicated with. Such interviews are commonplace  
10 in response to CPRA requests and the lack of such questioning is deafening, constituting a negligent or  
11 strategic avoidance of records that Respondents did not want to identify. (Bambenek Decl. ¶ 17.) "When  
12 all other sources fail to provide leads to the missing record, agency personnel should be contacted if there  
13 is a close nexus, as here, between the person and the particular record." (*Valencia-Lucena, supra*, 180  
14 F.3d at p. 328; see also *Iturralde, supra*, 315 F.3d at p. 315 [a search is inadequate where an agency fails  
15 or refuses to interview officials for whom there was strong evidence that they might have been helpful in  
16 finding the missing documents].) Here, though several high-ranking Department officials were aware  
17 that other individuals represented the companies at issue, *infra* Section III.B.2, none were interviewed.

18 Second, only certain Department staff were asked to search their emails on a Department-issued  
19 mobile device or their personal mobile devices, even though such records were covered by the CPRA  
20 Requests. (**Ex. 30**; **Ex. 32** [compare Bates 000422–23 and 000438–39 with Bates 000398 and 000406];  
21 see also *City of San Jose, supra*, 2 Cal.5th at p. 629 [writings about public business sent, received, or  
22 stored on personal account not excluded from CPRA]; *Competitive Enter. Inst. v. Office of Science &*  
23 *Tech. Policy* (D.C. Cir. 2016) 827 F.3d 145 [emails and messages sent from non-governmental devices  
24 can be responsive to request for records]; *Brady Ctr., supra*, 410 F.Supp.3d at pp. 231–32 [defendant  
25 agency failed to carry burden of showing adequate search where it provided insufficient information  
26 regarding agency head's search of personal email account].)

27 Third, the Department did not even attempt to search agency phone records, nor were any staff  
28 asked to search for or produce records of phone calls on their mobile devices, even though such records  
were covered by the CPRA Requests. (**Ex. 30.**)

1 Fourth, while the Meetings CPRA Request identified certain Department staff to “prioritize” in  
2 the search, the Communications CPRA Request did not restrict the search in this way. (Compare **Ex. 7**  
3 with **Ex. 9**.) However, the Department ignored this distinction and applied the same narrower search to  
4 *both* of the CPRA Requests. (**Ex. 30**, p. 21:5–11.) Moreover, though the Meetings CPRA Request  
5 “prioritize[d]” certain staff in response to Respondents’ request to do so, it did not strictly limit the search  
6 to those individuals, as the request stated it “include[d] any Department staff involved in any decisions  
7 or proceedings involving” the companies.

8 Fifth, Respondents’ verified discovery production contains emails requesting that 37 Department  
9 staff search for responsive records, but six staff—including Respondent Lara’s Scheduling Director  
10 Roberta Potter and Deputy Commissioner Mike Peterson—failed to respond. (Powell Decl. ¶ 43.)

11 Sixth, certain Department staff were given only one night to search for records and produce  
12 documents responsive to the CPRA Requests, increasingly the likelihood that records were missed.  
13 (Bambenek Decl. ¶ 16.)

14 Seventh, records reflecting campaign contributions to Respondent Lara from individuals named  
15 in the CPRA Requests were not produced or identified as withheld records. (**Ex. 16**.)

16 Eighth, as to the 13 individuals specifically named in the CPRA Requests, searches were made  
17 for “Steven M. Menzies,” or “Menzies,” for example, but no searches were conducted for specific email  
18 addresses, nor were any searches done for terms such as “Steve” and “Applied,” which would be much  
19 more likely to return responsive records given that people do not always sign emails with their full names.  
20 Nor did Respondents search by email addresses of the individuals identified in the CPRA Requests or  
21 emails generated by domains associated with the insurance companies involved in the pay-to-play  
22 scandal. (**Ex. 30**.) Such additional steps were reasonable and the failure to perform them renders the  
23 search inadequate. (Bambenek Decl. ¶¶ 18, 20, 22.)

### 24 **C. Respondents Wrongly Withheld and Redacted Public Records**

25 Respondents have wrongly withheld 96 public records and redacted six others in response to the  
26 Communications CPRA Request, claiming, but failing to support, exemptions under Government Code  
27 section 6254, subdivision (d) (“Section 6254(d)”), and Insurance Code section 735.5 (“Section 735.5”),  
28 which is applicable to the CPRA pursuant to section 6254, subdivision (k) (“Section 6254(k)”). These  
provisions must be narrowly construed. (Cal. Const., art. I, § 3, subd. (b) par. (2).)

1                   **1.        Respondents Bear the Burden to Establish that the Narrowly Construed**  
2                   **Sections 6254 and 735.5 Apply to the Withheld and Redacted Documents**

3            California law is clear that “the public agency has the burden of proof when asserting an  
4 exemption under the CPRA or when claiming certain documents should be redacted.” (*Regents of Univ.*  
5 *of Cal. v. Super. Ct.* (2013) 222 Cal.App.4th 383, 398 fn. 10; *ACLU, supra*, 202 Cal.App.4th at p. 74.) If  
6 an agency wishes to withhold or redact a record, it is not enough to vaguely assert the claimed exemption;  
7 an agency must “**demonstrat[e]** that the record in question is exempt under express provisions of this  
8 chapter or that on the facts of the particular case the public interest served by not disclosing the record  
9 clearly outweighs the public interest served by disclosure of the record.” (Gov. Code § 6255.) Such a  
10 demonstration requires a “detailed justification.” (*ACLU, supra*, 202 Cal.App.4th at p. 85.) However,  
11 Respondents have failed to justify their nondisclosure with a factual showing that is “**specific enough to**  
12 **give the requestor a meaningful opportunity to contest the withholding of the documents and the court**  
13 **to determine whether the exemption applies.**” (*Id.* at p. 83, internal citation and quotation omitted.) This  
14 rule flows from the fundamental statutory and constitutional rules that records relating to governmental  
15 business are presumed open unless the Legislature has said otherwise. (See, e.g., Section 6253; *City of*  
16 *San Jose, supra*, 2 Cal.5th at p. 616.) Furthermore, public agencies are given **no deference** by courts in  
17 their determination regarding whether records are exempt from production. (*Sacramento Cty. Employees’*  
18 *Ret. Sys. v. Super. Ct.* (2011) 195 Cal.App.4th 440, 466–67; see also *Connell v. Super. Ct.* (1997) 56  
19 Cal.App.4th 601, 617, internal quotation omitted [“While [a state officer] may assert the public has no  
20 interest in these records because she is performing her task[s] properly . . . , this is akin to asking that we  
21 allow her to exercise absolute discretion, shielded from public accountability . . . [but] . . . the public  
22 interest demands the ability to verify”].)

23            At odds with Respondents’ use of Section 6254 and Section 735.5 as blanket protections from  
24 disclosure, exemptions “are construed narrowly,” and the “policy of the PRA requires the courts to  
25 consider the information that is being requested, not only the precise type of records that must be provided  
26 . . . For example, an agency may be required to produce the substance of complaints and the factual  
27 circumstances surrounding the crime or incident, even if a requested arrest record is exempt from  
28 disclosure.” (*Cnty. Youth Athletic Ctr., supra*, 220 Cal.App.4th at pp. 1418, 1425, internal citations and  
quotations omitted.) Finally, public agencies are required to “use the equivalent of a surgical scalpel to  
separate those portions of a record subject to disclosure from privileged portions.” (*Los Angeles Cty. Bd.*  
*of Supervisors v. Super. Ct.* (2016) 2 Cal.5th 282, 292; see also section 6253, subd. (a).)

## 2. Respondents Have Not Sufficiently Carried the Burden Required to Invoke the Claimed Exemptions Regarding the “Form A” Communications

Respondents have indicated that 30 communications between Department staff and Applied representatives were withheld from disclosure in response to the Communications CPRA Request regarding the “Form A” document, which relates to the sale of Applied’s subsidiary, CIC, at the heart of the pay-to-play scandal. (Ins. Code § 1215.2.) Respondents claim exemptions under Section 6254(d)(1) and (4).<sup>15</sup> (Ex. 29.) Section 6254(d), which Respondents broadly read for the basis of withholding all records related to CIC, in fact only provides a “limited confidentiality [for trade secrets that] . . . disappear[s] when . . . disclosure no longer jeopardizes the parties involved.” (Ex. 39.) “This solution is eminently more workable than the blanket trade secrets exemption.” (*Ibid.*) Therefore, Section 6254(d) *applies only if disclosure of the records in question would jeopardize the companies involved during the pendency of a proceeding*.<sup>16</sup> Yet, Respondents argue that not only the Form A, but more broadly *any communications* regarding the proposed sale of CIC, are “confidential” and exempt from disclosure even though the sale of CIC is no longer pending, and Respondents make no showing of the interest being protected as required by the California Constitution. (Cal. Const., art. I, § 3, subd. (b), par. (2).) Furthermore, the Form A document was posted on Respondents’ public website, and it is attached to the Petition in its entirety as Exhibit 15. Respondents have therefore waived any claims of confidentiality regarding information in the communications that repeats or references information contained in the Form A. (See *People v. Super. Ct.* (2021) 12 Cal.5th 348, 362 [discussing waiver of evidentiary protections through conduct].) Respondents wrongly withheld the records on these grounds alone.

Additionally, Respondents have made no showing that the information contained in the 30 records is in fact the type of information that Section 6254(d) exempts. The exemptions must be narrowly construed and limited to “applications” and “information received in confidence” regarding those

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<sup>15</sup> Respondents also claim exemptions under Ins. Code section 12919 and Evid. Code section 1040, subdivision (b)(2), but make no effort to support their contention that those provisions are applicable.

<sup>16</sup> Where exemptions could be read broadly, the California Supreme Court has repeatedly relied on the California Constitution to narrowly interpret exemptions so that the exception does not swallow the rule. (See, e.g., *Comm’n on Peace Officer Standards & Training v. Super. Ct.* (2007) 42 Cal.4th 278, 295–296 [narrowly construing the words “personal data” to not include identity of officers]; *Internat’l Fed’n of Pro. & Tech. Eng’r, Local 21, AFL-CIO v. Super. Ct.* (2007) 42 Cal.4th 319, 341 [narrowly construing “personal data” to exclude salaries of public employees]; *Sierra Club v. Super. Ct.* (2013) 57 Cal.4th 157, 170 [narrowly construing CPRA exemption for “computer program” because broad construction of the term would substantially undermine CPRA].) This narrow construction has also included reading reasonable temporal limitations into exemptions. (*Los Angeles Cty. Bd. of Supervisors, supra*, 2 Cal.5th at p. 298 [inferring a temporal limitation on the attorney/client privilege].)

1 applications. (Section 6254(d)(1), (4).) Respondents cannot simply maintain they have made a legal  
2 determination that the withheld communications are explicitly exempt from disclosure. Additional  
3 factual details about the records Respondents have withheld and redacted are essential to determine  
4 whether the narrowly construed exemptions apply.

5 Yet, the privilege log merely provides one of six repeating boilerplate statements regarding each  
6 of the 30 withheld records, each providing a slightly different, but equally unenlightening, description of  
7 the withheld record. (Powell Decl. ¶ 33; **Ex. 29**.) For example: “The [email] relates to the Form A  
8 Application and proposed sale of CIC and was received in confidence by [Respondents] from CIC.”  
9 These statements merely parrot back the language of the statute. Respondents summarily claim that “the  
10 Government Law Bureau (GLB) determined that all of the 30 records . . . contained information critical  
11 to its review of the application and proposed sale of CIC and/or that related to its review and that the  
12 information provided to the Department by CIC concerning its application was received in confidence  
13 by the Department.” (**Ex. 28**, p. 8:10–14.) Such “[c]onclusory or boilerplate assertions that merely recite  
14 statutory standards are not sufficient” to justify non-disclosure. (*ACLU, supra*, 202 Cal.App.4th at p. 83.)

15 Moreover, communications with an insurance company that “relate[] to the . . . proposed sale of  
16 CIC” are not explicitly covered under Section 6254(d). In fact, the Legislature’s explicit exemption of  
17 inter-agency or intra-agency communications (Section 6254(d)(3)) undermines claims that other types of  
18 communications are exempt by implication and, as noted above, claims of confidentiality relating to the  
19 Form A or communications that reflect information contained in it have been waived. Furthermore,  
20 communications with Applied or CIC that may have incidentally occurred during the pendency of  
21 regulatory proceedings or merely reference the sale of CIC are not exempt simply for that reason alone.  
22 If that were the case, Respondents could deny virtually every CPRA request on these grounds—what else  
23 would the Department be meeting or communicating about if not information concerning the business of  
24 insurance? But this is not the law. CPRA “exemptions are to be narrowly construed [citation], and the  
25 government agency opposing disclosure bears the burden of proving that one or more apply in a particular  
26 case.” (*Cty. of Los Angeles v. Super. Ct.* (2000) 82 Cal.App.4th 819, 825.)

27 **3. Respondents Have Not Sufficiently Carried the Burden Required to Invoke**  
28 **the Claimed Exemptions Regarding the Multi-State Examination**  
**Communications**

Respondents have also withheld 66 communications, pursuant to Section 735.5, related to a  
“multi-state examination” of CIC.

1 Section 735.5(c) narrowly applies to “working papers, recorded information, documents . . .  
2 produced by, obtained by, or disclosed to the commissioner or any other person *in the course of an*  
3 *examination.*”<sup>17</sup> As a threshold matter, Respondents have not provided adequate factual support to  
4 demonstrate that Section 735.5(c) applies to any of the 66 withheld communications. According to  
5 Respondents, the multi-state examination covered the period of January 1, 2014 to December 31, 2017.  
6 (Ex. 29, p. 11.) It is unclear how communications between January 7 and July 23, 2019—the subject of  
7 the CPRA Requests—regarding an examination conducted between 2014 and 2017 could be construed  
8 to be “produced by, obtained by, or disclosed to the commissioner or any other person *in the course of*  
9 *an examination.*” This temporal shift marks a clear line regarding the 66 communications Respondents  
10 allege relate to the market conduct examination, and the two records related to a 2019 “annual review”  
11 of CIC that Petitioner is *not* seeking. Unlike the market conduct examination, the 2019 annual review  
12 appears to have been ongoing at the time of the withheld communications in 2019. Moreover, the purpose  
13 of Section 735.5 is to protect insurers from “the filing of lawsuits against [them] based upon information  
14 that was released to the Commissioner under the good faith belief that it could not be used against them.”  
15 (*Gallimore v. State Farm Fire & Cas. Ins. Co.* (2002) 102 Cal.App.4th 1388, 1394, fn. 6.) This approach  
16 “encourages the flow of [] information to those in government who are responsible for overseeing the  
17 whole of the insurance industry for the benefit of the public.” (*Ibid.*)

18 Temporal issues aside, Respondents again provide one of 10 repeating boilerplate statements  
19 regarding each of the 66 withheld records, each providing a slightly different but equally unhelpful  
20 description such as: “The email relates to the multi-state examination of CIC and was received in  
21 confidence by [Respondents] from CIC during the course of the examination.” (Powell Decl. ¶ 34;  
22 Ex. 29, pp. 11–32.) Broad boilerplate statements that merely parrot the words of the claimed  
23 exemption are not sufficient to sustain Respondents’ burden. Moreover, Respondents claim “all of the  
24 66 records identified . . . as related to the multi-state examination of CIC contained information  
25 that was critical to its examination *and/or related* to the examination and that the information  
26 provided to the Department by CIC during the course of the examination was received in confidence by  
27 the Department.” (Powell Decl., Ex. 28, p. 10:3–6.) However, communications “related to” the  
28 multi-state examination are not categorically exempt from disclosure.

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<sup>17</sup> Subdivisions (a) and (b) explicitly preserve the ability of the Commissioner to *disclose* documents and information related to an examination report.

1 Respondents also claim exemptions under Section 6254(d)(1) and (2).<sup>18</sup> Petitioner is unclear as  
2 to how Section 6254(d)(1) is relevant to communications regarding the multi-state examination, and  
3 Respondents provide no explanation. Respondents’ reliance on Section 6254(d)(2), which pertains to  
4 “examination, operating, or condition reports,” is misplaced, as these are not the type of documents that  
5 Petitioner seeks. Petitioner seeks *communications* between Respondents and representatives of Applied  
6 and the other companies. If, for example, any of the email communications at issue contain attachments  
7 or quotes from documents that are in fact “examination, operating, or condition reports,” that material  
8 should be redacted from the production, *infra* Section III.E. (See *Los Angeles Cty. Bd. of Supervisors*,  
9 *supra*, 2 Cal.5th at p. 292.)

10 **D. Statutory Exemptions Apply Only to Official Acts**

11 The CPRA exemptions contained in Section 6254(d) and Section 6254(k), as well as Insurance  
12 Code sections 735.5 and 12919, apply to *official acts* of Respondents and should not be construed to  
13 obscure public records potentially reflecting campaign fundraising or a pressure campaign by regulated  
14 companies. Any communications shedding light on such activities would of course be “related” in some  
15 broad way to the exempt categories but cannot and should not be withheld on that basis. For example, if  
16 a “revised” financial condition report was submitted by Applied as part of a request for political favor,  
17 such public records would not be the type of record properly withheld pursuant to Section 6254(d)(2).  
18 The exemptions cited by Respondents should also not apply where they are being employed to conceal  
19 crime, fraud, or corruption. (See, e.g., *State Farm Fire & Cas. Co. v. Super. Ct.* (1997) 54 Cal.App.4th  
20 625.) It is verboten to allow a claim of privilege to “conceal fraud or otherwise work injustice” by denying  
21 the public access to records. (See Evid. Code § 1060.) “Recognizing the privilege in such cases would  
22 amount to a legally sanctioned license to commit the wrongs complained of, for the wrongdoer would be  
23 privileged to withhold his wrongful conduct from legal scrutiny.” (Ex. 40; see also Evid. Code § 956 and  
24 its crime-fraud exception to attorney-client privilege.)

25 As discussed above, Respondents’ claim that the records are exempt from disclosure is based  
26 almost entirely on their contention that the records “relate to” the proposed sale of Applied’s subsidiary  
27 CIC and a multi-state examination of CIC. A central issue in the pay-to-play scandal was whether CIC  
28 would be allowed to transfer ownership to Menzies. Under Insurance Code section 1215.2, subdivision

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<sup>18</sup> Respondents also claim exemptions regarding the market conduct communications under Evid. Code section 1040, subdivision (b)(1); however, (b)(1) does not create a separate basis for withholding records.

(d), Respondent Lara was required to “approve or disapprove” Menzies purchase of CIC on the basis of whether, in part, the insurer, after change of control, could satisfy the requirements of licensure, and whether persons acquiring the insurers have a “financial condition” or “integrity” that might jeopardize the company or consumers. (Ins. Code § 1215.2, subd. (d)(1)–(5); Answer ¶ 7.) Among other issues, the workers’ compensation products sold by Applied and CIC had been deemed “bait and switch” by a previous commissioner, and CIC had been subject to a cease-and-desist order brought by Respondents. (Powell Decl. ¶ 3; **Ex. 19**.) These facts would have been a central focus in a review of the sale of CIC regarding the “financial condition” or “integrity” of the persons acquiring the insurer and would have weighed against approval. Therefore, a whitewash of the 2014–2017 multi-state examination of CIC would have been essential to gain approval of the pending sale. Communications about that examination are essential for the public to fully understand widespread reports that the companies were attempting to use campaign contributions to inappropriately influence Respondents. Department correspondence already produced by Respondents involving Mr. Serna, Mr. Sahara, and Mr. Silver blurs the line between official policymaking decisions and fundraising. (See, e.g., **Ex. 18**, Bates 00047.)

**E. Respondents Failed to Establish Exemptions Apply to Redacted Records**

Excluding multiple duplicate records, Respondents redacted 18 records. (**Ex. 18**.) Petitioner only challenges the redactions of six emails, four of which relate to the March 12, 2019 fundraising meeting organized by Eric Serna on Applied’s behalf “to benefit Ricardo Lara for Insurance Commissioner 2022.” (**Ex. 18**, Bates 00030.)

The six redacted records that Petitioner seeks the Court to order Respondents to produce in an unredacted format are: **Ex. 18**, Bates 00005, 00031, 00032 [two emails], 00034–35, and 00041–42. As with the withheld records, Respondents claim the redactions are justified under Section 6254, subdivisions (d) and (k), and Insurance Code sections 735.5 and 12919. Respondents do not provide *any* factual support for the application of these statutes to the redacted documents, *nor did they include any mention of the documents in the privilege log ordered by this Court*. The redactions are inappropriate under the claimed exemptions for all the reasons stated above regarding the 96 withheld records. For example, Respondents redacted an email scheduling the March 12 fundraiser. (*Id.* at Bates 00005.) There is no rational explanation as to why an email regarding the scheduling of a political fundraiser could contain information regarding official Department business such that a redaction would be justified. If the redacted material does contain references to Department business to be discussed at the fundraiser,



1 then there may be criminal bribery penalties (Penal Code § 68; *People v. Gaio* (2000) 81 Cal.App.4th  
2 919, 929); however, this is not a basis for redacting the material.

3 Additionally, at 3:36 a.m. on March 12, 2019 (the day of the fundraiser), Jeff Silver, representing  
4 Menzies in the purchase of CIC, sent a follow-up email to Department employees saying “thank you for  
5 taking the time to visit with Eric [Serna], Steve Menzies and me concerning the soon to be filed Form A  
6 for California Insurance Company. We look forward to working with you and your staff to meet the  
7 September 30, 2019 deadline.” (Ex. 18 Bates 00032–33.) An internal Department email thread from that  
8 same day, describing “the highlights of what was discussed” in the meeting with Eric Serna, Menzies,  
9 and Jeff Silver of Applied, is heavily redacted. (*Id.* at Bates 00031.) Two other emails on March 12  
10 regarding the sale of CIC, one sent by Jeff Silver prior to the fundraising lunch, and one response from a  
11 Department staffer sent to Silver *during the fundraising meeting*, are also redacted without justification.  
12 (*Id.* at Bates 00032.)

13 Relatedly, Petitioner also seeks production of a heavily redacted email (*Id.* at Bates 00041–42)  
14 regarding a meeting on May 6, 2019 with Respondent Lara and Steve Menzies organized by another  
15 Applied representative, Jamie Sahara. (*Id.* at Bates 00039–41.) Just prior to that meeting on May 1, 2019,  
16 Sahara sent a troubling email to a Department scheduler, copying Respondent Lara’s campaign fundraiser  
17 Dan Weitzman, suggesting a “formal policy discussion with the Commissioner to discuss [CIC]” and a  
18 “political” meeting between Applied, Lara, and Weitzman. (*Id.* at Bates 00047.)<sup>19</sup> While that one email  
19 suggests two meetings, only one appears to be scheduled. Records reflect a lunch meeting on May 6,  
20 2019, from 12:00 – 2:00 p.m. at NoMad restaurant in Los Angeles, with Respondent Lara, Steve Menzies,  
21 and Jamie Sahara in attendance. (See, e.g., *id.* at Bates 00055.) The four emails redacted from Ex. 18 at  
22 Bates 00031, 00032, and 00041–42 strongly suggest that the claimed exempt material was discussed  
23 simultaneously with political fundraising, and therefore the redaction is not justified. Respondents also  
24 fail to adequately support the redaction of an email regarding the multi-state examination of Applied.  
25 (Ex. 18 at Bates 00034–35.) Two exhibits referenced in the email—an “agenda” and “summary of  
26 findings”—were also not produced, but should be.

27 Finally, though Petitioner does not agree these redactions are appropriate, *they demonstrate that*  
28 *Respondents could similarly redact the 66 withheld records related to the multi-state examination and*  
*the 30 records related to the Form A application rather than withholding them in their entirety.*

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<sup>19</sup> Respondents admit that Weitzman is Respondent Lara’s political fundraiser. (Answer ¶ 50.)

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**F. Respondents Failed to Establish a Factual Basis for Other Claimed Exemptions**

Respondents have also claimed exemptions under Insurance Code section 12919 and Evidence Code section 1040, which are made applicable to the CPRA through Section 6254(k). However, Respondents have not provided *any* factual basis to establish these exemptions apply—for example, that the communications were made to the Insurance Commissioner in “official confidence.” (Ins. Code § 12919 [citing Evid. Code § 1040].) Even if Respondents attempt to rekindle these arguments, all three provisions must be narrowly construed and provide for a public interest balancing test that clearly tips in Petitioner’s favor in these circumstances. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 655–56.) Respondents also cite Civil Code section 1798.24, which is inapposite because Petitioner does not seek “personal information.”

**G. In Camera Review Is Appropriate**

At a minimum, the Court should conduct an in camera review of the 96 withheld and six redacted public records. Because Respondents refuse to provide sufficient factual justifications for their claimed exemptions, Petitioner is at a disadvantage to refute them. The Court’s review of the records may be the only way to make a determination that the records do or do not properly fall within the exemptions. (See *Williams v. Super. Ct.* (1993) 5 Cal.4th 337, 356 [“when a petitioner has made a prima facie showing that documents are being improperly withheld . . . the court logically must review the documents and hear the agency’s claim for withholding them”].)

**IV. CONCLUSION**

Petitioner respectfully requests that the Court order Respondents to (1) conduct a new search for responsive records of meetings and communications with “any individuals employed by or representing” the companies and produce any newly identified responsive documents, and (2) produce the 96 previously withheld communications and six redacted communications in an unredacted form.

DATE: July 5, 2022

**CONSUMER WATCHDOG**

By: \_\_\_\_\_

Jerry Flanagan

**LAW OFFICES OF KELLY AVILES**

By: \_\_\_\_\_

Kelly Aviles

*Attorneys for Petitioner/Plaintiff*

**DECLARATION OF BENJAMIN POWELL**

I, Benjamin Powell, declare and state as follows:

1. I am an attorney duly licensed to practice law before all of the courts of the State of California, and I am a staff attorney for Petitioner CONSUMER WATCHDOG in the above-entitled action. The facts stated in this Declaration are true and correct of my own personal knowledge, except for those matters expressly stated on information and belief, which matters I believe to be true. If called as a witness, I could and would competently testify thereto.

2. Attached as Exhibit 1 through Exhibit 18 are the same exhibits that were attached to the Verified Petition filed in this case and were authenticated therein. The numbering of these exhibits is the same as in the Petition. As noted below, in their Answer Respondents either do not challenge or admit to the authenticity of most of these exhibits. Also attached here are Exhibits 19–40, which were not attached to the Petition.

3. Under a prior Insurance Commissioner, the Department of Insurance (“Department”) deemed certain workers’ compensation policies sold by Applied Underwriters (“Applied”) and its California affiliate, California Insurance Company (“CIC”), to be fraudulent “bait and switch” policies. Attached as **Exhibit 19** is a true and correct copy of a news release I personally downloaded from Respondents’ website in which Respondents concluded these policies were fraudulent “bait and switch” policies. Exhibit 19 is subject to Petitioner’s concurrently filed Request for Judicial Notice (“RJN”).

4. The CPRA Requests at issue here focus on \$54,300 in campaign contributions Respondent Lara received from individuals linked to Applied (formerly a Berkshire Hathaway Company); CIC, another Applied affiliate; Constitution Insurance Company; and Independence Holding Company (“IHC”). In some instances, Respondent Lara received large contributions from the relatives of insurance industry executives linked to the four companies. **Exhibit 16** is a true and correct copy of the contributions report filed with the California Secretary of State on behalf of Respondent Lara’s 2022 re-election campaign. In paragraph 4 of the Answer, Respondents admit the authenticity of Exhibit 16. Exhibit 16 is also subject to Petitioner’s concurrently filed RJN. Respondents also admit that Respondent Lara pledged not to take contributions from companies regulated by the Department and admit Respondent Lara received contributions from relatives of insurance industry executives (which were returned following news coverage of the contributions). In paragraph 41 of their Answer, Respondents

1 admit that Stephen Acunto, Carole Acunto, and Theresa DeBarbrie, listed in Exhibit 16 (and named in  
2 the CPRA Requests), made contributions to Respondent Lara’s re-election 2022 campaign.

3 5. Shortly after receiving the contributions, Respondent Lara intervened in at least four  
4 proceedings at the Department involving Applied and CIC. In paragraph 5 of their Answer, Respondents  
5 admit that during a media interview Respondent Lara admitted that he met with the President of Applied  
6 Underwriters, Steven M. Menzies (“Menzies”), and that Menzies requested that Respondent Lara review  
7 cases involving Applied and CIC that were pending before the Department. Attached as **Exhibit 20** are  
8 true and correct copies of three exemplar orders issued in proceedings at the Department, signed by  
9 Department Special Counsel Bryant Henley on Respondent Lara’s behalf, in which Respondent Lara  
10 interceded on behalf of Applied and CIC. Exhibit 20 is subject to Petitioner’s concurrently filed RJN. In  
11 their Answer, Respondents admit “that the Commissioner took actions to reverse rulings from  
12 administrative law judges (ALJ) to be consistent with his predecessor’s rulings.” (Answer ¶ 5.)

13 6. Attached as **Exhibit 15** is the Form A application regarding the purchase of CIC by  
14 Menzies filed with the Department pursuant to Insurance Code 1215.2. In paragraph 40 of their Answer,  
15 Respondents admit Menzies is identified as the individual acquiring CIC in the Form A and admit the  
16 authenticity of Exhibit 15. Respondents admit that Jeffrey A. Silver is identified in Exhibit 15 as an  
17 attorney representing Menzies in the CIC transaction and is Treasurer of Constitution Insurance  
18 Company. Respondents admit that Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L.  
19 Stafford, and Justin N. Smith (all of whom are specifically named in the CPRA Requests) are all listed  
20 as Directors or Officers of California Insurance Company. Exhibit 15 is subject to Petitioner’s  
21 concurrently filed RJN.

22 7. Respondents later entered into a conservatorship of California Insurance Company “to  
23 assist CIC in addressing their Form A deficiencies with the goal of obtaining [purchase] approval and  
24 settlement of disputes with [Respondents],” according to paragraph 6 of **Exhibit 1**. Exhibit 1 is a true  
25 and correct copy of the order appointing Respondent Lara as conservator of CIC. In paragraph 7 of the  
26 Answer, Respondents admit the authenticity of Exhibit 1. Exhibit 1 is subject to Petitioner’s concurrently  
27 filed RJN. Respondents also admit that the Insurance Code requires Respondent Lara to approve the  
28 acquisition of a California domestic insurer. (Answer ¶ 7.)

1           8.       Widespread news coverage of these events reported influence peddling involving  
2 Respondents in dozens of news stories across the state. (Pet. ¶ 10, fns. 1, 3.) A *Sacramento Bee* Editorial  
3 called Lara’s actions “shady and suspicious.”<sup>1</sup> As a *Los Angeles Times* Editorial noted, “[t]he issue raised  
4 by Lara’s actions is part and parcel of a bigger debate in society about the corrosive effect that campaign  
5 donations from special interests can have on policymaking and on the public’s faith in its elected  
6 officials.”<sup>2</sup> (*Ibid.*) Attached as **Exhibit 21** are true and correct copies of the *Sacramento Bee* and *Los*  
7 *Angeles Times* Editorials I personally downloaded from the respective newspapers’ websites. Exhibit 21  
8 is subject to Petitioner’s concurrently filed RJN.

9           9.       The Meetings CPRA Request was initially submitted to Respondents on June 4, 2019.  
10 The initial request sought records relating to any meeting with individuals employed by or representing  
11 insurance companies or the insurance industry:

12               All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records,  
13               and any other records relating to any meetings or phone calls (“Conferences”) between  
14               Insurance Commissioner Lara and ***any individuals who are employed by or represent the***  
15               ***interests of one or more insurance companies or the insurance industry.*** This request  
              includes but is not limited to records providing the identities of the individuals participating  
              in the Conferences as well as records reflecting when and where the Conferences occurred.

16 A true and correct copy of Consumer Watchdog’s initial June 4, 2019 PRA request is attached as  
17 **Exhibit 2**. In paragraph 22 of the Answer, Respondents do not challenge the authenticity of Exhibit 2.<sup>3</sup>

18           10.       On June 7, 2019, a representative of Respondents sent an email acknowledging receipt of  
19 the June 4, 2019 PRA request, stating that the PRA request “as currently written, is overbroad and will  
20 be unduly burdensome on staff to search for responsive records.” A true and correct copy of Respondents’  
21 June 7, 2019 email is attached as **Exhibit 3**. In paragraph 23 of the Answer, Respondents admit the  
22 authenticity of Exhibit 3.

23           11.       On June 11, 2019, attorneys for Consumer Watchdog participated in a telephonic  
24 conference with counsel for Respondents. During that conference, counsel for Respondents requested  
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26 <sup>1</sup> *Editorial: Insurance Commissioner’s Campaign Cash Scandal Raises Troubling Questions*,  
27 *Sacramento Bee* (July 10, 2019), <https://www.sacbee.com/opinion/editorials/article232509952.html>.

28 <sup>2</sup> *Editorial: Troubling Behavior From California’s Insurance Commissioner Ricardo Lara*, *Los Angeles Times* (July 11, 2019), <https://www.latimes.com/opinion/editorials/la-ed-ricardo-lara-insurance-donations-20190711-story.html>.

<sup>3</sup> Petitioner has not included subexhibits to Exhibit 2 that were attached to the Petition but not relevant to this proceeding.

1 that attorneys for Consumer Watchdog narrow the Meetings CPRA Request to: (1) define the time period  
2 during which records were sought, and (2) specify the individuals and/or companies that Consumer  
3 Watchdog believed had participated in Conferences with Respondent Lara for which records were sought.  
4 Attorneys for Consumer Watchdog explained that Consumer Watchdog was broadly investigating the  
5 potential influence of the insurance industry over Respondents and could not at that time narrow the list  
6 of insurance company representatives to specified individuals as requested. However, attorneys for  
7 Consumer Watchdog agreed to define the time period for which records were sought, as reflected in a  
8 June 11, 2019 letter to Respondents. A true and correct copy of Consumer Watchdog's June 11, 2019  
9 letter is attached as **Exhibit 4**. In paragraph 24 of the Answer, Respondents admit the authenticity of  
10 Exhibit 4.

11 12. In an email dated July 5, 2019, a representative for Respondents summarily concluded  
12 regarding the Meetings CPRA Request:

13 There are responsive records to this request which are not being produced. These records  
14 are privileged or confidential and exempt from disclosure under Insurance Code section  
15 12919, Government Code section 6254, subdivisions (d), (f), and (k), Evidence Code  
16 sections 1040 and 1041, and the deliberative process privilege. (See Gov. Code § 6255;  
17 see also *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.). To the extent there  
18 are attorney-client communications or attorney work product, these records are confidential  
19 and exempt from disclosure under the attorney-client privilege and the attorney work  
20 product doctrine.

21 In paragraph 25 of the Answer, Respondents admit that "a representative from the Department sent an  
22 email dated July 5, 2019, to Petitioner's counsel and that the email contains, in part, the language quoted."

23 13. On July 11, 2019, counsel for Consumer Watchdog sent a letter to Respondents explaining  
24 in detail why Respondents' refusal to comply with the Meetings CPRA Request had no basis in law. A  
25 true and correct copy of Consumer Watchdog's July 11, 2019 letter is attached as **Exhibit 5**. A true and  
26 correct copy of Respondents' July 5, 2019 email is attached with Exhibit 5. In paragraph 26 of the  
27 Answer, Respondents admit the authenticity of Exhibit 5.

28 14. Though Consumer Watchdog disagreed with the basis of the Respondents' refusal to  
provide public records in response to the request, Consumer Watchdog ultimately agreed to amend the  
Meetings CPRA Request once more in order to facilitate a prompt disclosure of records. As specified in  
the July 11, 2019 letter, the request was narrowed, as directed by Respondents, to reflect "records  
pertaining to the individuals and companies" associated with specific financial contributions to

Respondent Lara, other individuals Petitioner had determined to be associated with the companies, *as well as any individuals employed by or representing Applied, CIC, Constitution Insurance Company, or Independence Holding Company*. Counsel for Consumer Watchdog wrote “by this letter [the request] is amended as follows”:

All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls (“Conferences”) *between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R. Graber. This request also includes records of Conferences between Insurance Commissioner Lara and any individuals employed by or representing Applied Underwriters, California Insurance Company (“CIC”), Constitution Insurance Company, or Independence Holding Company (“IHC”).* This request includes, but is not limited to, records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred and the topics of those Conferences. This request seeks records from January 7, 2019 to the present.

15. On July 19, 2019, counsel for Consumer Watchdog sent a letter to Respondents detailing a second parallel PRA request—the Communications CPRA Request—requesting email or records of any other communications between Respondent Lara and the same individuals listed above. A true and correct copy of the July 19, 2019 Request is attached as **Exhibit 9**. In paragraph 4 of the Answer, Respondents admit the authenticity of Exhibit 9.

16. On July 22, 2019, Respondents requested via email that Consumer Watchdog further amend the Meetings CPRA Request by providing the names of specific Department employees for whom responsive records were being sought. A true and correct copy of the email exchange is attached as **Exhibit 6**. In paragraph 28 of the Answer, Respondents admit the authenticity of Exhibit 6.

17. On July 23, 2019, counsel for Consumer Watchdog, in compliance with the request of Respondents, amended the Meetings CPRA Request yet again by providing the requested list of Department employees (“July 23, 2019 Revised Request”). A true and correct copy of the July 23, 2019 letter is attached as **Exhibit 7**. In paragraph 29 of the Answer, Respondents admit the authenticity of Exhibit 7. With these final changes the Meetings CPRA Request sought:

All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls (“Conferences”) between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole

1 Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M.  
2 Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R. Graber. This  
3 request also includes records of Conferences between Insurance Commissioner Lara and  
4 any individuals employed by or representing Applied Underwriters, California Insurance  
5 Company (“CIC”), Constitution Insurance Company, or Independence Holding Company  
6 (“IHC”). *This request specifically relates to the following Department staff: the*  
7 *Executive Office staff, all Deputy Commissioners, and the Government Law Bureau.*  
8 *Individuals in these positions shall be prioritized, however this request also includes any*  
9 *Department staff involved in any decisions or proceedings involving Applied*  
10 *Underwriters, CIC, or IHC, including but not limited to decisions or proceedings at the*  
11 *Administrative Hearing Bureau or pursuant to Insurance Code section 1215.2.* This  
12 request includes, but is not limited to, records providing the identities of the individuals  
13 participating in the Conferences as well as records reflecting when and where the  
14 Conferences occurred and the topics of those Conferences. This request seeks records from  
15 January 7, 2019 to the present. Request 1 does not seek records subject to the attorney work  
16 product or attorney-client privileges properly invoked by the Department.

17 18. A footnote in the July 23, 2019 letter further defined the Department staff to be included  
18 in the search by referencing the Department’s organization chart: “For ease of reference, please find the  
19 Department’s 2017 Organization Chart on page 15 of its 2017 annual report, available here [page 15 of  
20 the PDF]: [http://www.insurance.ca.gov/0400-news/0200-studies-reports/0700-commissioner-](http://www.insurance.ca.gov/0400-news/0200-studies-reports/0700-commissioner-report/upload/2017-Annual-Report-of-the-Commissioner.pdf)  
21 [report/upload/2017-Annual-Report-of-the-Commissioner.pdf](http://www.insurance.ca.gov/0400-news/0200-studies-reports/0700-commissioner-report/upload/2017-Annual-Report-of-the-Commissioner.pdf). Note that the ‘Executive Office’ staff is  
22 identified in the Organization Chart under the heading ‘Insurance Commissioner.’”

23 19. In a letter dated September 3, 2019, Respondent Lara wrote, “I believe effective public  
24 service demands constant adherence to the highest ethical standards . . . . I am ordering regular public  
25 release of my official calendar of meetings with external stakeholders . . . . I look forward to the work  
26 ahead, and renew my commitment to hold myself to the highest ethical standards as your state Insurance  
27 Commissioner.” A true and correct copy of the letter is attached hereto as **Exhibit 22**.

28 20. On September 4, 2019, the Department of Insurance provided some responsive records  
to the July 23, 2019 Revised Request, primarily consisting of email correspondence among  
various Department of Insurance employees and Respondent Lara’s campaign fundraising staff. This  
production is attached as **Exhibit 18**. In paragraph 48 of the Answer, Respondents admit the  
authenticity of Exhibit 18. Counsel for Consumer Watchdog sent an email to Respondents/Defendants  
on September 5, 2019 reiterating that as per the July 23, 2019 Revised Request, the Department of  
Insurance was required to produce the meeting calendar for Respondent Lara from January 7, 2019  
through August 31, 2019.



1           21.     On September 13, 2019, Defendants produced what they claimed to be Respondent Lara’s  
2 “master calendar” for the above date range. A true and correct copy of Respondents’ summary of  
3 Respondent Lara’s calendar (the “Master Calendar”) is attached as **Exhibit 8**. In paragraph 31 of the  
4 Answer, Respondents admit the authenticity of Exhibit 8.

5           22.     The “master calendar” contains examples of responsive meetings for which no records  
6 were produced. For example:

- 7           • Ex. 8, p. 19 of the “master calendar” references a meeting between Respondent Lara and Eric  
8 Serna on January 30, 2019, relating to IHC, regarding “Short Term Medical and also a meet and  
9 greet with Commissioner Lara.” IHC, one of the companies linked to the pay-to-play scandal and  
10 named in the CPRA Requests, apparently sought re-entry into the California market after being  
11 expelled from the state. (Pet. ¶ 8.) Darlene Graber, who gave \$7,800 to Respondent Lara, lives  
12 with Larry Graber, the head of IHC. (Exhibit 16.) Petitioner was not provided any public records  
13 of the January 30, 2019 meeting; it was only summarized in the “master calendar.”
- 14           • Ex. 18, Bates 00032–33 is an email communication from Jeffrey Silver, lawyer for Applied  
15 Underwriters, to a Department staffer referencing a “visit with Eric [Serna], Steve Menzies and  
16 me concerning the soon to be filed Form A for California Insurance Company.” Petitioner was  
17 not provided this calendar entry; Petitioner was only provided the email communication  
18 referencing the meeting.
- 19           • Ex. 8, p. 63 of the “master calendar” references a meeting between Respondent Lara and Bruce  
20 Byrne (Berkshire Hathaway Vice President and Chief Compliance Officer) and John Finston  
21 (former CDI general counsel). Petitioner was not provided this calendar entry, but only the  
22 summary in the “master calendar.” Meetings with Berkshire Hathaway executives are responsive  
23 to the CPRA Requests, as Berkshire Hathaway was the parent company of Applied Underwriters  
24 at the time. Petitioner was not provided this calendar entry; only the summary in the “master  
25 calendar.”
- 26           • Ex. 8, p. 84 of the “master calendar” references a meeting in Orlando, Florida on April 6, 2019  
27 between Respondent Lara, Ken Allen (Deputy Commissioner), and the Nelson Taplin Goldwater  
28 (“NTG”) firm that was representing Applied and for which Eric Serna serves as General Counsel.  
(See Eric Serna’s profile at NTG here: <https://ntgconsultants.com/meet-our-team/>.) Petitioner was  
not provided this calendar entry; we have only the summary in the “master calendar.”
- Ex. 8, p. 88 of the “master calendar” references a meeting between Respondent Lara and Eric  
Serna in New York. Petitioner was not provided records related to this meeting.

29           23.     On September 16, 2019, the Department of Insurance produced some records in response  
30 to the July 19, 2019 Request, indicating that it had withheld numerous other records pursuant to various  
31 claims of privilege and/or exceptions to the PRA, but did not provide any information about what types  
32 or how many records it withheld, nor did it provide the factual basis for its claims of exemption. A true  
33 and correct copy of Respondents’ September 16, 2019 correspondence and production is attached as

1 **Exhibit 10.** In paragraph 34 of the Answer, Respondents admit the authenticity of Exhibit 10. A summary  
2 of the records produced by Respondents through September 2019 is attached as **Exhibit 17.**

3         24. Prior to filing this lawsuit, Petitioner implored Respondents to provide more information  
4 about what was being withheld, but Respondents repeatedly refused, including refusing to provide a  
5 privilege log. For example, on September 17, 2019, Counsel for Consumer Watchdog sent a letter to  
6 Respondents requesting that the Respondents provide a “privilege log” for the CPRA Requests containing  
7 a summary description of the subject matter of each withheld record and the basis for the claimed  
8 privilege or exemption so that Counsel for Consumer Watchdog would be able to test the claimed  
9 privileges and exemptions. A true and correct copy of the September 17, 2019 correspondence is attached  
10 as **Exhibit 11.** In paragraph 35 of the Answer, Respondents admit the authenticity of Exhibit 11.

11         25. In response, on September 27, 2019, the Respondents sent a letter indicating they would  
12 not provide the requested privilege log. A true and correct copy of this response is attached as **Exhibit 12.**  
13 In paragraph 36 of the Answer, Respondents admit the authenticity of Exhibit 12.

14         26. On October 22, 2019, counsel for Consumer Watchdog sent another letter to Respondents,  
15 again outlining the deficiencies of Respondents’ responses to the CPRA Requests. The letter once again  
16 requested that Respondents provide additional information that would allow Counsel for Consumer  
17 Watchdog to determine whether the claimed exemptions and privileges were justified. A true and correct  
18 copy of this request is attached as **Exhibit 13.** In paragraph 37 of the Answer, Respondents admit the  
19 authenticity of Exhibit 13.

20         27. In a letter dated October 31, 2019, Respondents refused to provide any supplemental  
21 information that would allow counsel for Consumer Watchdog to determine whether the claimed  
22 exemptions and privileges were justified. A true and correct copy of this response is attached as  
23 **Exhibit 14.** In paragraph 38 of the Answer, Respondents admit the authenticity of Exhibit 14. The  
24 Petition was filed on February 18, 2020.

25         28. Respondents filed their Answer to the Petition on March 30, 2020. Petitioner and  
26 Respondents engaged in the discovery process over the next several months, including Petitioner serving  
27 Special Interrogatories and Requests for Production (“RFPs”) on Respondents, attending an Informal  
28 Discovery Conference with the Court, and serving deposition notices on Respondents in October 2020  
and February 2021.

1           29. Settlement options were explored in February 2021, but Petitioner was unwilling to meet  
2 Respondents' conditions, which included agreement never to seek any further records associated with  
3 Petitioner's CPRA Requests or the alleged "pay-to-play" scandal. A true and correct copy of a settlement  
4 letter sent by Respondents is attached hereto as **Exhibit 23**.

5           30. As meet and confer efforts continued to be unfruitful, on March 17, 2021 Petitioner filed  
6 a Motion to Compel further responses to its Special Interrogatories and Requests for Production.  
7 Respondents simultaneously filed a Motion for Protective Order seeking to quash the deposition notices.

8           31. In their Opposition to Petitioner's Motion to Compel, filed April 14, 2021, Respondents  
9 acknowledged that they did not consider the request for records regarding individuals "employed by or  
10 representing" the companies in question. A true and correct copy of Respondents' Opposition to  
11 Petitioner's Motion to Compel, filed April 14, 2021, is attached hereto as **Exhibit 24**. This was also  
12 acknowledged in a declaration attached to Respondents' Motion for Protective Order, attached hereto as  
13 **Exhibit 25**.

14           32. The Court ruled on the Parties' motions on May 12, 2021, quashing Petitioner's deposition  
15 notices as premature and ordering Respondents to provide further responses to a number of Special  
16 Interrogatories and Requests for Production. The Court's Order required Respondents to reveal  
17 "everything that [the Department] did to search for records responsive to the PRA Requests," including  
18 the search terms used to identify potentially responsive documents. A true and correct copy of the Court's  
19 May 12, 2021 order is attached hereto as **Exhibit 26**. Respondents disclosed that they did not search for  
20 records regarding a number of individuals "employed by or representing" the companies, even though  
21 they appeared to be on notice of their representative capacity. For example, though photos establish that  
22 Respondent Lara met with Eric Serna in Santa Fe, New Mexico on February 26, 2019, and Respondents  
23 admit to the meeting (Answer ¶ 47), no records of that meeting were identified or produced. A true and  
24 correct copy of the photo of Respondent Lara and Eric Serna at the February 26, 2019 event in Santa Fe,  
25 New Mexico is attached hereto as **Exhibit 27**. The photo in Exhibit 27 was downloaded from the photo  
26 gallery website of LeRoy N. Sanchez, which is a library of photos taken at the February 26, 2019 event.  
27 The photo gallery website is available at <https://leroynsanchez.zenfolio.com/p44122131>.

28           33. Following the Court's Order, on June 2, 2021 Respondents provided their Further  
Responses to Special Interrogatories, Set One, a true and correct copy of which is attached hereto as

**Exhibit 28.** Respondents also provided a privilege log in connection with their Further Responses to Special Interrogatories, Set One, Nos. 1–5. This privilege log is attached separately hereto for the Court’s convenience as **Exhibit 29.** In the privilege log, Respondents provided one of six repeating boilerplate statements regarding each of the 30 withheld records related to the Form A application:

- “The [email/letter] relates to the Form A Application and proposed sale of CIC and was received in confidence by [Respondents] from CIC.”
- “The [email/letter] consists of information contained in and related to the Form A Application and proposed sale of CIC and contains information that was received in confidence by [Respondents].”
- “The [email/letter] [and attachment] consist(s) of information contained in [and/or] related to the Form A Application for the proposed sale of CIC and [was/were] received in confidence by [Respondents] from CIC.”
- “The [email/letter] consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by [Respondents] from CIC.”
- “The [letter/email] consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by [Respondents] from CIC.”
- “The email consists of information related to the Form A Application and contains information that was received in confidence by [Respondents] from CIC.”

34. With regard to each of the 66 withheld records related to the multi-state examination of Applied contained in the privilege log, Respondents again provided one of 10 repeating boilerplate statements:

- “The email relates to the multi-state examination of CIC and was received in confidence by [Respondents] from CIC during the course of the examination.”
- “The email relates to the multi-state examination of CIC and to information received in confidence by [Respondents] from CIC during the course of the examination.”
- “The email relates to the multi-state examination of CIC and contains information that was received in confidence by [Respondents] from CIC during the course of the examination.”
- “The [email/letter] relates to the multi-state examination of CIC and to information received in confidence by [Respondents] from CIC during the course of the examination.”
- “The email consists of information contained in and related to the multi-state examination of CIC and contains information that was received in confidence by [Respondents] from CIC during the course of the examination.”
- “The email consists of information contained in and related to the multi-state examination of CIC and was received in confidence by [Respondents] from CIC during the course of the examination.”

- 1 • “The email [and attachments] constitute(s) information contained in and related to the multi-state  
2 examination of CIC and to information received in confidence by [Respondents] from CIC during  
the course of the examination.”
- 3 • “The [email/letter] [and attachment] constitute(s) information contained in and related to the  
4 multi-state examination of CIC and [was/were] received in confidence by [Respondents] from  
CIC during the course of the examination.”
- 5 • “The email and attachment(s) constitute[s] information contained in and related to the multi-state  
6 examination of CIC and consist[s] of information received in confidence by [Respondents] from  
CIC during the course of the examination.”
- 7 • “The [email/letter] [and attachment(s)] constitute(s) information contained in and related to the  
8 multi-state examination of CIC and contain(s) information received in confidence by  
[Respondents] from CIC during the course of the examination.”  
9

10 35. Respondents also provided a further response to Special Interrogatories, Set One, No. 10,  
11 outlining the steps Respondents took to respond to the CPRA Requests. A true and correct copy of  
12 Respondents’ Objections and Further Response to Special Interrogatories, Set One, No. 10 is attached  
13 hereto as **Exhibit 30**.

14 36. Respondents also provided a Further Response to Requests for Production, Set One, No. 3,  
15 wherein they disclosed that they were withholding approximately 400 internal documents (later clarified  
16 to be approximately 200 internal documents) and 34 additional communications with the Office of the  
17 Attorney General under various claims of privilege and exemption.

18 37. On June 17, 2021, Petitioner served on Respondents additional discovery, consisting of  
19 (1) Special Interrogatories, Set Two; (2) Requests for Admission (“RFAs”), Set One; and (3) Form  
20 Interrogatories, Set One. Respondents responded with objections only, refusing to provide a substantive  
21 response to any of the written requests.

22 38. Over the next several weeks, the Parties engaged in meet and confer efforts over  
23 Petitioner’s request that Respondents provide a privilege log of the records withheld in response to RFP  
24 No. 3. These efforts were unsuccessful, and the Parties participated in another Informal Discovery  
25 Conference with the Court on July 1, 2021.

26 39. Following the Informal Discovery Conference, Respondents agreed to provide an  
27 additional further response to RFP No. 3 addressing the withheld internal communications and other  
28 documents, which was ultimately provided on July 30, 2021. This Second Further response merely  
segregated the documents into nine broad categories and did not establish justifications for the claimed  
privileges.

1           40.     After further unsuccessful meet and confer efforts, on August 23, 2021 Petitioner filed  
2 motions to compel further responses to (1) Special Interrogatories, Set Two; (2) RFAs, Set One; (3) Form  
3 Interrogatories, Set One; and (4) RFP No. 3. Petitioner also moved to lift the protective order as to the  
4 deposition notices.

5           41.     Following a hearing, on October 4, 2021 the Court ordered Respondents to produce a  
6 fulsome privilege log of the internal communications regarding Petitioner's CPRA Requests and other  
7 documents Respondents withheld under the attorney-client or attorney work product privileges. A true  
8 and correct copy of the Court's October 4, 2021 Order is attached hereto as **Exhibit 31**.

9           42.     Respondents produced the privilege log accompanying their Third Further Response to  
10 RFP No. 3 on October 29, 2021, as well as an additional 29 email communications previously withheld  
11 under claims of attorney-client privilege. The privilege log provided only broad, boilerplate descriptions  
12 of approximately 170 withheld internal communications and again did not justify the claimed privileges  
13 and exemptions. A true and correct copy of Respondents' Objections and Third Further Response to  
14 RFPs, Set One, No. 3 is attached hereto as **Exhibit 32**. For the Court's convenience, the privilege log is  
15 attached hereto separately as **Exhibit 33**. Respondents also produced Further Responses and Objections  
16 to RFAs, Set One, attached hereto as **Exhibit 34**.

17           43.     After reviewing Respondents' Objections and Third Further Response to RFP, Set One,  
18 No. 3, Petitioner prepared a chart listing email communications from Respondents to various Department  
19 staff members requesting staff search for public records, which appears below. The Bates numbers  
20 referenced therein refer to the Third Further Response to RFP, Set One, No. 3, attached as **Exhibit 32**.  
21 The chart shows that though Respondents requested 37 Department staff to search their email for  
22 responsive records, six staff did not respond to these requests.

23

Date	From	Cc	Bates Number of Request	Recipients Who Did Not Respond
7.24.19 4:16pm	Debbie Lynne De Guzman	Chao Lor George Teekell	000398	Ron Reyna
7.24.19 4:31pm	Debbie Lynne De Guzman	Chao Lor George Teekell	000406	[all replied]
7.26.19 3:26pm	Debbie Lynne De Guzman		000422–423	Ron Reyna Brentley Yim George Teekell

28

7.26.19 4:01pm	Debbie Lynne De Guzman	Chao Lor	000438–439	[all replied]
8.12.19 2:42pm	Debbie Lynne De Guzman	Chao Lor	000496–497	Michael Martinez
8.13.19 3:46pm	Debbie Lynne De Guzman	Chao Lor	000492–493	Roberta Potter
8.13.19 11:02am	Debbie Lynne De Guzman		000494–495	Mike Peterson
8.15.19 4:45pm	Debbie Lynne De Guzman	Chao Lor	000501–505	[all replied]

44. In December 2021, Petitioner obtained a declaration from former legislator-turned-lobbyist Rusty Areias confirming that Mr. Areias communicated with Department Counsel Bryant Henley on behalf of Applied. A true and correct copy of this Declaration is attached hereto as **Exhibit 35**. A subsequent declaration from Mr. Areias was obtained by Respondents in January 2022. The subsequent declaration states that, though Mr. Areias still does not recall the exact dates of the calls with Mr. Henley and the other Department staffer, he now “clarifies” that those communications occurred sometime after July 23, 2019—the cut-off date for records pursuant to Petitioner’s CPRA Request. A true and correct copy of this subsequent declaration is attached hereto as **Exhibit 36**. Yet another new declaration, this one from Mr. Henley, filed by Respondents, acknowledges that he received a call from Rusty Areias on behalf of California Insurance Company—Applied’s subsidiary that is subject to Petitioner’s CPRA Requests—but not until September 3, 2019. A true and correct copy of Mr. Henley’s declaration is attached hereto as **Exhibit 37**.

45. As referenced throughout and attached hereto as **Exhibit 38** for the Court’s convenience is Respondents’ Answer to the Petition.

46. As referenced in Petitioner’s RJN, attached hereto as Exhibits 39 and 40 are legislative history materials. **Exhibit 39** is an August 20, 1970 letter from California Assemblyman Bagley to Governor Reagan regarding AB (“Assembly Bill”) 1981, which in 1970 amended Government Code section 6254(d) regarding exemptions to the California Public Records Act. **Exhibit 40** is the California Law Revision Commission’s Comments on California Evidence Code section 1060. Exhibits 39 and 40 are subject to Petitioner’s concurrently filed RJN.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct and that this Declaration was executed on July 5, 2022, at Los Angeles, California.  
3

4 /s/ Benjamin Powell  
5 BENJAMIN POWELL  
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## INDEX OF EXHIBITS

Exhibit	Description
1	Nov. 4, 2019 Conservatorship Order
2	June 4, 2019 Consumer Watchdog's initial PRA request
3	June 7, 2019 Respondents' email re PRA request
4	June 11, 2019 Consumer Watchdog letter to Respondents
5	July 11, 2019 Consumer Watchdog letter to Respondents attaching Respondents' July 5, 2019 email
6	July 22, 2019 Email exchange between Consumer Watchdog and Respondents
7	July 23, 2019 Consumer Watchdog's Meetings CPRA Request
8	Sept. 13, 2019 Letter from Respondents enclosing Master Calendar
9	July 19, 2019 Consumer Watchdog's Communications CPRA Request
10	Sept. 16, 2019 Letter from Respondents and production
11	Sept. 17, 2019 Consumer Watchdog letter to Respondents
12	Sept. 27, 2019 Respondents' letter to Consumer Watchdog refusing to provide privilege log
13	Oct. 22, 2019 Consumer Watchdog letter to Respondents
14	Oct. 31, 2019 Respondents' letter to Consumer Watchdog
15	May 31, 2019 Form A Application
16	July 16, 2019 California Secretary of State report of contributions to Respondent Lara's re-election campaign
17	Sept. 19, 2019 Consumer Watchdog press release summarizing records produced by Respondents
18	September 4, 2019 Respondents' production in response to July 23, 2019 Revised Request
19	June 8, 2017 "Bait and switch" press release
20	June 21 & 27, 2019 Respondent Lara Intervening Orders
21	July 10 & 11, 2019 <i>Sacramento Bee</i> and <i>LA Times</i> Editorials
22	Sept. 3, 2019 Respondent Lara letter to consumer groups
23	Feb. 3, 2021 Respondents' letter response to settlement demand
24	April 14, 2021 Respondents' Opposition to Motion to Compel
25	March 17, 2021 De Guzman Declaration ISO Motion for Protective Order
26	May 12, 2021 Tentative Order

27	Feb. 26, 2019 Photo of Respondent Lara and Eric Serna
28	June 2, 2021 Respondents' Objections and Further Responses to Petitioner's Special Interrogatories, Set One
29	June 2, 2021 Privilege Log of Withheld Documents in response to Petitioner's Special Interrogatories, Set One, Nos. 1–5
30	June 2, 2021 Respondents' Objections and Responses to Petitioner's Special Interrogatories, Set One, No. 10
31	Oct. 4, 2021 Order
32	Oct. 29, 2021 Respondents' Objections and Responses to Petitioner's Special Interrogatories, Set One, No. 3
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34	Oct. 29, 2021 Respondents' Further Responses and Objections to Petitioner's Request for Admissions, Set One, Nos. 33–78 and 87
35	Dec. 10, 2021 Initial Areias Declaration
36	Jan. 25, 2022 Subsequent Areias Declaration
37	Feb. 18, 2022 Henley Declaration
38	March 30, 2020 Respondents' Answer to Verified Petition for Writ of Mandate and Complaint for Declaratory Relief
39	Aug. 20, 1970 Letter from W Bagley to Gov. Reagan
40	California Law Revision Commission's Comments on California Evidence Code section 1060

# **EXHIBIT 1**

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**ENDORSED FILED**  
**SAN MATEO COUNTY**

NOV 04 2019

Clerk of the Superior Court  
By RJay Domina  
DEPUTY CLERK

Exempt from filing fees pursuant to  
Government Code section 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN MATEO – UNLIMITED JURISDICTION

INSURANCE COMMISSIONER OF THE  
STATE OF CALIFORNIA,

Applicant,

v.

CALIFORNIA INSURANCE COMPANY, a  
California corporation,

Respondent.

Case No.

**19CV06531**

**[PROPOSED] ORDER APPOINTING  
INSURANCE COMMISSIONER AS  
CONSERVATOR and RESTRAINING  
ORDERS;**

**[Ins. Code, § 1011]**

Date: November 4, 2019  
Time: 2:00 p.m.  
Dept.:

1 ~~[PROPOSED]~~ ORDER

2 The California Insurance Commissioner's Verified Ex Parte Application for Order Appointing  
3 Conservator having been filed herein, it being shown to the Court's satisfaction from said Application  
4 that the Commissioner has (1) found that California Insurance Company ("CIC"), a California  
5 domiciled insurance company, entered into a transaction the effect of which, if consummated, would  
6 merge CIC into and with California Insurance Company II ("CIC II"), a New Mexico domiciled  
7 insurance company without first obtaining the consent in writing of the California Insurance  
8 Commissioner in violation of California Insurance Code Section 1215.2(a), (2) found that the factual  
9 and legal conditions exist to conserve CIC pursuant to Insurance Code section 1011, subdivision (c),  
10 and (3) established good cause to believe that the State of California would be prejudiced were it to  
11 provide respondent advanced notice of this proceeding in that CIC has within its authority power to at  
12 any time complete the ostensible consummation of the transaction, which would have the effect of at  
13 least forfeiting CIC's certificate of authority, rendering California policyholders ostensibly insured by  
14 an out-of-state insurer without authority to transact insurance in California; and good cause appearing,

15 IT IS HEREBY ORDERED that:

16 1. The California Insurance Commissioner is hereby appointed as the Conservator of CIC  
17 pursuant to section 1011, and is directed to conduct the business of CIC or so much thereof as he may  
18 deem appropriate, to pay or defer payment of all proper claims and obligations against CIC accruing  
19 prior to or subsequent to his appointment as Conservator, and to act in all ways and exercise all powers  
20 necessary or appropriate for the purpose of carrying out this order.

21 2. CIC, its officers, directors, agents and employees and any person that acts or purports to  
22 act on its behalf of any of the foregoing shall be enjoined from taking any actions or filing any  
23 document with any governmental entity or any governmental subdivision necessary to consummate  
24 the merger of CIC into and with CIC II, to otherwise transfer the domicile of CIC from California to  
25 New Mexico, or to otherwise adversely affect the California Certificate of Authority of CIC.

26 3. David E. Wilson, Special Deputy Insurance Commissioner, is appointed as Deputy  
27 Conservator empowered to carry out any and all duties and exercise the authority of the Conservator  
28 granted herein and the Insurance Code. Joseph B. Holloway, Jr. is appointed as Conservation



1 Manager and Scott Pearce is appointed as Conservation Supervisor empowered to carry out any and all  
2 duties and exercise the authority of the Conservator and Deputy Conservator, and as may be delegated  
3 by the Conservator and Deputy Conservator.

4 4. The Conservator's immunity and related protections from claims, suits or liability  
5 under applicable law, including but not limited to Government Code section 820.2, shall apply equally  
6 to the Deputy Conservator, Conservation Manager and the Conservation Supervisor in their capacities  
7 as Receiver of CIC, their successors in office, the Conservation & Liquidation Office ("CLO"), and  
8 their agents and employees.

9 5. The Commissioner as Conservator is authorized to appoint and employ special  
10 deputies, estate managers, other professionals, clerks and assistants and to give each of them such  
11 power and authority as he may deem necessary and authorizing the Commissioner as Conservator to  
12 compensate these persons from the assets of CIC as he may deem appropriate.

13 6. The Conservator is authorized to assist CIC in addressing their Form A deficiencies  
14 with the goal of obtaining Form A approval and settlement of disputes with CDI.

15 7. CIC is ordered, except upon the express written authorization of the Conservator, not to  
16 cancel or otherwise terminate or attempt to cancel or terminate any insurance policy or contract in-  
17 force as of the date of this Order, and is ordered to continue to administer such in-force policies and  
18 contracts in the ordinary course consistent with past practices.

19 8. Except as otherwise determined by the Conservator in his or her discretion, any  
20 contract or agreement to provide administrative, claims, or other management services to CIC  
21 necessary or appropriate for the efficient operations of CIC during the pendency of the conservation  
22 shall remain in full force and effect unless rejected, modified or terminated by the Conservator in  
23 writing, and unless directed otherwise by the Conservator, each such person or entity shall continue to  
24 perform its respective obligations under such contract or agreement during the pendency of the  
25 conservation consistent with past practice.

26 9. The Conservator is authorized, in his or her discretion, to pay or defer payment of some  
27 or all proper claims, expenses, liabilities, and obligations of CIC, in whole or in part, accruing prior or  
28 subsequent to his appointment as Conservator.

1           10.     The Conservator is authorized to assume, reject, or modify any executory contracts  
2 including, without limitation, any lease, rental or utilization contract or agreement (including any  
3 schedule to any such contract or agreement), and any license or other arrangement for the use of  
4 computer software of business information systems, to which CIC is a party or as to which CIC agrees  
5 to accept an assignment of such contract.

6           11.     The Conservator is authorized in his or her discretion to take possession of any and all  
7 assets of CIC, including books, records, property (both real and personal), accounts, safe deposit  
8 boxes, rights of action, and all such assets as may be in the name of CIC, wheresoever situated.

9           12.     Title to all property and assets of CIC, designated by the Conservator in his or her  
10 discretion, including deposits, securities, contracts, rights of actions, books, records, and other assets  
11 of every type and nature, and including both those presently in CIC's possession and those that may be  
12 discovered hereafter, wheresoever situated, that are necessary or appropriate for the orderly  
13 conservation of CIC is to be vested in the Conservator or his or her successor in office, in his official  
14 capacity as Conservator. The Conservator is authorized to deal with such assets in his or her own  
15 name as Conservator or in the name of CIC, and all persons are enjoined from interfering with  
16 Conservator's possession and title to such assets.

17           13.     The Conservator is authorized to maintain and invest such of CIC's assets and funds in  
18 such a manner as the Conservator determines in his or her discretion is in the best interest of CIC's  
19 creditors.

20           14.     The Conservator is authorized to exercise all the powers of the directors, officers, and  
21 managers of CIC, necessary or appropriate for the orderly conservation of CIC whose authorities are  
22 suspended except as such powers may be redelegated to them in writing by the Conservator.

23           15.     CIC, its officers, directors, agents, and employees are enjoined, except upon the express  
24 written authorization of the Conservator or as is necessary to continue to administer in the ordinary  
25 course consistent with past practices any in-force insurance policies as of the date of this Order, from  
26 transacting any of the business of CIC, whether in the State of California or otherwise, disposing of,  
27 using, transferring, selling, assigning, canceling, alienating, hypothecating, or concealing in any  
28 manner or any way, or assisting any person in any of the foregoing, the property or assets of CIC, or



1 property or assets in the possession of CIC, of any nature or kind, including claims or causes of action,  
2 until further order of the Court. Further, such persons are enjoined from obstructing or interfering with  
3 the Conservator's conduct of his or her duties as Conservator.

4 16. CIC and its officers, directors, agents and employees are enjoined from issuing any new  
5 or renewing any insurance policies except upon the written consent of the Conservator.

6 17. All persons are enjoined, except upon the written consent of the Conservator, from  
7 instituting, prosecuting, or maintaining any action at law or suit in equity, including but not limited to,  
8 actions or proceedings to compel discovery or production of documents or testimony, and matters in  
9 arbitration, except for matters before the California Workers' Compensation Appeals Board or  
10 equivalent administrative boards in other states, against CIC, or against the Conservator, and from  
11 attaching, executing upon, redeeming of or taking any other legal proceedings against any of the  
12 property of CIC, and from doing any act interfering with the conduct of said business by the  
13 Conservator, except after an order of this Court obtained after reasonable notice to the Conservator.

14 18. CIC and all officers, directors, agents, employees, successors, assigns, affiliates of CIC,  
15 and other persons acting in concert or participation with CIC shall deliver to and immediately make  
16 available to the Conservator those assets, books, records, accounts, records, information, computers,  
17 tapes, discs, writings, other recordings of information, equipment, and other property of CIC,  
18 wheresoever situated, in said persons' custody or control specified in writing by the Conservator, and  
19 further, the aforesaid persons shall disclose verbally, or in writing if requested by the Conservator, the  
20 exact whereabouts of the foregoing items if such items are not in the possession custody, or control of  
21 said persons.

22 19. All officers, directors, trustees, employees, or agents of CIC, or any other person, firm,  
23 association, partnership, corporate parent, holding company, affiliate, or other entity in charge of any  
24 aspect of CIC's affairs, either in whole or in part, and including but not limited to banks, savings and  
25 loan associations, financial or lending institutions, brokers, stock or mutual associations, or any parent,  
26 holding company, subsidiary or affiliated corporation, or any other representative acting in concert  
27 with CIC, shall cooperate with the Conservator in the performance of his or her duties.



1           20.     The Conservator is authorized to pay all reasonable costs of taking possession of and  
2 conserving CIC (including but not limited to the Conservator's pre-conservation costs in examining  
3 CIC's financial condition, and preparing to take possession and conserve CIC, and the attorneys' fees  
4 and costs incurred by the Commissioner in bringing and prosecuting this proceeding) out of the funds  
5 and assets of CIC.

6           21.     The Conservator is authorized to pay all reasonable costs of operating CIC as  
7 Conservator (including direct and allocated direct costs, direct and allocated general and  
8 administrative costs and overhead, and all other allocated costs) out of any and all funds and assets of  
9 CIC, and if there are insufficient funds, to pay for the costs out of the Insurance Fund pursuant to  
10 Insurance Code section 1035.

11          22.     All persons who maintain records for CIC, pursuant to written contract or any other  
12 agreement, shall maintain such records and deliver to the Conservator such records upon his request.

13          23.     All agents of CIC, and all brokers who have done business with CIC, shall make  
14 remittances of all funds collected by them or in their hands designated by the Conservator in his or her  
15 discretion, directly to the Conservator.

16          24.     All persons having possession of any lists of policyholders of CIC shall deliver such  
17 lists to the Conservator upon his or her written request and enjoining all such persons from using any  
18 such lists or any information contained therein without the written consent of the Conservator.

19          25.     The Conservator is authorized to initiate such equitable or legal actions or proceedings  
20 in this or other states that the Conservator determines is in his or her discretion are necessary to carry  
21 out his or her functions as Conservator.

22          26.     CIC, its officers, directors, agents and employees are enjoined from disposing of, or  
23 assisting any person in the transfer or alienation of, the property or assets of CIC, until further order of  
24 this Court.

25          27.     All persons are enjoined, except with leave of this Court issued after a hearing in which  
26 the Conservator has received reasonable notice, from obtaining preferences, judgments, attachments,  
27 or other liens, or making any levy against CIC or its assets or property, and from executing or issuing  
28 or causing the execution or issuance of any court attachment, subpoena, replevin, execution, or other

1 process, for the purpose of impounding or taking possession of or interfering with or creating or  
2 enforcing a lien upon any property or assets owned or in the possession of CIC or the Conservator,  
3 wheresoever situated, and from doing any act interfering with the conduct of said business by  
4 Conservator.


5 28. All persons are enjoined, except with leave of this Court issued after a hearing in which  
6 Conservator has received reasonable notice, from accelerating the due date of any obligation or  
7 claimed obligation; exercising any right of set-off; taking, retaining, retaking, or attempting to retake  
8 possession of any real or personal property; withholding or diverting any rent or other obligation;  
9 doing any act or other thing whatsoever to interfere with the possession of or management by the  
10 Conservator of the property and assets, owned or controlled by CIC or in the possession of CIC, or in  
11 any way interfering with the Conservator or interfering in any manner during the pendency of this  
12 proceeding with the exclusive jurisdiction of this Court over CIC.

13 29. Any and all provisions of any agreement entered into by and between any third party  
14 and CIC that provide in any manner that selection, appointment, or retention of a conservator, receiver,  
15 or trustee by any court, or entry of any order such as hereby made, shall be deemed to be or otherwise  
16 operate as a breach, violation, event of default, termination, event of dissolution, event of acceleration,  
17 insolvency, bankruptcy, or liquidation, shall be stayed, and the assertion of any and all rights and  
18 remedies relating thereto shall also be stayed and barred, except as otherwise ordered by this Court.  
19 This Court shall retain jurisdiction over any cause of action that has arisen or may otherwise arise  
20 under any such provision.

21 30. All persons are enjoined from wasting the assets of CIC.

22 IT IS SO ORDERED.

23  
24 Dated: November 4, 2019

  
JUDGE OF THE SUPERIOR COURT  
GEORGE A. MIRAM

## **EXHIBIT 2**



June 4, 2019

**VIA EMAIL AND OVERSIGHT DELIVERY**

California Department of Insurance  
Custodian of Records  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814

Email: [CustodianOfRecords@insurance.ca.gov](mailto:CustodianOfRecords@insurance.ca.gov)  
Tel.: (916) 492-3657

**RE: Public Records Act Request**

Dear Custodian of Records,

Pursuant to Government Code section 6253, subdivision (b) of the Public Records Act ("PRA"), and Article 1, section 3 of the California Constitution, Consumer Watchdog hereby requests copies of the following records:<sup>1</sup>

1. All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls ("Conferences") between Insurance Commissioner Lara and any individuals<sup>2</sup> who are employed by or represent the interests of one or more insurance companies or the insurance industry. This request includes but is not limited to records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred.
2. All records regarding Insurance Commissioner Lara's travel, including the individuals or entities that paid for that travel, including airfare and other transportation, hotels, meals, and entertainment.
3. All records regarding the March 21, 2019 Climate Change Petition for Rulemaking ("Climate Change Petition")<sup>3</sup> and the February 21, 2019 Petition for Rulemaking to ban the use of education and occupation to set insurance premiums ("Education/Occupation Petition").<sup>4</sup>

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<sup>1</sup> As used in this letter, the term "records" includes writings and correspondence that are printed, typed, hand-written, facsimiles or computer-generated e-mail.

<sup>2</sup> As used in this letter, the term "individuals" does not include those persons employed by the Department of Insurance ("Department").

<sup>3</sup> A copy of the Climate Change Petition is attached as Exhibit A.

<sup>4</sup> A copy of the Education/Occupation Petition is attached as Exhibit B.

Consumer Watchdog requests these records in an electronic format such as a Portable Document Format ("PDF").

Any records withheld from production for inspection should be separately identified and should be accompanied by the claimed justification for withholding those records as required by Government Code section 6255. The justification should state the nature of the record withheld and the specific exemption under which the record is being withheld, and provide an explanation of why the public interest is served by withholding the record. We reserve the right to appeal the Department's decision to withhold any materials.

Should you contend that a portion of a particular record is exempt from disclosure, pursuant to Government Code section 6253, subdivision (a) the exempt portion should be redacted and the remaining portion be produced for inspection.

Consumer Watchdog is prepared to pay reasonable search and duplication fees in connection with this request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Government Code section 6253, subdivision (e). (See *North Co. Parents Org. v. California Dep't of Educ.* (1994) 23 Cal.App.4th 144, 148.) As the information that is the subject of this request is of primary benefit to the public, we ask that the Department waive all search and duplication fees.

Consistent with Government Code section 6253, subdivision (c), we expect to hear from the Department within ten days. If you have any questions regarding this Public Records Act request, please contact me at (310) 392-2632 or [Jerry@consumerwatchdog.org](mailto:Jerry@consumerwatchdog.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jerry Flanagan', with a horizontal line drawn underneath the name.

Jerry Flanagan

## **EXHIBIT 3**



**From:** Vera, Vanessa Vanessa.Vera@insurance.ca.gov  
**Subject:** PRA-2019-00555 (CL) Public Records Act Request  
**Date:** June 7, 2019 at 5:02 PM  
**To:** jerry@consumerwatchdog.org  
**Cc:** Hein, Patricia Patricia.Hein@insurance.ca.gov, Lor, Chao Chao.Lor@insurance.ca.gov



Dear Mr. Flanagan,

The California Department of Insurance (Department) is in receipt of your records request below. Upon reviewing this request, we have determined that the request, as currently written, is overbroad and will be unduly burdensome on staff to search for responsive records. Please assist us with narrowing your request by providing us with the following additional information:

- The time frame(s) of the records being requested. For example, are you seeking records between January 1, 2019 to the present or another time period?
- The names of the individuals and/or names of insurance companies that may have had meetings or phone conference calls with Commissioner Lara or may have paid for his travel costs. If you do not have this information, but know the subject matter of the meetings, phone conference calls, or travels, please provide us with this information.

Thank you for your attention to this matter and we look forward to hearing from you soon. If you have any questions, please do not hesitate to contact me or Attorney Chao Lor at (916) 492-3207 or by email at [chao.lor@insurance.ca.gov](mailto:chao.lor@insurance.ca.gov).

Sincerely,

**Vanessa Vera**

Legal Analyst  
California Department of Insurance  
Legal Division/Government Law Bureau  
300 Capitol Mall  
Sacramento, CA 95814

**CONFIDENTIALITY NOTICE:** This communication may contain confidential and/or legally privileged information. It is solely for the use of the intended recipients(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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**From:** Jerry Flanagan [<mailto:jerry@consumerwatchdog.org>]  
**Sent:** Tuesday, June 4, 2019 1:29 PM  
**To:** Custodian of Records <[CustodianofRecords@insurance.ca.gov](mailto:CustodianofRecords@insurance.ca.gov)>  
**Subject:** Public Records Act Request

Dear Custodian of Records

Dear Custodian of Records,

Please see attached.

Jerry Flanagan

Jerry Flanagan  
Litigation Director  
Consumer Watchdog  
Los Angeles, CA & Washington, D.C.  
Office: (310) 392-2632  
Mobile: (310) 889-4912  
Fax: (310) 392-8874  
<http://www.ConsumerWatchdog.org>

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PRA to  
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## **EXHIBIT 4**



June 11, 2019

**VIA EMAIL AND OVERSIGHT DELIVERY**

Chao Lor  
California Department of Insurance  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Email: [chao.lor@insurance.ca.gov](mailto:chao.lor@insurance.ca.gov)  
Tel.: (916) 492-3207

**RE: PRA-2019-00555 (CL) Public Records Act Request**

Dear Ms. Lor,

Thank you for the phone conference today regarding the above-captioned Public Records Act ("PRA") request. We provide this response in an effort to address the Department's concerns, as articulated in Ms. Vera's June 7, 2019 email, that the PRA request as initially constituted would "be unduly burdensome on staff to search for responsive records." The initial request is attached as Exhibit 1 for ease of reference.

Pursuant to Government Code section 6253, subdivision (b) of the PRA, and Article 1, section 3 of the California Constitution, Consumer Watchdog hereby requests copies of the following records:<sup>1</sup>

1. All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls ("Conferences") between Insurance Commissioner Lara and any individuals<sup>2</sup> who are employed by or represent the interests of one or more insurance companies or the insurance industry. This request includes, but is not limited to, records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred. Item 1 seeks records from January 7, 2019 to the present.
2. All records regarding Insurance Commissioner Lara's out-of-state travel, including the persons or entities that paid for that travel, including airfare and other transportation, hotels, meals, and entertainment. Item 2 seeks records from January 7, 2019 to the present.

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<sup>1</sup> As used in this letter, the term "records" includes writings and correspondence that are printed, typed, hand-written, facsimiles or computer-generated e-mail.

<sup>2</sup> As used in this letter, the term "individuals" does not include those persons employed by the Department of Insurance ("Department").

3. All records regarding the March 21, 2019 Climate Change Petition for Rulemaking ("Climate Change Petition") attached as Exhibit 2. Attached as Exhibit 3 is the response to the Climate Change Petition provided by the Department. Per your request, we provide the Department's response to assist you in identifying persons at the Department who may be in possession of records pertaining to this request. Item 3 seeks records from March 21, 2019 to the present. Item 3 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.
4. All records regarding the February 21, 2019 Petition for Rulemaking to ban the use of education and occupation to set insurance premiums ("Education/Occupation Petition") attached as Exhibit 4. Attached as Exhibit 5 is the response to the Education/Occupation Petition provided by the Department. Per your request, we provide the Department's response to assist you in identifying persons at the Department who may be in possession of records pertaining to this request. Item 4 seeks records from February 21, 2019 to the present. Item 4 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.

Consumer Watchdog requests these records in an electronic format such as a Portable Document Format ("PDF").

Any records withheld from production for inspection should be separately identified and accompanied by the claimed justification for withholding those records as required by Government Code section 6255. The justification should state the nature of the record withheld and the specific exemption under which the record is being withheld, and provide an explanation of why the public interest is served by withholding the record. We reserve the right to appeal the Department's decision to withhold any materials.

Should you contend that a portion of a particular record is exempt from disclosure, pursuant to Government Code section 6253, subdivision (a) the exempt portion should be redacted and the remaining portion produced for inspection.

Consumer Watchdog is prepared to pay reasonable search and duplication fees in connection with this request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Government Code section 6253, subdivision (e). (See *North Co. Parents Org. v. California Dep't of Educ.* (1994) 23 Cal.App.4th 144, 148.) As the information that is the subject of this request is of primary benefit to the public, we ask that the Department waive all search and duplication fees.

California Department of Insurance

June 11, 2019

Page 3 of 3

If you have any questions regarding this PRA request, please contact me at (310) 392-2632 or [Jerry@consumerwatchdog.org](mailto:Jerry@consumerwatchdog.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Flanagan', with a horizontal line drawn underneath.

Jerry Flanagan

## **EXHIBIT 5**



July 11, 2019

**VIA EMAIL AND OVERNIGHT DELIVERY**

Ms. Debbie De Guzman  
Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17th Floor  
Sacramento, CA 95814  
DebbieLynne.DeGuzman@insurance.ca.gov

**RE: PRA-2019-00555 (CL) Public Records Act Request**

Dear Ms. De Guzman,

I am writing in response to your July 5, 2019 email<sup>1</sup> refusing to provide Insurance Commissioner Ricardo Lara's schedule of meetings with insurance industry representatives and related documents in response to a Public Records Act ("PRA") request submitted by Consumer Watchdog. Disclosing such public records is essential to restoring the public trust in the Office of the Insurance Commissioner in the wake of recent news reports of influence peddling involving Commissioner Lara and insurance companies regulated by the Department, behavior a *Sacramento Bee* editorial called "shady and suspicious."<sup>2</sup>

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<sup>1</sup> July 5, 2019 email attached as Exhibit A.

<sup>2</sup> Jeff McDonald, *State's Top Insurance Regulator Accepted Tens Of Thousands Of Dollars From Industry Executives, Records Show* (July 7, 2019), <https://www.sandiegouniontribune.com/news/watchdog/story/2019-07-05/states-top-insurance-regulator-accepted-tens-of-thousands-of-dollars-from-industry-executives-records-show>; Jeff McDonald, *Insurance Commissioner Will Return Funds From Companies With Ties To Industry He Regulates*, San Diego Union Tribune (July 8, 2019), <https://www.sandiegouniontribune.com/news/watchdog/story/2019-07-08/insurance-commissioner-will-unhand-funds-from-companies-with-ties-to-industry-he-regulates>; *Editorial: Insurance Commissioner Lara Never Should Have Accepted Donations From Those He Regulates*, San Diego Union Tribune (July 8, 2019), <https://www.sandiegouniontribune.com/opinion/editorials/story/2019-07-08/insurance-commissioner-lara-donations-insurance-companies>; Hannah Wiley, *Lara's*

As we noted in our telephonic meet and confer with your colleague Ms. Chao Lor on June 11, 2019, the Governor's Office makes the Governor's full calendar available to ensure public trust in the integrity of the office. Commissioner Lara should do the same. After all, as the California Supreme Court has opined, "[a]n informed and enlightened electorate is essential to a representative democracy." (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1328.) Moreover, the preamble of the PRA statute notes that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code § 6250; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 447.)

Should Commissioner Lara choose to refuse to provide his full schedule of meetings, with this letter we narrow Request No. 1 of our June 4, 2019 PRA request to seek records pertaining to the individuals and companies listed below. Though we are narrowing our PRA request in order to facilitate a prompt disclosure of records, we reserve the right to revisit the full request in order to adequately assess whether there exist other potential conflicts of interest.

As explained below, each of the individuals and companies identified in this revised request raises significant public interest issues, as it appears these individuals and companies were attempting to inappropriately influence Commissioner Lara's decision-making on important public matters in violation of state and federal law. Specifically, by this letter Request 1 is amended as follows:

All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls ("Conferences") between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole Acunto, Carl DeBarbie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R. Graber. This request also includes records of Conferences between Insurance Commissioner Lara and any individuals employed by or representing Applied Underwriters, California Insurance Company ("CIC"), Constitution Insurance Company, or Independence Holding Company ("IHC"). This request includes, but is not limited to,

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'Questionable' Campaign Contributions, Sacramento Bee (July 10, 2019), <https://www.sacbee.com/site-services/newsletters/capitol-morning/article232453557.html>; *Editorial: Insurance Commissioner's Campaign Cash Scandal Raises Troubling Questions*, Sacramento Bee (July 10, 2019), <https://www.sacbee.com/opinion/editorials/article232509952.html>.

records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred and the topics of those Conferences. This request seeks records from January 7, 2019 to the present.

Three of the individuals listed above who have made financial contributions to Commissioner Lara's 2022 re-election campaign—Stephen and Carol Acunto and Theresa DeBarbrie—are connected to Applied Underwriters and its subsidiary CIC. Applied Underwriters and CIC settled an enforcement action brought by the Department for “bait and switch” marketing tactics in 2017 and the companies are currently fighting legal actions brought by five other businesses it insured. Applied Underwriters and CIC are also currently undergoing a change in ownership *that will require Commissioner Lara's approval* pursuant to Insurance Code section 1215.2 (“Section 1215.2”).

Steven M. Menzies is identified as the individual acquiring CIC in a document, attached as Exhibit B, filed with the Department pursuant to Section 1215.2. Mr. Menzies currently owns a minority share of Applied Underwriters and stands to gain control of the company if it is successfully spun off from Berkshire Hathaway. Mr. Menzies is also President of Constitution Insurance Company, whose directorate interlocks with Applied Underwriters and CIC, several members of which have also contributed to Commissioner Lara. Jeffrey A. Silver is identified in Exhibit B as an attorney representing Mr. Menzies in the CIC transaction and is Treasurer of Constitution Insurance Company.

Stephen Acunto is Managing Director of the Constitution Group, which wholly owns Constitution Insurance Company. Mr. Acunto is also a spokesperson for Applied Underwriters. Theresa DeBarbrie's husband is Carl DeBarbrie, an insurance broker for Applied Underwriters and former executive with Constitution Insurance Company and CIC. Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, and Justin N. Smith are all listed as Directors or Officers of CIC in Exhibit B.

A fourth donor to Commissioner Lara, Darlene Graber, is the wife of Larry R. Graber, who is Senior Vice President and Director of IHC. IHC is one of the largest sellers of short term “junk” health insurance in the United States.<sup>3</sup> California banned short term insurance in 2018.<sup>4</sup>

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<sup>3</sup> Robert Pear, *Trump's Short-Term Health Insurance Policies Quickly Run Into Headwinds*, N.Y. Times (Aug. 6, 2018), <https://www.nytimes.com/2018/08/06/us/politics/trump-short-term-health-plans.html>

<sup>4</sup> Catherine Ho, *Defying Trump, California Legislature bans short-term health insurance*, S.F. Chronicle (Aug. 20, 2018), <https://www.sfchronicle.com/business/article/Defying-Trump-California-legislature-bans-13169686.php>



The public has an interest in knowing whether Commissioner Lara met with these individuals, as the campaign contributions appear to have been intended to inappropriately influence Commissioner Lara's decision regarding the sale of Applied Underwriting and CIC. In the case of IHC, the purpose of the political contributions may have been to encourage support for IHC's efforts to re-enter the California market. As you know, a public official may be criminally liable if he or she "asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his or her vote, opinion, or action upon any matter then pending, or that may be brought before him or her in his or her official capacity, shall be influenced thereby . . . ." (Penal Code § 68.) An elected official could also be guilty of extortion if he or she wrongfully uses his or her public position to obtain a personal benefit. (Penal Code § 518.) Similarly, pursuant to federal law, the public has the right to the "honest services" of public officials. This right is violated when a public official makes a decision that is not motivated by the public's interest but instead by his or her personal interest. (18 U.S.C. §§ 1341, 1343, 1346.) Moreover, a public official may not make, participate in, or influence a governmental decision that will have a reasonably foreseeable and material financial effect on the official or any of the official's financial interests. (Gov. Code §§ 87100, 87103.)

The requested records will allow the public to answer these troubling questions:

- 1) Did Commissioner Lara or his representatives meet or communicate with the donors, Mr. Menzies, Mr. Silver, or any other representatives of Applied Underwriters or IHC?
- 2) Were Applied Underwriters' pending matters before the Department or IHC's business in California discussed at such a meeting?
- 3) How, when, and where were the contributions offered (for example, at a fundraising gathering or meeting)?
- 4) Was there in fact no contact between Commissioner Lara or his representatives and the donors, Mr. Menzies, Mr. Silver, or any other representatives of Applied Underwriters, Constitution Insurance Company, or IHC?

Full transparency is necessary to address any appearance of impropriety or undue influence and lay this matter to rest.

Your reliance on the so-called "public interest" exception to the PRA statute to *withhold* Commissioner Lara's schedule is perplexing at best. You have not even attempted to demonstrate that "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." (Gov. Code § 6255(a).) Nor can you. Moreover, concerns about chilling the "deliberative process" have no place where the public interest at stake is whether the regulated companies or Commissioner Lara violated state or federal law. (*See Times Mirror Co.*, 53 Cal.3d at 1341.)

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Though we dispute the applicability of the “public interest” exemption in this instance, the very California Supreme Court decision you cite in your July 5 email notes that a focused request like the one at issue here outweighs any interest in keeping public records from the public view.

[W]here the public interest in certain specific information contained in one or more of the [elected official’s] calendars is . . . compelling, [and] the specific request more focused; then, the court might properly conclude that the public interest in nondisclosure does not clearly outweigh the public interest in disclosure, whatever the incidental impact on the deliberative process.

(*Times Mirror Co.*, 53 Cal.3d at 1345–46). In other words, the *Times Mirror* court

cautioned that “[n]ot every disclosure which hampers the deliberative process implicates the deliberative process privilege. Only if the public interest in nondisclosure clearly outweighs the public interest in disclosure does the deliberative process privilege spring into existence. *The burden is on the [elected official] to establish the conditions for creation of the privilege.*’

(*Labor & Workforce Dev. Agency v. Superior Court* (2018) 19 Cal.App.5th 12, 227, review denied (Apr. 25, 2018) [emphasis added] [quoting *California First Amendment Coal. v. Superior Court* (1998) 67 Cal.App.4th 159, 172–73]; see also *Caldecott v. Superior Court* (2015) 243 Cal.App.4th 212, 226 [holding there was “not a sufficient showing the public interest in nondisclosure outweighs the interest in disclosure. . . . Rather . . . the public interest in disclosure is compelling and is not overcome by the limited, qualified public disclosure exemption.”].) For example, in one case the Court of Appeal “conclude[d] that the public interest served by revealing the names of the pharmaceutical companies and others from whom [government officials] sought to obtain [lethal injection drugs] clearly outweighs that favoring nondisclosure.” (*American Civil Liberties Union of Northern California v. Superior Court* (2011) 202 Cal.App.4th 55, 77–78.)

Similarly, the other bases you cite for withholding all requested records in response to Request 1 are also inapplicable. For example, Insurance Code section 12919, which incorporates Evidence Code sections 1040 and 1041, does not prevent the requested disclosure because there is no interest in “preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.” (Evid. Code § 1040.) In fact, quite the opposite is true. Equally, your email does not explain why the Department is attempting to block disclosure of the requested records under Government Code section 6254, subdivisions (d), (f), and (k), none of which appear to apply. Finally, as the request seeks records relating to Conferences between Commissioner Lara or his representatives

Debbie De Guzman  
July 11, 2019  
Page 6

and individuals not employed by the Department, the attorney-client communications and attorney work product doctrines are also improperly invoked to block disclosure of the requested records.

I also note that the Department has committed to produce additional documents responsive to other requests in our June 4, 2019 PRA request—including the sources of payees for Commissioner Lara's out-of-state travel—but we require further explanation for your determination that such records will not be provided until August 31, 2019.

We look forward to your response. Given the importance of the requested documents to the public and the integrity of our democratic institutions, you are hereby on notice that Consumer Watchdog intends to file a lawsuit to compel production of the records (as revised by this letter) by July 31, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Flanagan', with a horizontal line drawn underneath.

Jerry Flanagan  
Litigation Director  
(310) 392-2632

# **EXHIBIT A**

**From:** De Guzman, Debbie Lynne DebbieLynne.DeGuzman@insurance.ca.gov  
**Subject:** RE: PRA-2019-00555 (CL) Public Records Act Request  
**Date:** July 5, 2019 at 3:55 PM  
**To:** Jerry Flanagan jerry@consumerwatchdog.org  
**Cc:** Lor, Chao Chao.Lor@insurance.ca.gov

DD

Dear Mr. Flanagan,

On June 4, 2019, the California Department of Insurance ("Department") received the above referenced Public Records Act request. On June 11, 2019, you agreed to narrow your request. On June 22, 2019, the Department advised you it would make a determination on whether it has disclosable public records on or before July 5, 2019.

Your request seeks the following records:

1. All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls ("Conferences") between Insurance Commissioner Lara and any individuals who are employed by or represent the interests of one or more insurance companies or the insurance industry. This request includes, but is not limited to, records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred. Item 1 seeks records from January 7, 2019 to the present.
2. All records regarding Insurance Commissioner Lara's out-of-state travel, including the persons or entities that paid for that travel, including airfare and other transportation, hotels, meals, and entertainment. Item 2 seeks records from January 7, 2019 to the present.
3. All records regarding the March 21, 2019 Climate Change Petition for Rulemaking ("Climate Change Petition"). Item 3 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.
4. All records regarding the February 21, 2019 Petition for Rulemaking to ban the use of education and occupation to set insurance premiums ("Education/Occupation Petition"). Item 4 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.

#### CDI's Response to Request 1:

There are responsive records to this request which are not being produced. These records are privileged or confidential and exempt from disclosure under Insurance Code section 12919, Government Code section 6254, subdivisions (d), (f), and (k), Evidence Code sections 1040 and 1041, and the deliberative process privilege. (See Gov. Code § 6255; see also *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.). To the extent there are attorney-client communications or attorney

work product, these records are confidential and exempt from disclosure under the attorney-client privilege and the attorney work product doctrine.

CDI's Response to Request 2:

There are responsive records to this request. The Department anticipates production of responsive records no later than August 31, 2019.

CDI's Response to Requests 3 and 4:

Based on the Department's review of available records compiled to date, we provide you with the attached disclosable public records responsive to requests 3 (Climate Change Petition) and 4 (Education/Occupation Petition). For email communications with the attached two Petitions, only the emails are being produced. At this time, the Department needs additional time to compile and review other potential responsive records. We anticipate production of additional public records, if any, no later than August 31, 2019.

Thank you for your patience and consideration.

Sincerely,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

## **EXHIBIT 6**

**From:** Lor, Chao Chao.Lor@insurance.ca.gov   
**Subject:** RE: PRA-2019-00555 (CL) Public Records Act Request --- REVISED, ignore previous  
**Date:** July 22, 2019 at 11:35 AM  
**To:** Jerry Flanagan jerry@consumerwatchdog.org  
**Cc:** De Guzman, Debbie Lynne DebbieLynne.DeGuzman@insurance.ca.gov

CL

Hi Jerry,

For request 1, would you agree to exclude internal records and/or communications relating to the requested records? We appreciate you providing us with a list of individuals and insurers but by requesting not just Commissioner Lara's records but also his representatives and other CDI employee, we will need time to complete a search to determine if we have responsive records.

Since there are approximately 1,300 CDI employees, if there are specific CDI employees you would like for us to check for records, would you provide us with a list of names? In the meantime, we will continue to conduct a reasonable search of our records and let you know within 14 days if we have responsive records to this amended request. Of course, if we complete our search sooner and find responsive public record, we will let you know when we can make them available.

For requests 3-4, would you also be willing to exclude internal records and/or communications relating to the two petitions? Similar to request 1, if you can provide us with a list of names of third parties or insurance companies, that would help us with our search. In the meantime, we will continue to review responsive records to these requests.

Thanks in advance for your courtesy and consideration. I look forward to hearing from you soon.

Regards,  
Chao

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**From:** Jerry Flanagan [mailto:jerry@consumerwatchdog.org]  
**Sent:** Thursday, July 18, 2019 12:06 PM  
**To:** Lor, Chao <Chao.Lor@insurance.ca.gov>  
**Subject:** Re: PRA-2019-00555 (CL) Public Records Act Request --- REVISED, ignore previous

Chao,

Since we keep missing each other on the phone, please send any questions you have in writing.

thanks, Jerry

**Jerry Flanagan**  
**Litigation Director**  
**Consumer Watchdog**  
**Los Angeles, CA & Washington, D.C.**  
**Office: (310) 392-2632**  
**Mobile: (310) 392-1010**



## **EXHIBIT 7**



July 23, 2019

**VIA EMAIL AND OVERNIGHT DELIVERY**

Ms. Chao Lor  
California Department of Insurance  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Email: [chao.lor@insurance.ca.gov](mailto:chao.lor@insurance.ca.gov)  
Tel.: (916) 492-3207

**RE: PRA-2019-00555 (CL) Public Records Act Request**

Dear Ms. Lor,

I write to follow up on the above-captioned Public Records Act ("PRA") request filed with the Department by Consumer Watchdog on June 4, 2019 ("Initial Request"). As you know, Consumer Watchdog has already agreed to significantly narrow the Initial Request on two occasions in order to reduce the burden on the Department. Most recently we narrowed Request 1 relating to Commissioner Lara's Conferences, as defined below, with insurance industry executives by specifically identifying the individuals and insurance companies for which responsive records are sought. As I pointed out in our July 11, 2019 letter, each of the individuals and companies identified in the Revised Request raise significant public interest issues, as it appears these individuals and companies were attempting to inappropriately influence Commissioner Lara's decision-making on important public matters in violation of state and federal law.

In an email yesterday you requested that we further narrow Request 1 by

agree[ing] to exclude internal records and/or communications relating to the requested records[.] We appreciate you providing us with a list of individuals and insurers but by requesting not just Commissioner Lara's records but also his representatives and other CDI employee [sic], we will need time to complete a search to determine if we have responsive records. Since there are approximately 1,300 CDI employees, if there are specific CDI employees you would like for us to check for records, would you provide us with a list of names?

With this letter we provide a list of Department employees for whom responsive records are sought pursuant to Request 1 as identified below. We decline to exclude non-privileged internal records and/or communications relating to Request 1. Though we are narrowing our PRA request in order to facilitate a prompt disclosure of records, we reserve the right to revisit the full request in order to adequately assess whether there exist other potential conflicts of interest.

As we indicated in our July 11, 2019 letter, given the significant public interest issues at stake<sup>1</sup> the Department must respond in writing by no later than July 31, 2019 stating whether the Department agrees to provide records in response to Request 1 as further narrowed by this letter. If the Department does not make a clear and unequivocal commitment to provide non-privileged records by July 31, 2019, we can only presume the Department is refusing to provide the records and Consumer Watchdog will be compelled to file a lawsuit to enforce the PRA.

In your email yesterday, you also requested that Consumer Watchdog narrow Requests 3 and 4 regarding the Climate Change Petition and Education/Occupation Petition, as defined below, as follows:

would you also be willing to exclude internal records and/or communications relating to the two petitions? Similar to request 1, if you can provide us with a list of names of third parties or insurance companies, that would help us with our search. In the meantime, we will continue to review responsive records to these requests.

Consumer Watchdog declines to further narrow Requests 3 and 4 as you specified in your July 22, 2019 email, as at this time we are not aware of the identities of the individuals or companies involved.

Therefore, as revised by this letter, the Initial Request is narrowed as follows. Pursuant to Government Code section 6253, subdivision (b) of the PRA, and Article 1, section 3 of the California Constitution, Consumer Watchdog hereby requests copies of the following records:<sup>2</sup>

Request 1: All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls (“Conferences”) between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R. Graber. This request also includes records of Conferences between Insurance Commissioner Lara and any individuals employed by or representing Applied Underwriters, California Insurance Company (“CIC”), Constitution Insurance Company, or Independence Holding Company (“IHC”). This request specifically relates to the following Department staff: the Executive Office staff, all Deputy

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<sup>1</sup> See, e.g., *Editorial: A cloud of suspicion hangs over state insurance commissioner. Can he clear the air?*, Sacramento Bee (July 23, 2019), <https://www.sacbee.com/opinion/editorials/article232988522.html>.

<sup>2</sup> As used in this letter, the term “records” includes writings and correspondence that are printed, typed, hand-written, facsimiles or computer-generated e-mail.

Commissioners, and the Government Law Bureau.<sup>3</sup> Individuals in these positions shall be prioritized, however this request also includes any Department staff involved in any decisions or proceedings involving Applied Underwriters, CIC, or IHC, including but not limited to decisions or proceedings at the Administrative Hearing Bureau or pursuant to Insurance Code section 1215.2. This request includes, but is not limited to, records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred and the topics of those Conferences. This request seeks records from January 7, 2019 to the present. Request 1 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.

Request 2: All records regarding Insurance Commissioner Lara's out-of-state travel, including the persons or entities that paid for that travel, including airfare and other transportation, hotels, meals, and entertainment. Request 2 seeks records from January 7, 2019 to the present.

Request 3: All records regarding the March 21, 2019 Climate Change Petition for Rulemaking ("Climate Change Petition"). Per your request, we have provided the Department's response to the Climate Change Petition in order to assist you in identifying persons at the Department who may be in possession of records pertaining to this request. Request 3 seeks records from March 21, 2019 to the present. Request 3 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.

Request 4: All records regarding the February 21, 2019 Petition for Rulemaking to ban the use of education and occupation to set insurance premiums ("Education/Occupation Petition"). Per your request, we have provided the Department's response to the Education/Occupation Petition in order to assist you in identifying persons at the Department who may be in possession of records pertaining to this request. Request 4 seeks records from February 21, 2019 to the present. Request 4 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.

Regarding Request 2, we require further explanation for your determination that responsive records will not be provided until August 31, 2019.

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<sup>3</sup> For ease of reference, please find the Department's 2017 Organization Chart on page 15 of its 2017 annual report, available here: <http://www.insurance.ca.gov/0400-news/0200-studies-reports/0700-commissioner-report/upload/2017-Annual-Report-of-the-Commissioner.pdf>. Note that the Executive Office staff is identified in the Organization Chart under the heading "Insurance Commissioner."

Consumer Watchdog requests these records in an electronic format such as a Portable Document Format ("PDF").

Any records withheld from production for inspection should be separately identified and accompanied by the claimed justification for withholding those records as required by Government Code section 6255. The justification should state the nature of the record withheld and the specific exemption under which the record is being withheld and provide an explanation of why the public interest is served by withholding the record. We reserve the right to appeal the Department's decision to withhold any materials.

Should you contend that a portion of a particular record is exempt from disclosure, pursuant to Government Code section 6253, subdivision (a) the exempt portion should be redacted and the remaining portion produced for inspection.

Consumer Watchdog is prepared to pay reasonable search and duplication fees in connection with this PRA request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Government Code section 6253, subdivision (e). (See *North Co. Parents Org. v. California Dep't of Educ.* (1994) 23 Cal.App.4th 144, 148.) As the information that is the subject of this request is of primary benefit to the public, we ask that the Department waive all search and duplication fees.

If you have any questions regarding this PRA request, please contact me at (310) 392-2632 or [Jerry@consumerwatchdog.org](mailto:Jerry@consumerwatchdog.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Flanagan', with a horizontal line drawn underneath.

Jerry Flanagan

## **EXHIBIT 8**



**RICARDO LARA**  
CALIFORNIA INSURANCE COMMISSIONER

September 13, 2019

Jerry Flanagan  
([jerry@consumerwatchdog.org](mailto:jerry@consumerwatchdog.org))

Re: Public Records Act Request PRA-2019-00555

Dear Mr. Flanagan:

This letter is in reply to your email request received on September 5, 2019. The Department of Insurance is responding to your request by providing the calendared meetings of Commissioner Lara from January 7, 2019 through August 31, 2019.

Please note that Commissioner Lara's official calendar is not kept in a traditional appointment book or calendar. Rather, the Commissioner's schedule is managed by means of a computer application and details of the meetings (e.g. staffing and location) often change several times in advance of the events planned for any given day. Both internal and external meetings and certain other activities planned in advance appear on the attached calendar, which may or may not be updated subsequently in the event a scheduled meeting does not occur as scheduled.

The attached calendar does not document every activity of the Commissioner or every person he met with in his official capacity as Commissioner. Certain information is exempt from disclosure and for that reason will not be provided. For example, the California Supreme Court has ruled that compelled disclosure of all of the executive's calendar and schedule information would constitute an "intrusion into the deliberative process." (*Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325, 1343.) Consequently the Department is not making public entries that would reveal the Commissioner's deliberative process. (Gov. Code § 6255; *Cal. First Amend. Coalition v. Super. Ct.* (1998) 67 Cal.App.4th 159; *Times Mirror Co.* (1991) 53 Cal.3d 1325.) Further, entries containing certain travel information and information about the Commissioner's security arrangements will not be produced. (Gov. Code § 6255.) The Department also will not disclose entries that reflect attorney work product or information that is subject to attorney-client privilege. (Gov. Code § 6254, subs. (b) and (k).)

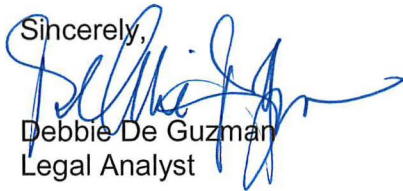
Similarly, out of consideration for personal privacy concerns, the Department will not disclose personal information about the Commissioner, information related to his personal matters, or information related to his personnel activities, because the Public Records Act also exempts that information from disclosure. For example, the Department will not provide phone numbers or other contact information of either staff or individuals with whom the Commissioner meets, or

September 13, 2019

the names of prospective appointees he interviews. (Gov. Code §§ 6254, subd. (c); 6254.3; 6255.)

Please call our Press Office at (916) 492-3566 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debbie De Guzman", is written over the typed name and title.

Debbie De Guzman  
Legal Analyst

Enclosures



**January 7, 2019**

Monday

<b>9:00 AM - 10:30 AM</b>	<b>Inaugural Ceremony and Celebration of Xavier Becerra Attorney General of the State of California -- California Museum, 1020 O Street, Sacramento, CA</b>
<b>9:00 AM - 10:30 AM</b>	<b>Swearing in for Tony Thurmond; Staff: Catalina -- McClatchy High School Main Auditorium, 3066 Freeport Blvd.</b>
<b>10:30 AM - 12:00 PM</b>	<b>The Inauguration of Gavin Newsom 40th Governor of California (Seating begins at 10:00am) -- Capitol Building, West Steps of the Capitol, 1013 10th Street</b>
<b>2:00 PM - 3:00 PM</b>	<b>Commissioner Ricardo Lara VIP Reception - Reception starts at 2:00pm - Doors open at 1:30pm -- The Bank, 629 J Street, Saramento</b>
<b>2:00 PM - 3:00 PM</b>	<b>FYI: Eleni Kounalakis Lieutenant Gov. Inauguration Ceremony -- Tsakopoulos Library Galleria; 828 I Street, Sacramento CA</b>
<b>3:00 PM - 4:30 PM</b>	<b>Lara Swearing In -- The Bank, 629 J Street, Saramento</b>
<b>3:30 PM - 4:30 PM</b>	<b>FYI: Secretary of State Alex Padilla Swearing-In -- SoS Auditorium, 1500 11th Street</b>
<b>5:00 PM - 8:00 PM</b>	<b>EQCA &amp; LGBTQ Caucus Swearing in Celebration -- Badlands Dance Club, 2003 K Street, Sacramento, CA 5-6pm – VIP Reception 7pm – Program (Speaking – can leave after this)</b>

**January 8, 2019**

Tuesday

<b>9:30 AM - 10:00 AM</b>	<b>Swearing In of New Appointees -- 17th Floor Conference Room</b>
<b>1:00 PM - 2:00 PM</b>	<b>SAC - Introducing Commissioner Lara -- EDD - 800 Capitol Mall, Sacramento, CA 95814</b>
<b>2:00 PM - 3:00 PM</b>	<b>SAC - Tour Facility With Commissioner Lara -- Immediately Following ALL STAFF meeting</b>
<b>5:30 PM - 7:30 PM</b>	<b>FYI: Lena Gonzalez Meet &amp; Greet Reception -- Brasserie. 1201 K Street, Sacramento, CA 95814</b>

**January 9, 2019**

Wednesday

<b>11:00 AM - 12:00 PM</b>	<b>Meet &amp; Greet with Commissioner Ricardo Lara - San Francisco -- 22nd Floor Hearing Room</b>
<b>12:00 PM - 12:30 PM</b>	<b>SF - Tour Facility with Commissioner Lara -- Immediately Following ALL STAFF meeting</b>
<b>5:30 PM - 7:30 PM</b>	<b>Latino Caucus Foundation Welcome Back Reception -- Mayahuel, 1200 K Street, Sacramento, CA 95814</b>
<b>6:30 PM - 8:30 PM</b>	<b>Attend: SEIU California State Council Farewell for Laphonza Butler, President of SEIU Local 2015 - Ella Dining Room &amp; Bar, 1131 K Street, Sacramento, CA</b>

**January 10, 2019**

Thursday

<b>10:00 AM - 10:30 AM</b>	<b>HOLD Meet w/ Catalina and Mike -- CRL's Office</b>
<b>11:00 AM - 12:00 PM</b>	<b>Governor's January 10 Budget Release -- SOS Auditorium, 1500 11th St.</b>
<b>3:00 PM - 4:00 PM</b>	<b>Continued - Staff Briefing w/ CRL/CHB/MM -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>

**January 11, 2019**

Friday

<b>9:00 AM - 10:00 AM</b>	<b>Breakfast with Ricardo Lara / Dan Weinstein / Fabian Nunez -- Cecconi's 8764 Melrose Ave, Los Angeles, CA 90069</b>
<b>11:00 AM - 12:00 PM</b>	<b>Introducing Commissioner Lara -- Ronald Reagan Auditorium, CDI LA, 300 South Spring Street, Sacramento, CA</b>
<b>12:00 PM - 1:00 PM</b>	<b>LA - Tour Facility With Commissioner Lara -- Immediately Following ALL STAFF meeting</b>

**January 12, 2019**

Saturday

**No responsive calendar entries**

**January 13, 2019**

Sunday

**No responsive calendar entries**

**January 14-15, 2019**

Monday - Tuesday

**No responsive calendar entries**



**January 16, 2019**

Wednesday

<b>2:30 PM - 3:30 PM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); DP Training Room EBHQ Suite 190 - VC Capable</b>
<b>3:30 PM - 4:00 PM</b>	<b>Staff Briefing CDI Staff: Catalina, Mike, and Bryant -- Small Conference Room</b>
<b>4:00 PM - 4:30 PM</b>	<b>Meeting w/ David &amp; Kristina – CRL's office</b>
<b>4:30 PM - 5:00 PM</b>	<b>Staff Briefing w/ COMMS – CRL's Office</b>

**January 17, 2019**

Thursday

<b>11:00 AM - 11:30 AM</b>	<b>Scheduling w/ Roberta</b>
<b>12:00 PM - 1:00 PM</b>	<b>Confirmed - Staff Briefing; CDI Staff: Catalina, Michael Martinez, Ken, Mike Levy, Geoff -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>2:00 PM - 2:20 PM</b>	<b>Meet w/ Teachers at Garfield High School -- 5101 E 6th St, Los Angeles, CA 90022</b>
<b>2:30 PM - 3:00 PM</b>	<b>Meet w/ Teachers at Stevenson Middle School -- 725 S Indiana St, Los Angeles, CA 90023</b>

**January 18, 2019 – January 22, 2019**

Thursday

**No responsive calendar entries**

**January 23, 2019**

Wednesday

**12:10 PM - 1:30 PM**

**Lunch w/ George Joseph -- Regent Beverly Wilshire, THE Blvd,  
9500 Wilshire Blvd, Beverly Hills, CA 90212**

**January 24, 2019**

Thursday

**10:00 AM - 12:00 PM**

**Commerce Enforcement Tour - Los Angeles / Southern Los Angeles  
Regional Office --**

**1:00 PM - 3:00 PM**

**Orange Enforcement Tour - Orange Regional**

**3:30 PM - 4:30 PM**

**Conference Call/Staff Briefing CDI Staff: Catalina, Mike, Janice, Lan, Simon,  
Dan & Bruce**

**January 25, 2019**

Friday

<b>11:00 AM - 11:30 AM</b>	<b>Call w/ President Picker; CDI Staff: Catalina and Mike;</b>
<b>1:23 PM - 1:53 PM</b>	<b>Staff Briefing– SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>5:00 PM - 6:00 PM</b>	<b>Swearing In Ceremony Rehearsal -- James A. Garfield High School, 5101 E 6th St, East Los Angeles, CA 90022 6:00 pm- Friday, January 25th, Event- Swearing In Ceremony Rehearsal Location: James A. Garfield High School, 5101 E 6th St, East Los Angeles, CA 90022</b>

**January 26, 2019**

Saturday

**11:00 AM - 2:00 PM**

**Community Swearing In Ceremony for CA Insurance Commissioner  
Ricardo Lara -- James A. Garfield High School, 5101 E 6th St, East  
Los Angeles, CA 90022**

**11:00 am to 2:00 pm, Saturday, January 26th**

**Event: Community Swearing In Ceremony for CA Insurance Commissioner**

**January 27, 2019**

Sunday

**No responsive calendar entries**



**January 28, 2019**

**Monday**

<b>9:00 AM - 10:00 AM</b>	<b>Staff Briefing; SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-11 Video Conf Rm #11300 (COIN)</b>
<b>10:00 AM - 11:00 AM</b>	<b>Meeting w/ Catalina -- CRL's office</b>
<b>11:00 AM - 12:00 PM</b>	<b>Media Avail to announce the latest wildfire insured loss data and answer reporters' questions -- CDI Sacramento</b>
<b>12:00 PM - 1:00 PM</b>	<b>Telephone Interview</b>
<b>1:30 PM - 2:00 PM</b>	<b>Meeting w/ David and Kristina CRL's Office</b>
<b>2:00 PM - 2:30 PM</b>	<b>Phone Call w/ NAIC President/ Superintendent Cioppa</b>
<b>4:00 PM - 5:00 PM</b>	<b>Energy Strike Force Meeting -- Governor's Office</b>
<b>5:15 PM - 5:45 PM</b>	<b>Meeting w/ Kevin Sloat -- Brasserie. 1201 K Street, Sacramento,</b>
<b>6:15 PM - 7:45 PM</b>	<b>Dinner w/ Assemblymember Chad Mayes -- Tiger, 722 K St, Sacramento, CA 95814</b>

**January 29, 2019**

Tuesday

<b>9:00 AM - 1:00 PM</b>	<b>Meeting &amp; Media Availability in Paradise re Workshops; Additional details to Follow -- Paradise Town Hall - Council Chambers or in front of Town Hall, 5555 Skyway Rd., Paradise, CA 95969</b>
<b>9:00 AM - 9:45 AM</b>	<b>CRL closed meeting with Paradise officials; CDI Comms Leads: Michael, Byron, Madison -- Paradise Town Hall - Council Chambers or in front of Town Hall, 5555 Skyway Rd., Paradise, CA 95969</b>
<b>3:00 PM - 3:30 PM</b>	<b>Meeting w/ Michael Peterson &amp; Geoff -- CRL's Office</b>
<b>4:00 PM - 4:30 PM</b>	<b>LIVE INTERVIEW w/ Steve Jaxon, KSRO Radio</b>
<b>6:45 PM - 8:15 PM</b>	<b>Dinner w/ Senator Holly Mitchell - Andy Nguyen's Vegetarian Restaurant, 2007 Broadway, Sacramento, CA 95818</b>

**January 30, 2019**

Wednesday

<b>1:00 PM - 2:00 PM</b>	<b>Meet &amp; Greet w/ Nationwide's Head of their State Legal Team, Jayme Smoot, re discuss opportunities to work with CDI</b>
<b>2:00 PM - 3:00 PM</b>	<b>Staff Briefing CDI Staff: CRL, Catalina, Michael, George, Jack, Eric and Jan; LA-14 Video Conf Rm #14001 (Primary); SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>3:00 PM - 3:30 PM</b>	<b>Dropping by to say hello to Accreditation Team -- 13th</b>
<b>4:00 PM - 5:00 PM</b>	<b>Meeting w/ Eric Serna re regarding Short Term Medical and also a meet and greet with Commissioner Lara -- LA-14 Conf Rm #14330 (Actuarial)</b>
<b>6:30 PM - 7:15 PM</b>	<b>Attend: Special Evening w/ Planned Parenthood Federation of America President &amp; CEO Dr. Leana Wen &amp; Planned Parenthood Los Angeles,</b>

**January 31, 2019**

Thursday

<b>10:00 AM - 10:30 AM</b>	<b>Conference Call; CDI Staff: Catalina, Mike M, Mike P.</b>
<b>11:30 AM - 12:45 PM</b>	<b>CONF Lunch w/ Dennis Gilbert, Dan Weitzman &amp; Dan Weinstein -- Wolfgang Puck for lunch in LA Live – 800 W Olympic Blvd., Los Angeles, CA 90015</b>
<b>6:00 PM - 8:30 PM</b>	<b>Confirmed Attend USC Sol Price School of Public Policy 90th Anniversary Celebration -- Los Angeles City Hall</b>

**February 1, 2019**

Friday

<b>12:00 AM - 12:00 AM</b>	<b>Commissioners Conference (Feb 1-4) -- La Quinta A Waldorf Astoria Hotel, LaQuinta, CA</b>
<b>8:00 AM - 6:00 PM</b>	<b>NAIC 2019 Commissioners' Conference -- La Quinta, CA</b>
<b>10:45 AM - 11:15 AM</b>	<b>Staff Briefing -- Meet in Lobby Restaurant</b>
<b>12:00 PM - 2:00 PM</b>	<b>Speak /Attend Golden Gate Business Association's Power Lunch NOTE: CRL to speak for 5-10 min -- San Francisco Marriott Marquis, 780 Mission Street, San Francisco, CA 94103</b>
<b>4:45 PM - 5:30 PM</b>	<b>FYI: NAIC Commissioner Mentoring Program Reception -- President Cioppa Hotel</b>
<b>5:30 PM - 8:30 PM</b>	<b>FYI: Conference Welcome Reception and Dinner -- La Quinta—La Casa Complex</b>

**February 2, 2019**

Saturday

<b>All Day</b>	<b>Commissioners Conference (Feb 1-4) -- La Quinta A Waldorf Astoria Hotel, LaQuinta, CA</b>
<b>7:00 AM - 8:20 AM</b>	<b>Breakfast - All Members/Commissioners -- Flores Ballroom 4</b> 7:00 a.m. – 8:20 a.m. Breakfast— <i>Flores Ballroom 4</i>
<b>8:20 AM - 8:30 AM</b>	<b>NAIC President's Welcome and Opening Remarks - Superintendent Eric A. Cioppa (ME), NAIC President -- Flores Ballrooms 5-8</b>
<b>8:30 AM - 9:30 AM</b>	<b>"DC Landscape for 2019", Mike Consedine, NAIC CEO, Ethan Sonnichsen, NAIC Managing Director, Gov't Affairs -- Flores Ballrooms 5-8</b>
<b>9:30 AM - 10:15 AM</b>	<b>Health Insurance Issues Brian Webb, NAIC Asst. Director, Life &amp; Health Policy Legislation -- Flores Ballrooms 5-8</b>
<b>10:15 AM - 10:30 AM</b>	<b>Break</b>
<b>10:30 AM - 12:00 PM</b>	<b>Breakout Session: Discuss NAIC 2019 Key Initiatives Superintendent Eric A. Cioppa (ME), NAIC President -- Flores Ballrooms 5-8</b>
<b>11:00 AM - 11:45 AM</b>	<b>NAIC Legal Issues &amp; Corporate Matters, Kay Noonan, NAIC General Counsel -- Flores Ballrooms 5-8</b>
<b>1:30 PM - 3:00 PM</b>	<b>Member Discussion of Key Initiatives: Long-Term Care Insurance Issues. TBD, Flood Insurance Education Program Laura Kane, NAIC Communications Director -- Flores Ballrooms 5-8</b>
<b>3:15 PM - 4:30 PM</b>	<b>NAIC Zone Meetings - Western Zone -- Western Zone -- Flores Ballroom 3</b>
<b>6:15 PM - 9:30 PM</b>	<b>Commissioners Reception &amp; Dinner - (Buses depart La Quinta at 5:45 p.m.) -- The Living Desert</b>

**February 3, 2019**

Saturday

<b>All Day</b>	<b>Commissioners Conference (Feb 1-4) -- La Quinta A Waldorf Astoria Hotel, LaQuinta, CA</b>
<b>7:15 AM - 8:30 AM</b>	<b>Breakfast -- Adobe Grill</b> <i>7:15 a.m. – 8:30 a.m. Breakfast—Adobe Grill</i>
<b>8:30 AM - 9:30 AM</b>	<b>NAIC Officer Special Election Superintendent Eric A. Cioppa (ME), NAIC President -- Flores Ballrooms 5-8</b>
<b>9:30 AM - 10:15 AM</b>	<b>Commissioner Training: The NAIC Standing Committee Process</b> <b>Superintendent Eric A. Cioppa (ME), NAIC President -- Flores Ballrooms 5-8</b>
<b>10:15 AM - 10:30 AM</b>	<b>Break</b>
<b>10:30 AM - 12:00 PM</b>	<b>Member Discussion of Key Initiatives: Cybersecurity / Data Privacy TBD Best Interest Standard TBD -- Flores Ballrooms 5-8</b>

**February 4, 2019**

Monday

<b>12:00 AM - 12:00 AM</b>	<b>Commissioners Conference (Feb 1-4) -- La Quinta A Waldorf Astoria Hotel, LaQuinta, CA</b>
<b>12:45 PM - 1:00 PM</b>	<b>Staff Briefing; CDI Staff: Catalina, Mike M, and Mike P -- CRL's office</b>
<b>1:00 PM - 1:45 PM</b>	<b>Meeting w/ Ryan Brooks, Brooks Consulting, Tim Simon (former CPUC Commissioner), Christopher F. Guth, Attestor Capital Fund re Insurance Issues related to the PG &amp; E fires; CDI Staff: CRL, Catalina, Michael M, Mike P and Joel -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>1:00 PM - 1:30 PM</b>	<b>Meeting w/ Sharon -- CRL's office</b>
<b>2:30 PM - 3:00 PM</b>	<b>Meeting w/ David &amp; Roberta re Scheduling -- CRL's office</b>
<b>3:00 PM - 4:00 PM</b>	<b>Staff Briefing Staff: CRL, Catalina &amp; Mike L. -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>4:15 PM - 4:45 PM</b>	<b>Meeting w/ Steve Clark, Vice President of Insurance Services Office (ISO) and Kara Cross -- SAC-17 Video Conf Rm #17005 (Primary)</b>



**February 5, 2019**

Tuesday

<b>9:15 AM - 10:00 AM</b>	<b>CONFIRMED - Meeting w/ Auto Alliance Members John Moffat and Curt Augustine re Crash Parts; CDI Staff: Catalina, Michael and Tony -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>12:30 PM - 1:00 PM</b>	<b>Staff Briefing re Climate Branch UpdateCDI Staff: Mike, Mike and Joel -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>1:00 PM - 2:00 PM</b>	<b>Office Work Time</b>
<b>7:30 PM - 8:30 PM</b>	<b>Late Dinner w/ Senator Durazo – Beast + Bounty, 1701 R Street, Sacramento, CA 95811</b>

**February 6, 2019**

**Wednesday**

<b>9:00 AM - 9:45 AM</b>	<b>Meeting w/ Senator Hannah Beth Jackson re Insurance Costs in Fire Hazard Areas; CDI Staff: FYI: Catalina, Michael M and Mike P attending w/ CRL -- State Capitol, Rm 2032</b>
<b>10:30 AM - 11:30 AM</b>	<b>Meeting w/ Laurie; CDI Staff: Catalina, Mike, Julia and Laurie -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>11:30 AM - 12:15 PM</b>	<b>Confirmed Meeting w/ Germaine "Gerrie" Marks, Vice President - Governmental Affairs w/ Prudential Financial (also, Former Director and Deputy Director of the Arizona Department of Insurance) -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>2:00 PM - 3:00 PM</b>	<b>CONFIRMED - Provide Opening Remarks at Capitol Insurance Legislative Briefing; "Homeowners Insurance: Briefing on District Educational Opportunities" - State Capitol, Room 2040</b>
<b>3:30 PM - 4:15 PM</b>	<b>Staff Briefing CDI Staff: Catalina, Ken, Susan, Bryant, Geoff, Pat, and Brentley -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>4:15 PM - 4:45 PM</b>	<b>Staff Briefing CDI Staff: CRL, Catalina, Michael, Janice &amp; Tony -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>5:30 PM - 6:30 PM</b>	<b>Speak be recognized at the NALEO Reception in Honor of CA's Five Latino State Constitutional Officers; California Museum, 1020 O Street, Sacramento</b>

**February 7, 2019**

Thursday

**9:30 AM - 10:00 AM**

**Meeting w/ Pedro Pizarro, President of Edison re Wildfire  
Commissioner, CDI Staff: Catalina, Michael and Mike P -- SAC-17  
Video Conf Rm #17005 (Primary)**

**10:00 AM - 10:30 AM**

**Prepare CRL Video for Swearing in/Promotion of four CDI enforcement  
officers in Fresno -- CRL's Office**

**12:00 PM - 1:00 PM**

**ACLHIC will be hosting a lunch in support of the LGBT  
Foundation -- Brasserie Capitale – 1201 K Street, #100,  
Sacramento, CA**

**February 8, 2019**

Friday

**No responsive calendar entries**

**February 9, 2019**  
Saturday

**No responsive calendar entries**

**February 10, 2019**

Sunday

**No responsive calendar entries**

**February 11, 2019**

**Monday**

<b>All Day</b>	<b>FYI: Reception for MX Ambassador Liliana Ferrer Upon Adjournment Of Session -- Willie Brown Jr. -- Conference Room, State Capitol</b>
<b>9:00 AM - 10:00 AM</b>	<b>Meeting w/ State Farm Mutual' s Senior Vice President, Tom Conley and Paul Smith, Executive Vice President of Property and Casualty; CDI Staff: Catalina, Mike, Joel &amp; Ken Schnoll -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>10:00 AM - 11:00 AM</b>	<b>Office Work Time</b>
<b>12:15 PM - 1:00 PM</b>	<b>Staff Briefing; CDI Staff: Catalina, Michael, Bryant, Pat and Brentley -- SAC-17 Video Conf Rm #17005 (Primary); SF-21 Video Conf Rm #21010 (Primary)</b>
<b>1:00 PM - 2:00 PM</b>	<b>Staff Briefing CDI Staff: Catalina, Michael, Geoff and Ken -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>2:00 PM - 2:30 PM</b>	<b>Staff Briefing w/ Mike P CDI Staff: Mike -- CRL's Office</b>
<b>3:00 PM - 3:30 PM</b>	<b>Rescheduled Staff Environment Meeting + Facilities Presentation w/ Julia, Laurie &amp; Richard -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>6:00 PM - 8:00 PM</b>	<b>Reception + Dinner for His Excellency the President of the Regional Government of the Azores, Vasco Cordeiro, along with an official delegation of the Regional Government of the Azores -- The Sutter Club, 1220 9thStreet, Sacramento, CA; Note; Business Attire</b>

**February 12, 2019**

Tuesday

<b>8:00 AM - 9:00 AM</b>	<b>FYI: Latino Caucus Meeting -- 1029 J Street, 3rd Floor Conference Room</b>
<b>10:15 AM - 12:15 PM</b>	<b>State of the State -- State Capitol</b>
<b>12:15 PM - 1:00 PM</b>	<b>Staff Briefing CDI Staff: Catalina, Michael M, Tony, Joel, Michael L., Ken, Ken, Melissa and Melerie -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>1:00 PM - 1:30 PM</b>	<b>Staff Briefing; CRL's Office</b>
<b>2:00 PM - 2:30 PM</b>	<b>Meeting w/ David &amp; Roberta re scheduling items -- CRL's office</b>
<b>5:00 PM - 6:30 PM</b>	<b>CIRF Reception Hosted by Senate President pro Tempore Toni Atkins -- State Capitol - Room 211</b>
<b>5:30 PM - 7:30 PM</b>	<b>Attend: Barona Band of Mission Indians Reception -- The Grand, 1600 L Street, Sacramento, CA</b>
<b>7:00 PM - 8:00 PM</b>	<b>Drop by Dinner in Delegation's Honor Japan led by Member of the National Parliament, Iwao Horii -- Esquire Grill Restaurant, 1213 K St, Sacramento, CA 95814</b>



**February 13, 2019**

Wednesday

<b>9:30 AM - 10:00 AM</b>	<b>Staff Briefing -- CRL's Office</b>
<b>10:30 AM - 11:00 AM</b>	<b>Interview w/ Emily C. Dooley w/ Bloomberg Environment re California Disaster Insurance Bill; CDI Staff: Michael; Contact: Emily</b>
<b>11:00 AM - 11:30 AM</b>	<b>Phone Interview w/ Don Jergler, Insurance Journal re California Disaster Insurance Bill; CDI Staff: Michael S; Contact: Don</b>
<b>12:15 PM - 12:45 PM</b>	<b>Meeting w/ Kent Kauss, VP of Sempra Energy, Karen Sedwick, Treasurer of Sempra, Paul Bauer, Partner at Mercury Public Affairs and Laura Parra Senior VP at Mercury Public Affairs; CDI Staff: Catalina, Michael M and Mike P -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>4:45 PM - 5:15 PM</b>	<b>Phone Interview w/ Colby Bermel, Energy Reporter, POLITICO, CA; CDI Staff: Michael S; Contact Colby</b>
<b>5:00 PM - 7:30 PM</b>	<b>Attend: Dave Low's Retirement Reception -- California Democratic Party Headquarters, 1830 9th Street, Sacramento, CA 95811</b>

**February 14, 2019**

Thursday

**11:00 AM - 11:50 AM**

**Press Conference - California Disaster Insurance w/ CRL,  
Senator Bill Dodd & Treasurer Fiona Ma -- Governor's Press  
Room, State Capitol Room 1190**

**12:00 PM - 1:00 PM**

**CONFIRMED Meeting w/ Santa Rosa Mayor, Santa Rosa City  
Manager and County Supervisors Gore & Gossman; CDI Staff:  
Catalina, Michael, Joel and Tony -- SAC-17 Video Conf Rm #17005  
(Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video  
Conf Rm (Office of Commissioner)**

**February 15, 2019**

Friday

- |                            |  |
|----------------------------|--|
| <b>11:00 AM - 11:30 AM</b> | <b>Meeting w/ Karl D. Susman; re potential solution to the insurance crisis we are experiencing in California due to the wildfires; CDI Staff: Catalina, Michael, Julia, Tony and Joel; Adding SF location for Joel -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b> |
| <b>12:30 PM - 2:00 PM</b>  | <b>Lunch w/ SOS Alex Padilla; Contact: Carmen -- 601 So. Central Ave., Los Angeles</b>   |
| <b>3:00 PM - 3:30 PM</b>   | <b>Conference Call w/ CEO Jim Mangia, St. John's Well Child and Family Center to discuss health policies going into 2019; CDI Staff: Tony; FYI: Catalina and Janice (if you are able to call in)</b>   |
| <b>6:00 PM - 8:00 PM</b>   | <b>First Speaker/Opening Remarks "Welcome to California" &amp; to HRC's 6th Annual Time to THRIVE Conference; CONTACT: Hope Anaheim Marriott, 700 West Convention Way, Anaheim, California 92802<br/>Attendees are primarily made of K-12 educators, counselors, social workers, after-school program staff, etc from all 50 states.</b>             |

**February 16, 2019**

Saturday

**No responsive calendar entries**

**February 17, 2019**

Sunday

**No responsive calendar entries**

**February 18, 2019**

Monday

**All Day**

**Presidents' Day Holiday**

**No responsive calendar entries**

**February 19, 2019**

Tuesday

<b>9:00 AM - 10:00 AM</b>	<b>Coffee and roundtable discussion -- California Fresh Fruit Association, 7647 N. Fresno St., Fresno, CA 93720</b>
<b>11:00 AM - 1:15 PM</b>	<b>Attend Swearing - In Ceremony for Captain and Sergeants + Fresno Office Tour -- Central Valley Regional Office (Fresno)</b>
<b>1:00 PM - 1:15 PM</b>	<b>Interview (Taped/Standup) w/ Liz Gonzales of KMPH-TV (Fox), re Discuss Wildfire Insurance Plan for California -- Fresno Enforcement Office</b>
<b>1:30 PM - 2:00 PM</b>	<b>Meeting with Ed Kashian and Sal Gonzales; Contact: -- Kashian Enterprises, 265 E. River Park, Suite 150, Fresno, CA 93720</b>
<b>2:20 PM - 2:50 PM</b>	<b>Interview (TV/Taped) w/ Evan Onstot w/ KSEE24 Studio re Discuss Wildfire Insurance Plan for California -- Studio is located at 5035 E. McKinley Ave. in Fresno near the airport</b>

**February 20, 2019**

**Wednesday**

<b>10:30 AM - 11:00 AM</b>	<b>Interview (Telephone) w/ Melanie Mason w/LA Times; re reasons for introducing the bill, etc. -- Call Melanie</b>
<b>10:30 AM - 11:00 AM</b>	<b>Staff Briefing w/ Michael</b>
<b>11:10 AM - 11:40 AM</b>	<b>Review Legal Emails -- CRL's</b>
<b>12:00 PM - 1:30 PM</b>	<b>Attend: USC President Wanda M. Austin –</b>
<b>2:30 PM - 3:00 PM</b>	<b>Meeting w/ Senator Hueso -- CRL's office</b>
<b>3:00 PM - 3:30 PM</b>	<b>Meet w/ Roberta and David -- CRL's Office</b>
<b>3:30 PM - 4:15 PM</b>	<b>Staff Briefing; CDI Staff: Catalina (FYI), Michael, Ken and Tony -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>6:00 PM - 7:30 PM</b>	<b>Stop By EQCA Sacramento Kickoff Reception for Mandy Lee and Joe Gregorich -- Amanda and Paul Bauer Home</b>
<b>6:00 PM - 7:00 PM</b>	<b>Confirmed Dinner w/ Asm Daly -- TableVine: 1501 14th St, Sacramento, CA 95814</b>



**February 21, 2019**

Thursday

**9:15 AM - 9:45 AM**

**In person Interview w/ Muna Sadek, CTNS re Preview of Chico wildfire survivor workshop -- CDI in the small conference room next to his office on 17**

**10:00 AM - 10:30 AM**

**Staff Briefing; CDI Staff: Catalina, Michael and Mike Peterson -- CRL's office**

**10:45 AM - 11:15 AM**

**CRL to Present Retirement Certificate -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)**

**February 22, 2019**

Friday

**10:00 AM - 10:45 AM**

**Staff Briefing re Chico Townhall; CDI Staff: Catalina, Michael M., Tony, Michael, Byron, Julia, George (optional), Kathleen & Amorette; SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)**

**February 23, 2019**

Saturday

**9:00 AM - 2:30 PM**

**Camp Fire/Chico Townhall -- Townhall at Laxson Auditorium,  
Chico State, 400 West First St, Chico CA 95929**

**10:30 AM - 11:00 AM**

**Commissioner Lara Visits with Survivors**

**February 24, 2019**

Sunday

**No responsive calendar entries**

**February 25, 2019**

Monday

**9:15 AM - 9:45 AM**

**Call w/ Supt. Cioppa & Andy Beal re Letter sent to Supt. Cioppa**

**February 26, 2019**

Tuesday

**4:00 PM - 7:30 PM**

**Speak at Somos Un Pueblo Unidos Immigrant Justice in a New Era; speak re Immigrant Rights; Governor Grisham speaking as well; -- La Fonda Hotel on the Plaza, 100 E San Francisco St , Santa Fe, NM 87501**

**February 27, 2019**

Wednesday

**8:00 AM - 11:00 AM**

**SPEAK on Panel - New Mexico Superintendent Office of Insurance  
hosting a panel sponsored by GoHealth re: Wildfires and  
Homeowners Coverage Impacts & Automobile Issues: Ride  
Sharing & Automated Vehicles -- Drury Plaza Hotel Santa Fe; 828  
Paseo de Peralta, Santa Fe, NM 87501**

**February 28, 2019**

Thursday

<b>10:30 AM - 11:00 AM</b>	<b>Meeting w/ Catalina -- CRL's office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Meeting w/ Roger Grenier (AIR) and Kara Cross -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>12:15 PM - 12:45 PM</b>	<b>Meeting w/ Richard Jones, VP, State Affairs, Guardian Life Insurance Company of American; CDI Staff: Catalina, Michael and Janice -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>12:45 PM - 1:30 PM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); LA-9 Video Conf Rm #9001 (Secondary)</b>



**March 1, 2019**

Thursday

<b>11:30 AM - 1:00 PM</b>	<b>Lunch w/ Nick Roxborough; Contact: Lucy -- Otium, 222 South Hope Street, Los Angeles, CA 90012</b>
<b>1:30 PM - 2:00 PM</b>	<b>Meeting w/ the FAIR Plan, Anneliese Jivan, President of California Fair Plan; FYI ONLY for CDI Staff -- CRL's LA Office</b>
<b>2:15 PM - 3:00 PM</b>	<b>Staff Briefing re Malibu/ Thousand Oaks Town Hall - -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>3:00 PM - 3:30 PM</b>	<b>Record a short video for social media with CRL discussing the California Earned Income Tax Credit (CalEITC) -- CRL's LA Office</b>

**March 2, 2019**

**Saturday**

<b>All Day</b>	<b>Media Availability: Before event, in between visiting with survivors, and other times convenient to Commissioner and working with Communications</b>
<b>8:45 AM - 9:30 AM</b>	<b>Tour of Burn Area -- Agoura Hills</b>
<b>9:45 AM - 10:00 AM</b>	<b>Commissioner Lara returns to Townhall Venue - CDI Staff Briefing</b>
<b>10:00 AM - 2:30 PM</b>	<b>Malibu/ Thousand Oaks Town Hall -- Conrad N. Hilton Foundation, 30440 Agoura Road Agoura Hills CA 91301</b>
<b>10:00 AM - 10:20 AM</b>	<b>Commissioner Lara Kicks off Workshop - Provides Intro Remarks</b>
<b>10:20 AM - 11:00 AM</b>	<b>(10:20-11:00am): TBD; possible informal meetings with officials, or media interviews, or meeting with CDI staff and Insurers prior to appointments starting at 11am.</b>
<b>11:00 AM - 1:00 PM</b>	<b>Commissioner Lara Visits with Survivors</b>

**March 3, 2019**

Sunday

**No responsive calendar entries**

**March 4, 2019**

Monday

**1:00 PM - 1:30 PM**

**Phone call w/ Catalina and Michael**

**2:30 PM - 3:00 PM**

**Call w/ Mitch Steiger (WCIRB Governing Committee)**

**3:00 PM - 3:30 PM**

**Call**

**March 5, 2019**

Tuesday

<b>8:15 AM - 9:00 AM</b>	<b>Meet w/ Bob Nadeau and Mr. David Maurstad Associate Administrator for FEMA -- 500 C St. SW, Washington D.C. 20472</b>
<b>9:00 AM - 10:00 AM</b>	<b>Lunch w/ Congressman Jimmy Gomez (Reservation under Gomez); FYI Only for Mike P -- Democratic Club - 30 Ivy St SE, Washington, DC 20003</b>
<b>10:20 AM - 11:50 AM</b>	<b>Updated location Meeting w/ World Bank's Olivier Mahul w/ Mike Peterson -1:00 - 2:30pm Eastern; -- 2121 Pennsylvania Ave NW., Washington, D.C.</b>
<b>12:00 PM - 1:00 PM</b>	<b>Meeting with Messrs. Ricardo Lara / Mike (Insurance Commissioner &amp; Deputy Commissioner on Climate and Sustainability, CA) 3:00 - 4:00pm -- Mr. Srinivasan's Office - IMF Building: HQ1-10-382, 700 19th St NW, Washington, DC</b>
<b>1:30 PM - 2:00 PM</b>	<b>Meet and Greet w/ Jennifer Ludden, NPR; re climate agenda w/ Mike P staffing -- NPR, 1111 North Capitol St NE, Washington, DC 20002</b>

**March 6, 2019**

Wednesday

<b>6:00 AM - 9:00 AM</b>	<b>NALEO Board of Directors meeting; 9-Noon -- Marriott Marquis, 901 MASSACHUSETTS AVE NW, WASHINGTON, DC 20001</b>
<b>9:00 AM - 9:30 AM</b>	<b>Meet and Greet w/ Scott Wilson, Washington Post re Background meeting on climate agenda; CDI Staff: Mike; -- MARRIOTT MARQUIS WASHINGTON, 901 MASSACHUSETTS AVE NW, WASHINGTON, DC 20001, USA</b>
<b>9:30 AM - 10:00 AM</b>	<b>Meet and Greet w/ Chris Flavelle, Bloomberg; re Background meeting on climate agenda; CDI Staff: Mike P; Meet in Hotel Lobby - - MARRIOTT MARQUIS WASHINGTON, 901 MASSACHUSETTS AVE NW, WASHINGTON, DC 20001, USA</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meeting w/ Robert Edmonson, Chief of Staff for Speaker Nancy Pelosi -- 1236 Longworth HOB</b>
<b>12:00 PM - 12:30 PM</b>	<b>Confirmed Meeting w/ Armand Feliciano (GEICO), Hank (General Counsel), Richard, (VP, Legislative Counsel, and possibly Chief Legal Officer -- Lobby of the Marriott Marquis, located at 901 Massachusetts Ave. NW, Washington, DC</b>
<b>2:30 PM - 5:30 PM</b>	<b>Attend: Edward R. Roybal Legacy Gala; Note this is not the day you are being honored - that is 3/9/19 -- Marriott Marquis - Marquis Ballroom, Meeting Level 2 - 901 Massachusetts Avenue NW, Washington, D.C. 20001</b>

**March 7, 2019**

Thursday

**11:00 AM - 11:30 AM**

**Call w/ Sharon**

**March 8, 2019**

Friday

**10:00 AM - 11:30 AM**

**2019 Industry Fiscal Briefing -- CDI, 300 Capitol Mall, 13th floor,  
Sacramento, CA**



**March 9, 2019**

Saturday

**6:00 PM - 11:00 PM**

**Attend/Accept: Edward R. Roybal Public Service Award at our 59th Annual Installation & Awards Gala from the Mexican American Bar Association of Los Angeles County; Note: Julia will be staffing you -- Millennium Biltmore Hotel, 506 S. Grand Ave., Los Angeles, CA**

**March 10, 2019**

Sunday

**11:00 AM - 12:30 PM**

**Speak at ROAR Meeting re CRL's Responsibilities & Plans as State Insurance Commissioner and Insights on the most import issues facing California over the next two years; Contact: Michael  
The Chapel at Abbey Bar and Restaurant, 692 N Robertson Blvd  
West Hollywood**

**7:30 PM - 9:00 PM**

**Dinner w/ SDSU/Imperial Valley Students in town for the CHESS Advocacy Conference -- Lucca Restaurant and Bar, 1615 J Street, Sacramento, CA**

**March 11, 2019**

**Monday**

<b>9:30 AM - 10:00 AM</b>	<b>Staff Briefing CDI Staff: Catalina, Michael, Camille, Natalie, Ken Allen -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>10:05 AM - 10:15 AM</b>	<b>Board and Committee Interview -- CRL's office</b>
<b>10:30 AM - 10:40 AM</b>	<b>Board and Committee Interview -- CRL's office</b>
<b>10:40 AM - 10:50 AM</b>	<b>Board and Committee Interview -- CRL's Sacramento Office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Meeting with Mike P -- CRL's office</b>
<b>1:00 PM - 2:00 PM</b>	<b>Confirmed Meeting w/ Consumer Attorneys of California re General Legislation; CDI Staff: CRL, Catalina and Mike -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>2:00 PM - 2:30 PM</b>	<b>Meeting w/ David and Roberta -- CRL's office</b>
<b>3:00 PM - 3:30 PM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>3:30 PM - 4:15 PM</b>	<b>DMHC Director Rouillard &amp; DMHC Chief Deputy Director Marta Green re Health Care Access &amp; Shared Goals; CDI Staff: Catalina, Michael &amp; Janice -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>6:30 PM - 7:30 PM</b>	<b>Dinner w/ Senator Herzberg -- Zocalo, 1801 Capitol Ave, Sacramento, CA 95811</b>

**March 12, 2019**

Tuesday

**9:00 AM - 9:30 AM**

**Opening Keynote Speaker at the American Property Casualty Insurers of America Legislative Action Day; re Commissioner's agenda. New things at the Department. Issues facing the insurance industry -- California Chamber of Commerce, 1215 K Street, 14th Floor, Sacramento - Contact Mark Sektnan - Michael M will staff you at this event**

**11:30 AM - 12:30 PM**

**Meet & Greet - Lunch with Berkshire Hathaway -- Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814**

**5:00 PM - 6:00 PM**

**Dinner w/ Henry Perea; Contact: Zorka -- Ella Dining Room located at 1131 K St**

**March 13, 2019**

Wednesday

<b>10:00 AM - 10:30 AM</b>	<b>CRL join the Governor at the State Capitol to announce Criminal Justice – Pro Tem's Office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Meeting w/ Catalina -- CRL's</b>
<b>1:00 PM - 2:30 PM</b>	<b>March Board Briefing w/ CEA Meeting w/ Glenn Pomeroy, CEO, California Earthquake Authority -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>

**March 14, 2019**

Thursday

<b>10:00 AM - 10:10 AM</b>	<b>Board and Committee Interview -- CRL's LA Office</b>
<b>10:15 AM - 10:25 AM</b>	<b>Board and Committee Interview -- CRL's LA Office</b>
<b>10:30 AM - 10:40 AM</b>	<b>Board and Committee Interview -- CRL's LA Office</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meeting w/ Angela re LA Office -- CRL's LA Office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Picture w/ Accreditation Team for NAIC -- Building Lobby by the fountain</b>
<b>1:00 PM - 4:00 PM</b>	<b>Confirmed Large Group/RX Public Meeting -- LA Hearing Room</b>
<b>7:00 PM - 9:00 PM</b>	<b>CA Legislative LGBTQ Caucus Dinner w/ Special Guest Michael Fleming, Executive Director of the David Bohnett Foundation; Contact: Alina -- Lucca Restaurant and Bar, 1615 J Street, Sacramento, CA</b>

**March 15, 2019**

Friday

<b>10:45 AM - 11:15 AM</b>	<b>Staff Briefing; CDI Staff: Catalina, Michael, Geoff, Ken S., Ken A., Joel, Byron and Mike S -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary</b>
<b>12:30 PM - 1:00 PM</b>	<b>SPEAK at LGBTQ Leadership Summit/ Equality CA Event; re on importance of LGBTQ representation, the significance of being the first openly-LGBTQ person elected to statewide constitutional office, lessons learned -- Kimpton Sawyer Hotel, Magnolia Room (500 J St., Sacramento)</b>
<b>1:30 PM - 2:15 PM</b>	<b>Meeting w/ Bruce Byrne, Berkshire Hathaway Direct and John Finston, Drinker Biddle &amp; Reath, LLP re New small commercial product; CDI Staff: Catalina, Michael, Ken, Ken and Pat -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>2:15 PM - 2:30 PM</b>	<b>NAIC's April meeting update -- CRL's office</b>

**March 16, 2019**  
Saturday

**No responsive calendar entries**



**March 17, 2019**

Sunday

**No responsive calendar entries**

**March 18, 2019**

Monday

**1:30 PM - 2:15 PM**

**Meeting w/ Carmen Balber, Executive Director and Pam Pressley,  
Senior Staff Attorney w/ Consumer Watchdog; Staff: Catalina and  
Michael -- 6330 San Vicente Blvd, Ste. 250, Los Angeles, CA 90048**

**March 19, 2019**

Tuesday

<b>8:30 AM - 9:30 AM</b>	<b>Speak at Los Angeles Latino Chamber of Commerce (LALCC) Distinguished Speaker Series; per discussion with Maribel; Contact: Maribel Serrano -- California Club, 538 Flower Street, Downtown LA</b>
<b>4:30 PM - 6:00 PM</b>	<b>FYI: State of the Judiciary Reception -- Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento</b>
<b>8:15 PM - 9:45 PM</b>	<b>Dinner w/ Assemblymember Limon &amp; Nathalie Reyes from Group Salinas; Contact: Laura Parra -- Moxies located at 2028 H St, Sacramento, CA 95811</b>

**March 20, 2019**

Wednesday

<b>9:00 AM - 9:30 AM</b>	<b>Speak – CRL speaking at the California Cannabis Industry Association Conference (CCIA) Policy Conference; The Sheraton Grand Hotel, 1230 J Street, Sacramento, CA - NOTE: Camille will staff CRL</b>
<b>10:45 AM - 11:30 AM</b>	<b>Interview (in person/studio) w/ Jairo Diaz, Univision Sacramento-19 Conexion re CDI priorities and CRL election as first LGBTQ statewide leader; Michael S to staff CRL -- Univision Channel 19, 1710 Arden Way, Sacramento, CA 95815</b>
<b>12:00 PM - 12:30 PM</b>	<b>Meeting w/ Peter Lee, Covered CA -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>5:00 PM - 8:00 PM</b>	<b>Honored at Equality Trailblazer Award at the Sacramento Equality Awards (award presented by the Pro Tem at approx. 7:00pm) Staff: Michael M; Contact Mario -- The Golden 1 Center, 500 David J Stern Walk Staffing: Michael</b>

**March 21, 2019**

Thursday

- |                            |   |
|----------------------------|---|
| <b>10:15 AM - 11:30 AM</b> | <b>Speak (Keynote) at California Workers' Compensation Institute (CWCI) at their Annual Meeting; Theme is "Changing Tides"; Note: Joel (Primary) and Pat Hein to staff CRL -- Marriott Oakland City Center, 1001 Broadway, Oakland, CA</b>                              |
| <b>11:30 AM - 12:00 PM</b> | <b>Meeting w/ Vern Steiner, State Fund CEO &amp; Jennifer Vargen, Executive Vice President of Public Affairs; "Meet and Greet"; CDI Staff: Joel &amp; Pat; Contact Hilda / Day of Event Contact: Perla -- Oakland City Center Marriott (California Room, 3rd floor)</b> |
| <b>12:15 PM - 12:45 PM</b> | <b>Conference Call w/ Catalina, Michael and Bryant --</b>   |
| <b>1:30 PM - 2:00 PM</b>   | <b>Staff Briefing</b>   |
| <b>3:30 PM - 4:15 PM</b>   | <b>Meeting w/ Malia Cohen -- San Francisco, CA</b>  |
| <b>7:00 PM - 8:30 PM</b>   | <b>Keynote (Speak around 7:30pm) Eden Area<br/>United Democratic St. Patrick's Day Dinner Event;<br/>Contact: Robin Torello -- Carpenters Union Hall,<br/>Local 713, at 1050 Mattox Road in Hayward</b>   |

**March 22, 2019**

Friday

**No responsive calendar entries**

**March 23, 2019**

Saturday

**6:30 PM - 10:00 PM**

**Drop By: California Federation of Teachers Anniversary Gala – Millenium  
Biltmore Hotel, 506 S. Grand Avenue, Los Angeles, CA**

**8:15 PM - 9:15 PM**

**Speak at St. John's Well Child & Family Center Annual Gala; Contact:  
Mario; Staff: Julia -- Los Angeles' Historic Union Station, 800 N Alameda St,  
Los Angeles, CA 90012**

**March 24, 2019**

Sunday

**No responsive calendar entries**



**March 25, 2019**

Monday

**No responsive calendar entries**

**March 26, 2019**

Tuesday

- |                           |   |
|---------------------------|---|
| <b>7:00 AM - 8:00 AM</b>  | <b>Meet w/ David Robinson, Chris Swift and Meggan Conner &amp; Tour the Office of The Hartford; Contact: Meggan</b>   |
| <b>9:50 AM - 11:00 AM</b> | <b>Lunch with Dr. Michael Mendez, Yale faculty, and queer climate experts -- Harvest Restaurant, 1104 Chapel Street (Michael will pick you up in the hotel lobby)</b>   |
| <b>11:30 AM - 1:00 PM</b> | <b>Campus tour (weather permitting) through Old Yale Campus to the School of Forestry (1 mile walk)</b>   |
| <b>1:30 PM - 3:30 PM</b>  | <b>Speak on Panel re "Queer and Present Danger in the Age of Climate Change";; Contact: Michael Anthony Mendez -- Yale School of Forestry &amp; Enviro Studies, 195 Prospect Street, Sage Hall, Bower Auditorium, New Haven, CT</b> |
| <b>4:30 PM - 6:00 PM</b>  | <b>Dinner with Dr. Michael Mendez -- Barcelona Restaurant, 155 Temple Street.</b>   |

**March 27, 2019**

Wednesday

**No responsive calendar entries**

**March 28, 2019**

Thursday

<b>9:30 AM - 10:00 AM</b>	<b>Studio Interview w/ L.A. host Alyssa Julia Smith, Cheddar re SB 568 (Prime Time Primary law) and its impact on California in 2020; Contact: Taylor Fleming, booking producer, - ONSITE CHEDDAR CONTACT: Rory Bryant -- Cheddar studio, 1601 Vine Street, Los Angeles, CA; NOTE: Byron staffing CRL</b>
<b>1:30 PM - 2:00 PM</b>	<b>Conference Call/ Staff Briefing</b>
<b>2:20 PM - 4:30 PM</b>	<b>LGBT caucus/WSPA Discussion of Oil &amp; Gas in California, Led by Shant Apekian, WSPA -- The US Grant, 326 Broadway, San Diego, CA 92101</b>
<b>5:00 PM - 5:45 PM</b>	<b>Meeting w/ Mitch Mitchell (Sempra) and Greg Campbell; Contact: Danielle Executive Assistant, Eugene "Mitch" Mitchell, VP-State Gvt Affairs &amp; Ext Affairs -- US Grant Hotel 326 Broadway, San Diego, CA 92101 (Lobby)</b>

**March 29, 2019**

Friday

**12:00 PM - 12:45 PM**

**NAIC Officers, CEO, COO and Trish Schoettger Short Conference Call**

**March 30, 2019 – March 31, 2019**

Saturday - Sunday

**No responsive calendar entries**

**April 1, 2019**

Monday

**9:30 AM - 10:30 AM**

**Speak at City of Palm Springs, Palm Springs Pride re The legacy of Cesar Chavez; Contact: Ron deHarte -- Sunrise Pavilion, 401 S. Pavilion Way, Palm Springs, CA 92262**

**April 2, 2019**

Tuesday

<b>9:30 AM - 10:30 AM</b>	<b>CONFIRMED - Distracted Driving Press Conference w/ Auto Club of Southern California AAA; Morning of April 2nd -- Gilbert Lindsay Plaza -- adjacent to LA Convention Center and Staples Center on west side of Figueroa between Pico and 12th</b>
<b>11:00 AM - 12:00 PM</b>	<b>CONFIRMED Tour + Meeting w/ Auto Club (AAA) CEO and others after Press event in Downtown LA -- Automobile Club of Southern California's historic Los Angeles Headquarters -- 2601 South Figueroa Street, Los Angeles, CA 90007</b>
<b>1:00 PM - 1:30 PM</b>	<b>Meet and greet with Robert Barbarowicz of Michelman &amp; Robinson and representatives of Lloyd's of London -- DTLA CRL Executive Office</b>
<b>1:30 PM - 2:00 PM</b>	<b>Meet and Greet with Chubb's General Counsel, Kevin Rampe and Manolo Morales, Vice President &amp; Counsel of State Government and Industry Affairs and several senior executives from the East Coast -- DTLA CRL Executive Office</b>
<b>2:00 PM - 2:30 PM</b>	<b>Staff Briefing CDI Staff: Catalina and Michael</b>
<b>6:00 PM - 7:00 PM</b>	<b>Dinner w/ Dr. Robert Hertzka; Note: Reservation under Lara for "2" -- Camden Spit &amp; Larder, 555 Capitol Mall, Ste. 100, Sacramento, CA 95814</b>



**April 3, 2019**

Wednesday

<b>9:30 AM - 10:00 AM</b>	<b>Testify on CDI-sponsored bill at Assembly Insurance Committee Hearing; -- State Capitol Room 437</b>
<b>10:00 AM - 11:00 AM</b>	<b>Attend Senate Insurance Committee informational hearing on "Overview of Insurance and Insurance Regulation" -- State Capitol, Room 113</b>
<b>11:30 AM - 12:00 PM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); LA-9 Video Conf Rm #9001 (Secondary)</b>
<b>1:00 PM - 1:20 PM</b>	<b>COIN Advisory Board Meeting - SAC 16</b>

**April 4, 2019**

Thursday

**No responsive calendar entries**

**April 5, 2019**

Friday

<b>7:00 AM - 9:00 AM</b>	<b>HOLD for Potential Additional Meetings at NAIC -- Cordova 2</b>
<b>10:00 AM - 10:30 AM</b>	<b>HOLD for Potential Additional Meetings at NAIC -- Cordova 2 JW Marriott – Lower Level</b>
<b>11:00 AM - 2:00 PM</b>	<b>Financial Regulation Standards and Accreditation (F) Committee (Regulator Only) - Voting on Accreditation likely done by 2:30pm -- Coquina Ballroom North - JW Marriott - Lobby Level</b>
<b>1:00 PM - 2:00 PM</b>	<b>FYI: (optional) In-person NAIC New Commissioner National Meeting Briefing -- Mediterranean Ballroom Salon 3 - JW Marriott - Lobby Level</b>
<b>3:00 PM - 5:00 PM</b>	<b>Commissioner's Meet and Greet -- Cordova 2 - JW Marriott - Lower Level</b>

**April 6, 2019**

**Saturday**

<b>12:00 AM - 12:00 AM</b>	<b>NAIC 2019 Spring National Meeting -- JW Marriott/Ritz-Carlton, Orlando, FL</b>
<b>4:00 AM - 6:00 AM</b>	<b>FYI: Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level</b>
<b>6:00 AM - 6:30 AM</b>	<b>Daley -- Cordova 2 room - JW Marriott -- Lower Level</b>
<b>6:00 AM - 6:30 AM</b>	<b>HOLD for Potential NAIC Meetings -- Cordova 2 -- JW Marriott -- Lower Level</b>
<b>7:00 AM - 9:00 AM</b>	<b>NAIC Joint Meeting of Executive (EX) Committee and Internal Administration (EX1) Subcommittee (Regulator Only) -- Palazzo Ballroom Salons A-C - JW Marriott - Lobby Level</b>
<b>8:00 AM - 10:00 AM</b>	<b>FYI: Lunch - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level</b>
<b>9:00 AM - 9:30 AM</b>	<b>Meeting with Thomas J. Mays of Government Relations Consulting and Advocacy and his client Genworth -- Cordova 2 room - JW Marriott -- Lower Level.</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meeting w/ Nelson Taplin Goldwater; NOTE: Dropping by Meeting scheduled w/ Ken Allen -- Cordova 2 -- JW Marriott -- Lower Level</b>
<b>11:30 AM - 12:30 PM</b>	<b>HOLD for Potential Press/Interviews -- Cordova 2 -- JW Marriott -- Lower Level</b>
<b>12:30 PM - 12:45 PM</b>	<b>Meeting with Deborah Darcy, Director of Government Affairs of American Kidney Fund -- Cordova 2 room - JW Marriott -- Lower Level</b>
<b>1:00 PM - 2:15 PM</b>	<b>Reception/ Meet and Greet w/ Rex NOTE: Meeting w/ Anne Saxon from Nationwide from 5:00 - 5:15pm National Association of Mutual Insurance Companies (NAMIC) Cordova 5 Meeting Room</b>
<b>2:00 PM - 3:30 PM</b>	<b>Western Zone Meeting (Regulator Only) -- Mediterranean Ballroom Salon 3 -- JW Marriott - Lobby Level</b>
<b>3:30 PM - 4:30 PM</b>	<b>NAIC Welcome Reception -- Mediterranean Foyer &amp; Porte-Cochere</b>
<b>4:00 PM - 6:00 PM</b>	<b>Dinner with CEO's -- Vito's Chop House: 8633 International Drive, Orlando Florida, 32819</b>

**April 7, 2019**

Sunday

<b>All Day</b>	<b>NAIC 2019 Spring National Meeting -- JW Marriott/Ritz-Carlton, Orlando, FL</b>
<b>4:00 AM - 6:00 AM</b>	<b>FYI: Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level 2019 NAIC Spring National Meeting April 6-9, 2019 / Orlando, FL</b>
<b>6:00 AM - 9:00 AM</b>	<b>Commissioners Roundtable (Regulator Only) -- Mediterranean Ballroom Salons 4-8 - JW Marriott - Lobby Level</b>
<b>8:00 AM - 10:00 AM</b>	<b>FYI: Lunch - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level</b>
<b>9:30 AM - 10:30 AM</b>	<b>California Delegation Meeting -- Cordova 2 - JW Marriott - Lower Level Time Change: 12:30 to 1:30 pm.</b>
<b>10:00 AM - 10:30 AM</b>	<b>Meeting w/ Consumer Liaison's Bonnie Burns; Contact: (this is for 1:00pm Eastern) -- Cordova 2 -- JW Marriott -- Lower Level</b>
<b>10:30 AM - 11:00 AM</b>	<b>Meeting with Barry Weissman re Paradise Policies -- Cordova 2 -- JW Marriott --Lower Level</b>
<b>11:00 AM - 12:30 PM</b>	<b>FYI: (Not a Member )Life Insurance and Annuities (A) Committee -- Ritz Carlton Ballroom Salons 1-3 - Ritz Carlton - Lobby Level</b>
<b>11:00 AM - 12:00 PM</b>	<b>FYI: (Not a Member )NAIC/American Indian and Alaska Native Liaison Committee -- Palazzo Ballroom Salons A-C - JW Marriott - Lobby Level</b>
	<b>2019 NAIC Spring National Meeting April 6-9, 2019 / Orlando, FL</b>
<b>11:15 AM - 11:45 AM</b>	<b>Meeting w/ Rich Fidel, Fred Karlinsky &amp; Matt Nielsen wRMS Catastrophe Modeling Company -- Cordova 2 JW Marriott, Lower Level</b>
<b>12:30 PM - 2:30 PM</b>	<b>FYI: (Not a Member ) Health Insurance and Managed Care (B) Committee -- Ritz Carlton Ballroom Salons 1-3 - Ritz Carlton - Lobby Level</b>
<b>2:00 PM - 2:30 PM</b>	<b>Meeting w/ American Property Casualty Insurance Association (APCIA), CEO, Dr. David Sampson, and senior staff -- Monterey Room -- JW Marriott -- Lower Level</b>
<b>2:30 PM - 3:00 PM</b>	<b>NAIC President Eric Cioppa invites you to a Reception for the 2019 Commissioner Mentoring Program -- JW Marriott Hotel -- President's Suite # 25019</b>
<b>4:30 PM - 7:00 PM</b>	<b>California Delegation Dinner with Commissioner Ricardo Lara -- Seasons 52, 7700 Sand Lake Road, Orlando, FL 32819-5114</b>

**April 8, 2019**

**Monday**

<b>4:00 AM - 6:00 AM</b>	<b>FYI: Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level</b>
<b>5:00 AM - 6:30 AM</b>	<b>Member NAIC/Consumer Liaison Committee -- Mediterranean Ballroom Salons 4-8 - JW Marriott - Lobby Level</b>
<b>7:30 AM - 9:30 AM</b>	<b>Innovation and Technology (EX) Task Force -- Mediterranean Ballroom Salons 4-8 - JW Marriott - Lobby Level</b>
<b>8:00 AM - 10:00 AM</b>	<b>FYI: Lunch - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level</b>
<b>9:30 AM - 10:30 AM</b>	<b>Financial Condition (E) Committee -- Palazzo Ballroom Salons D&amp;E – JW Marriott - Lobby Level</b>
<b>10:30 AM - 12:00 PM</b>	<b>Property and Casualty Insurance (C) Committee -- Ritz Carlton Ballroom Salons 1-3 - Ritz Carlton - Lobby Level</b>
<b>12:00 PM - 2:00 PM</b>	<b>FYI: Center for Insurance Policy and Research (CIPR) NAIC Affiliated: Spring Event: How Blockchain is Transforming the Insurance Industry -- Coquina Ballroom North - JW Marriott - Lobby Level</b>
<b>12:00 PM - 1:00 PM</b>	<b>Meeting with Commissioners Mike Kreidler and Andrew Stolfi – Commissioners Services Meeting Room</b>
<b>2:00 PM - 3:30 PM</b>	<b>FYI: Center for Insurance Policy and Research (CIPR) NAIC Affiliated: Spring Event Reception -- Mediterranean Ballroom Salons 1-3 - JW Marriott - Lobby Level</b>

**April 9, 2019**

Tuesday

<b>12:00 AM - 12:00 AM</b>	<b>NAIC 2019 Spring National Meeting -- JW Marriott/Ritz-Carlton, Orlando, FL</b>
<b>4:00 AM - 6:00 AM</b>	<b>FYI: Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Coquina Ballroom South - JW Marriott - Lobby Level</b>
<b>6:00 AM - 8:00 AM</b>	<b>NAIC Joint Meeting of Executive (EX) Committee and Plenary -- Mediterranean Ballroom Salons 4-8 - JW Marriott - Lobby Level</b>
<b>4:15 PM - 5:45 PM</b>	<b>Dinner w/ New York Life, Michael Tobin, Vice President, New York Life Insurance Company, Doug Wheeler, Senior Vice President in New York Life's Office of Government Affairs, &amp; Alfredo Medina -- ESCA, 402 W 43rd Street, New York City, NY 10036</b>

**April 10, 2019**

Wednesday

<b>9:00 AM - 10:00 AM</b>	<b>Lunch w/ Michael McRaith, Managing Director at Blackstone Insurance Solutions, Former Director of the U.S. Treasury's Federal Insurance Office – Casa Lever, 390 Park Avenue, New York 10022, 53rd street</b>
<b>11:00 AM - 12:00 PM</b>	<b>Meeting with the Innovations team from Chubb -- 1133 Avenue of the Americas, 41st Floor New York, NY</b>
<b>3:00 PM - 5:30 PM</b>	<b>Dinner with ACLHIC, ACLI &amp; Eric Serna; Contact: Eric Serna -- Edition Hotel, The Clock Tower, Jade Room: 5 Madison Avenue, New York, NY, 10010</b>



**April 11, 2019**

Thursday

<b>7:00 AM - 7:45 AM</b>	<b>Meet with The Natural Resources Defense Council (NRDC) at their New York Offices -- 40 West 20th Street (between 5th and 6th Ave) New York, NY 10011</b>
<b>8:00 AM - 9:00 AM</b>	<b>Meeting with Environmental Defense Fund -- 257 Park Avenue South, 17th Floor New York, NY 10010</b>
<b>11:00 AM - 12:00 PM</b>	<b>Meeting with Dan Firger, Bloomberg Philanthropies about NYC Climate week -- at Madison Ave. New York, NY 10075</b>
<b>3:00 PM - 7:30 PM</b>	<b>Hispanic Federation Gala -- American Museum of Natural History, Central Park West at 79th Street, New York City</b>

**April 12, 2019**

Friday

**9:00 AM - 10:00 AM**

**Property and Casualty Insurance (C) Committee and Climate  
Change and Global Working Group Webinar and Call --**

**April 13, 2019**

Saturday

**10:00 AM - 11:00 AM**

**SPEAK at the United Brotherhood of Carpenters Union Training Center  
National Day of Action;/Southwest Carpenter's Rally re role of Insurance  
Commissioner fighting fraud; Contact: Danny Curtain or David Kersh --  
Carpenters Union Training Center | 7111 Firestone Blvd, Buena Park, CA  
90621**

**April 14, 2019**

Sunday

**No responsive calendar entries**

**April 15, 2019**

Monday

<b>10:30 AM - 11:00 AM</b>	<b>Interview re Diversity Task Force -- CRL LA Office, 14th Floor</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meet and greet with Pamela Davis, President and CEO of the Nonprofits Insurance Alliance Group and Oscar T. Ramirez, Partner of Fulcrum Public affairs -- CRL DTLA Office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Staff Briefing CDI Staff: Catalina, Michael, Tony, Joel, &amp; Ken -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>3:00 PM - 3:50 PM</b>	<b>Speak at UCLA Class re SB 1383/short-lived climate pollutants; Contact: Erica -- UCLA 337 Charles E. Young East, Los Angeles, CA 90095 Room #2343 on 2nd floor</b>

**April 16, 2019**

Tuesday

**6:00 AM - 3:00 PM**

**Depart for EQCA LGBTQ Trip to the Border -- 11173 Cashmere Street,  
Los Angeles CA 90049**

**April 17, 2019**

Wednesday

**2:00 PM - 2:30 PM**

**Call with Daniel Zingale, Office of the Governor**

**2:30 PM - 3:30 PM**

**Staff Briefing -- SAC-17 Video Conf**

**April 18, 2019**

Thursday

**No responsive calendar entries**



**April 19, 2019**

Friday

<b>10:20 AM - 11:00 AM</b>	<b>Hispanos Conectados Roundtable Discussion for Health Promoters and Latino Community Leaders of the Bay area; Contact: Hugo Mata -- Sheriff's Office Assembly Room, 1600 Los Gamos Dr. #200, San Rafael, Ca. 94903</b>
<b>11:00 AM - 11:30 AM</b>	<b>Call w/ Mike P</b>

**April 20, 2019**

Saturday

**No responsive calendar entries**

**April 21, 2019**

Sunday

**No responsive calendar entries**

**April 22, 2019**

Monday

**No responsive calendar entries**

**April 23, 2019**

Tuesday

<b>11:00 AM - 11:30 AM</b>	<b>Staff Briefing -- CRL's office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Meeting w/ AON Reinsurance Solutions (see attendees below) –</b> <b>SAC-17 Video Conf Rm #17005 (Primary)</b> <b>AON Reinsurance Solutions</b> Bridget Gainer Katie Sabo Steven Goode Bryon Ehrhart Joseph Managhan
<b>12:00 PM - 12:50 PM</b>	<b>Assembly Democratic Caucus Lunch -- State Capitol,</b>
<b>1:20 PM - 2:10 PM</b>	<b>Speak Panel State Farm Legislative Conference; Contact: Samona --</b> <b>Sacramento Convention Center, Ballrooms 307-308, 1400 J Street,</b> <b>Sacramento, CA 95814</b>
<b>6:00 PM - 9:00 PM</b>	<b>Attend Liberty Hill Foundation Dinner honoring Senator Holly</b> <b>Mitchell as her guest -- The Beverly Hilton, 9876 Wilshire Blvd.</b> <b>Beverly Hills, CA 90210</b>
<b>12:00 PM - 1:00 PM</b>	<b>Lunch Meeting with Mark Wiedeman -- Ella Dining Room, 1131 K St.,</b> <b>Sacramento</b>
<b>1:30 PM - 2:45 PM</b>	<b>Testify on Sponsored Bills at Senate Insurance Hearing -- State</b> <b>Capitol</b>
<b>2:20 PM - 3:10 PM</b>	<b>Deputy Commissioner Bryant Henley's Swearing in -- CRL's Office</b>
<b>3:10 PM - 3:30 PM</b>	<b>Call w/ Sharon</b>
<b>6:00 PM - 8:00 PM</b>	<b>FYI: CLIMATE ACTION RESERVE's NACW 2019 VIP</b> <b>RECEPTION - evite acceptance -- WALT DISNEY CONCERT</b> <b>HALL - FOUNDERS ROOM 111 S GRAND AVELOS ANGELES,</b> <b>CALIFORNIA 90012</b>

**April 25, 2019**

Thursday

**8:45 AM - 10:00 AM**

**SPEAK at North American Carbon World's Annual Conference re climate risk and responsibility; Staffing: Mike Peterson; Contact: Sean B. Hecht -- InterContinental (Wilshire Grand Ballroom II) Los Angeles Downtown, 900 Wilshire Boulevard (entrance on the corner of 7th and Figueroa), Los Angeles, CA 90017)**

**5:30 PM - 6:20 PM**

**Tom Homann LGBT Law Association's 26th Annual Reception -  
- U.S Grant Hotel, 326 Broadway, San Diego, CA 92101 US**

**6:30 PM - 8:00 PM**

**Tom Homann LGBT Law Association's 26th Annual Dinner (Casey Gerry is the title sponsor) -- US Grant, 326 Broadway, San Diego, CA 92101 US**

**April 26, 2019**

Friday

**7:50 AM - 9:00 AM**

**Speak + Pre - Interview (interview culturally and linguistically relevant to students) - Maywood Academy High re Various;  
Contact: Ann -- 6125 Pine Avenue Maywood 90270**

**10:30 AM - 11:30 AM**

**Speak at 50th Anniversary of the Stonewall Riots and Contributions by LGBTQ Americans -- East Los Angeles College, 1301 Avenida Cesar Chavez, Monterey Park, Room IS F5-201 (MPR Multipurpose Room)**

**2:00 PM - 2:30 PM**

**Meeting w/ Pacific Life Insurance Company's President and CEO, Jim T. Morris; FYI: Catalina and Michael; Julia to staff -- CRL's LA Office Contact: Sandy Attendees: Pacific Life Insurance Company President and CEO, Jim T. Morris & John Shirikian, Vice President , ACLHIC**

**Topic: Meet and Greet and about the company and the work they do**

**April 27, 2019**

Saturday

**3:00 PM - 7:00 PM**

**MECHA de San Diego State University 50th Anniversary: NOTE:  
CRL speaks at 4:15-4:30pm -- SDSU - 5500 Campanile Dr, San  
Diego, CA 92182, Storm Hall Terrace (south of building 14)**



**April 28, 2019**

Sunday

**10:00 AM - 2:30 PM**

**Malibu Insurance Workshop -- Malibu City Hall - 23825 Stuart Ranch Rd,  
Malibu, CA 90265**

**April 29, 2019**

Monday

**8:00 AM - 8:45 AM**

**Long-Term Care Insurance (EX) Task Force Call**

**8:00 AM - 8:30 AM**

**Photo w/ Garfield Band to Present a Donation Check -- Garfield High School**

**April 30, 2019**

Tuesday

<b>9:00 AM - 9:30 AM</b>	<b>Meeting w/ Topic SB 29 (Durazo) Health for All Adults; FYI for Catalina and Michael; Contact: Leticia Lewis -- Capitol Room 5066</b>
<b>10:00 AM - 10:30 AM</b>	<b>Distracted Driving Event with the Auto Club of Southern California – Sacramento; Participants: CHP, Assemblymembers Daly and Frazier, AAA, auto crash survivor advocate, other law enforcement TBD -- State Capitol, east steps</b>
<b>11:00 AM - 11:30 AM</b>	<b>Speak at the Allstate insurance Company's Lobby Day -- Cafeteria 15L, 15th and L St.</b>
<b>11:30 AM - 12:15 PM</b>	<b>Confirmed Meeting w/ Senator Jim Beall re Policy discussion on SB 11 relating to Mental Health Parity; CDI Staff: Catalina, Michael &amp; Janice -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>12:30 PM - 1:00 PM</b>	<b>Speak (Keynote) at Consumer Attorney's of California (CAOC) Annual Lobby Day, Justice Day -- Sutter Club, 1220 9th Street, Sacramento, CA</b>
<b>1:15 PM - 2:00 PM</b>	<b>Meeting w/ CHP Commissioner Stanley -- 601 North 7th Street, Sacramento, CA 95811</b>
<b>3:30 PM - 4:00 PM</b>	<b>Meet and greet with CalVet Secretary Vito Imbasciani, former U.S. Army Colonel, and presently practicing urologic surgeon at Kaiser Permanente and Deputy Secretary John Spangler with the Department of Veteran Affairs -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>6:30 PM - 9:30 PM</b>	<b>Welcome Dinner -- The Firehouse, 1112 2nd Street, Sacramento, CA 2019 NAIC Wildfire Risk &amp; Resiliency Summit</b>
<b>6:30 PM - 8:00 PM</b>	<b>Wildfire Risk and Resilience Summit Dinner -- The Firehouse Restaurant, 1112 2nd Street, Sacramento</b>

**May 1, 2019**

Wednesday

<b>12:00 AM - 12:00 AM</b>	<b>California Department of Insurance and NAIC Wildfire Risk &amp; Resiliency Summit -- Paradise, CA</b>
<b>2:00 PM - 3:00 PM</b>	<b>Meet with Paradise City Leaders -- Paradise, California 2019 NAIC Wildfire Risk &amp; Resiliency Summit May 1-2, 2019</b>
<b>3:00 PM - 4:30 PM</b>	<b>Bus Tour of Camp Fire Impact, Debris Removal, etc. -- Paradise, California 2019 NAIC Wildfire Risk &amp; Resiliency Summit May 1-2, 2019</b>
<b>4:30 PM - 5:00 PM</b>	<b>Bus Transportation to Chico, California -- Paradise, California 2019 NAIC Wildfire Risk &amp; Resiliency Summit May 1-2, 2019</b>
<b>5:00 PM - 7:00 PM</b>	<b>Tour, Tasting, Dinner -- Sierra Nevada Brewing Company 2019 NAIC Wildfire Risk &amp; Resiliency Summit May 1-2, 2019</b>

**May 2, 2019**

Thursday

<b>12:00 AM - 12:00 AM</b>	<b>California Department of Insurance and NAIC Wildfire Risk &amp; Resiliency Summit -- Paradise, CA</b>
<b>8:00 AM - 11:00 AM</b>	<b>Presentations and Discussion on Wildfire Impacts, Responses and Recovery -- Embassy Suites - Steamboat/Central Pacific Room - Main Level</b>
<b>11:00 AM - 1:00 PM</b>	<b>Closing Lunch -- Embassy Suites - Terrace, 2nd Level</b>
<b>1:00 PM - 3:00 PM</b>	<b>Governor's State Employee Medal of Valor Ceremony; -- California Highway Patrol Academy, 3500 Reed Ave, West Sacramento, CA</b>
<b>7:00 PM - 9:00 PM</b>	<b>RFK Annual Awards Reception (CRL was selected to receive the Robert F. Kennedy Legacy Award) -- Sportsmen's Lodge Hotel, 12825 Ventura Blvd., Studio City, CA. 91604</b>

**May 3, 2019**

Friday

**12:00 PM - 1:30 PM**

**Speak re Community health; Being Honored at the Promise of Care Luncheon; Joshua -- Omni Los Angeles 251 S Olive St, Los Angeles, CA 90012**

**May 4, 2019**

Saturday

**No responsive calendar entries**

**May 5, 2019**

Sunday

**No responsive calendar entries**



**May 6, 2019**

Monday

**12:00 PM - 2:00 PM**

**Lunch w/ only Steve Menzies & Jamie Sahara -- NoMad restaurant  
649 S Olive St, Los Angeles, CA, United States, 90014 Contact:  
Jamie Sahara**

**2:15 PM - 2:45 PM**

**Conference call with Deputies Mrs. Hayes-Bautista, Mr. Soller, Mr.  
Peterson**

**May 7, 2019**

Tuesday

**NAIC All Commissioners DC Fly-In (May 7-9)**

**3:30 PM - 5:30 PM**

**Reception and Dinner at Joe's Seafood, Prime Steak & Stone Crab  
750 15th St NW Washington, DC 20005 (202) 489-0140 -- 750 15th St  
NW Washington, DC 20005**

**May 8, 2019**

Wednesday

**5:30 AM - 9:30 AM**

**Commissioner Workshop, featuring presentations by Congressional and Federal officials -- Top of the Hill at the Reserve Officers Association (ROA). Minuteman Building, Fifth Floor, 1 Constitution Ave. NE**

**10:00 AM - 2:00 PM**

**HOLD for Capitol Meetings w/ Congressional Delegations**

**4:00 PM - 6:00 PM**

**Dinner – Capitol View at 400 -- Rooftop of the Hall of States Building 444 North Capitol Street, NW Washington, DC 20001**

**May 9, 2019**

Thursday

**2:30 PM - 3:00 PM**

**Conference call with Deputies**

**May 10, 2019**

Friday

**No responsive calendar entries**

**May 11, 2019**

Saturday

**No responsive calendar entries**

**May 12, 2019**

Sunday

**No responsive calendar entries**

**May 13, 2019**

Monday

<b>10:00 AM - 10:30 AM</b>	<b>Meeting with Armand Feliciano -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>10:45 AM - 10:55 AM</b>	<b>Briefing with Mr. Levy and Catalina -- CRL's office</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meet and Greet with Dave Wichmann, UHG CEO -- Il Fornaio, 400 Capitol Mall, Downtown, Sacramento</b>
<b>11:30 AM - 12:00 PM</b>	<b>Meeting with Claudia Oliveira, Historic Core Resident Director of DTLA Neighborhood Council -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>1:00 PM - 1:15 PM</b>	<b>Meeting with Janice; CRL's office</b>
<b>1:15 PM - 2:00 PM</b>	<b>Briefing with Mr. Martinez, Mr. Peterson, Bryant, Catalina</b>
<b>2:00 PM - 2:30 PM</b>	<b>Meeting with Phil Walker – SAC-17 Video Conf Rm #17005 (Primary); SF-21 Video Conf Rm #21010 (Primary)</b>
<b>2:45 PM - 3:15 PM</b>	<b>Meeting with Catalina, Mr. Martinez, Melissa, Bryant, Nikki</b>



**May 14, 2019**

Tuesday

**9:15 AM - 9:30 AM**

**Call with Secretary Alex Padilla**

**2:30 PM - 3:00 PM**

**Meeting with Assembly Member Buffy Wicks**

**Location: Capitol Office RM 5160**

**3:30 PM - 4:30 PM**

**Energy Strike Force Meeting – Governor’s Office**

**May 15, 2019**

Wednesday

**7:30 AM - 5:30 PM**

**4TH Conference of LGBTI Political Leaders of the Americas --  
BOGOTA, Colombia Contact: Ruben J. Gonzales ,Vice President,  
Victory Institute ,LGBTQ Victory Institute Mario Enriquez, Director  
of Domestic Programs Alheli Partida**

**May 16, 2019**

Thursday

- 6:30 AM - 11:00 AM** CRL Panel: 4th Conference of LGBTI Political Leaders of the Americas - Democracy Demands Equality Conference -- Congress of Columbia - Carrera 8 No. 10 – 7 codigo postal 111711 Agenda: <https://liderazgoslgbt.com/en/agenda/> 8:30am; 9:00m; Registration Contact: Alheli Partida Contact: Ruben J. Gonzales ,Vice President, Victory Institute ,LGBTQ Victory Institute
- 11:00 AM - 12:00 PM** Meeting with Congresista Mauricio Toro - Colombia -- Capitolio Nacional de Colombia Cl. 10, Bogotá, Colombia
- 1:30 PM - 4:00 PM** FYI: LGBTI Political Leaders Conference -- Hotel Radisson Ar Bogota Airport, Carrera 60, No. 22-99, Bogota, Columbia Topic: Building a National advocacy work plan with a regional perspective. Contact: Mario Enriquez, Director of Domestic Programs Alheli Partida
- 5:00 PM - 7:00 PM** Cocktail Reception -- Hotel Radisson Ar Bogota Airport, Carrera 60, No. 22-99, Bogota, Columbia

**May 17, 2019**

**Friday**

- |                           |  |
|---------------------------|--|
| <b>6:00 AM - 5:00 PM</b>  | <b>LLGBTI Political Leaders Conference (Panelist) -- Hotel Radisson Ar Bogota Airport, Carrera 60, No. 22-99, Bogota, Columbia<br/>Contact: Ruben J. Gonzales ,Vice President, Victory Institute ,LGBTQ Victory Institute Or Alheli Partida Agenda:<br/><a href="https://liderazgoslgbt.com/en/agenda">https://liderazgoslgbt.com/en/agenda</a></b>              |
| <b>9:30 AM - 11:00 AM</b> | <b>CRL Panel: 4th Conference of LGBTI Political Leaders of the Americas - Democracy Demands Equality Conference -- Hotel Radisson Ar Bogota Airport, Carrera 60, No. 22-99, Bogota, Columbia Contact: Ruben J. Gonzales ,Vice President, Victory Institute ,LGBTQ Victory Institute or Alheli Partida Agenda for the entire conference: <a href="#">here</a></b> |
| <b>12:00 PM - 1:00 PM</b> | <b>Meeting with David Felipe Olarte Amaya, Jefe de Oficina de Asuntos Internacionales -Ministerio de Ambiente y Desarrollo Sostenible -- Hotel Radisson Ar Bogota Airport Carrera 60, No. 22-99 Bogota, Colombia</b>   |
| <b>6:00 PM - 8:00 PM</b>  | <b>Dinner with Victory donors (Gay &amp; Lesbian Victory Fund &amp; Institute) -- Harry Sasson Carrera 9 # 75-70, Bogota, Capital District 111831</b>  |
| <b>8:00 PM - 10:00 PM</b> | <b>Evening out in Chapinero, the center of LGBTQ life in Bogota</b>  |

**May 18, 2019**

Saturday

**9:30 AM - 5:00 PM**

**LGBTI Political Leaders Conference -- Hotel Radisson Ar Bogota Airport, Carrera 60, No. 22-99, Bogota, Columbia  
Agenda:<https://liderazgoslgbt.com/en/agenda/> Contact: Jessica Perez, Campaign Strategist & Creative Director Jacobson & Zilber Strategies**

**5:00 PM - 7:00 PM**

**Closing Party with Samples of the Barranquilla Carnival. (courtesy of Pro Columbia) -- Hotel Radisson Ar Bogota Airport, Carrera 60, No. 22-99, Bogota, Columbia**

**May 19, 2019**

Sunday

**No responsive calendar entries**

**May 20, 2019**

Monday

**No responsive calendar entries**

**May 21, 2019**

**Tuesday**

<b>9:15 AM - 9:45 AM</b>	<b>Speak at California Association of Health Underwriters (CAHU)'s Annual Capitol Summit; re Overview of goals as Commissioner; Staffing: Janice -- Sawyer Hotel in Sacramento Closed to Media</b>
<b>10:00 AM - 10:45 AM</b>	<b>Follow-up to the meeting NY Life with Michael Tobin and Doug Wheeler of Manatt, Phelps &amp; Phillips, LLP- Staff: Catalina, Michael &amp; Susan Bernard -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner) Contact: Tracy Fujii</b>  <b>The attendees would be as follows:</b> <b>Michael Tobin, Vice President; Office of Government Affairs</b> <b>Doug Wheeler, Senior Vice President; Office of Government Affairs</b> <b>Aaron Ball, Senior Vice President; Long Term Care</b> <b>Heather Deichler, Vice President; Long Term Care</b> <b>Alfredo Medina, Manatt Phelps &amp; Phillips</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meeting with Donald C. Marshall, Chair of the Fraud Assessment Commission; CDI Staff: Catalina, George and Bryant -- SAC-17 Video Conf Rm #17005 (Primary) Contact: Don</b>
<b>11:30 AM - 11:50 AM</b>	<b>Meeting with Richie Ross and Joaquin Ross; CDI Staff: Catalina -- SAC-17 Video Conf Rm #17005 (Primary) Contact: Yecenia</b>
<b>12:00 PM - 12:30 PM</b>	<b>Attend National Day of Action against Abortion Bans (electeds get to speak briefly); Contact: Jennifer Wonnacott -- North Steps of the State Capitol</b>
<b>2:30 PM - 3:00 PM</b>	<b>FYI: Audit Briefing - LA County Department of Children &amp; Family Services (2018-126); CDI Staff: Michael Soller, Mike Peterson and Bryant Henley; Contact: Edna Aguada -- SAC-17 Video Conf Rm #17005 (Primary)</b>  <b>Attendees from State Auditor's Office will be:</b>  <b>State Auditor Elaine Howle</b> <b>Paul Navarro, Chief Deputy State Auditor</b> <b>Ralph Flynn, Senior Auditor</b> <b>Heather Kendrick, Assistant Chief Counsel</b>



**May 22, 2019**

Wednesday

<b>8:00 AM - 9:30 AM</b>	<b>Attend: Latino State of Census 2020 briefing -- National Press Club, 529 14th Street NW, 13th Floor</b>
<b>11:00 AM - 12:00 PM</b>	<b>Speak ); IBT and ILRF Joint Staff Briefing with Congresswoman Napolitano re (SB 1402) Labor contracting: customer liability; Contact: Christina Montorio -- Rayburn Building, Room 2175, 45 Independence Ave SW, Washington, DC 20515, CA</b>
<b>2:30 PM - 5:00 PM</b>	<b>Speak at ILRF Annual Labor Rights Defenders Awards -- Studio Theatre 1501 14th St NW Washington DC 20001 Contact: Christina Montorio, International Brotherhood of Teamsters Port Division</b>

**May 23, 2019**

Thursday

<b>6:00 AM - 6:30 AM</b>	<b>Meeting w/ Ethan at NAIC Office -- NAIC Office, 444 North Capitol Street, NW, Suite 700</b>
<b>6:45 AM - 7:40 AM</b>	<b>Meeting w/ Congresswoman Maxine Waters re Federal issues that are priorities to California and NAIC; Contact: Symonne M. Smith -- Rep Waters Office, 2221 RHOB, Rayburn House Office Building, 45 Independence Ave SW, Washington, DC 20515</b>
<b>6:00 PM - 8:00 PM</b>	<b>FYI: (Julia to accept the award on your behalf) Taste of Boyle Heights (Honoring you with the Soaring Eagle Award) -- Casa del Mexicano in Boyle Heights Contact: Naheemah</b>

**May 24, 2019**

Friday

<b>9:00 AM - 9:30 AM</b>	<b>Phone Call w/ Natalie L. Wood, COO and Co-Founder, Silicon Valley Insurance Accelerator</b>
<b>10:30 AM - 12:00 PM</b>	<b>SPEAK at San Francisco City College Commencement</b>
<b>1:00 PM - 1:45 PM</b>	<b>Interview w/ Marisa Lagos w/KQED re Insurance Issues Related to Wildfires -- KQED Studio, 2601 Mariposa Street, San Francisco, CA</b>
<b>2:30 PM - 3:30 PM</b>	<b>San Francisco Chronicle Editorial Board Meeting; -- 901 Mission Street, San Francisco, CA</b>
<b>5:00 PM - 5:30 PM</b>	<b>Call w/ Nick Roxborough</b>

**May 25, 2019**

Saturday

**No responsive calendar entries**

**May 26, 2019**

Sunday

**No responsive calendar entries**

**May 27, 2019**

Monday

**Memorial Day Holiday**

**No responsive calendar entries**

**May 28, 2019**

Tuesday

<b>9:00 AM - 10:00 AM</b>	<b>Meeting with Jeff Tsai, Attorney representing Prime Health SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>10:30 AM - 11:00 AM</b>	<b>Meeting with Pete Carrillo of Silicone Valley Advisor and Joe Coto, former Assembly Member; -- SAC-16 Video Conf Rm #16005 (Secondary)</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meet and Greet Health Net Executive Team, Daniel C. Chick, Senior Director of Government Affairs; Carol K. Kim, Vice President of Community Investment,; Jenn A. Moore, Commercial Officer; Steven J. Sell, Chief Executive Officer; Tamie Houser -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>2:15 PM - 2:30 PM</b>	<b>Staff Briefing -- SF-23 Video Conf Rm (Office of Commissioner); SAC-16 Video Conf Rm #16005 (Secondary)</b>
<b>5:30 PM - 8:00 PM</b>	<b>Sonoma County DOI Visit -- 575 Administration Drive, Suite 104A Santa Rosa, CA 95403 Staff: Mr. Soller, Mr. Cignarale</b>

**May 29, 2019**

Wednesday

- 10:00 AM - 10:45 AM**      **Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)**
- 2:00 PM - 3:00 PM**      **Confirmed Meeting w/ CalEPA's Secretary Jared Blumenfeld -- SAC-17 Video Conf Rm #17005 (Primary) Attendees: Secretary Blumenfeld**
- 5:00 PM - 5:45 PM**      **Drinks w/ Randy Perry, ARA, Damon Kurtz, PORAC VP, & Joey Schlemmer, PORAC Insurance & Benefits Trust Empress Tavern 1013 K St, Sacramento, CA 95814**
- Attendees:**  
**Randy Perry, ARA Damon Kurtz, PORAC VP**  
**Joey Schlemmer, PORAC Insurance & Benefits Trust (waiting on confirmation if he is attending)**
- 6:00 PM - 6:45 PM**      **Cocktails with Senator Bradford and Nathalie of Advance America - Zocalo's at 1801 Capitol Avenue**
- 6:30 PM - 8:00 PM**      **Attend: Senate President pro Tempore Toni Atkins is hosting a dinner for A Delegation of Members of Keidanren (Japan Business Federation); -- Leland Stanford Mansion, 800 N Street • Sacramento, California;**



**May 30, 2019**

Thursday

**12:00 PM - 1:00 PM**

**Speak at Lunch with Malia Cohen, Chair of State Board of Equalization and Representatives of communities of color from the insurance industry in San Francisco; Julia Staffing -- One Market Restaurant, 1 Market St., San Francisco, 94104**

**2:00 PM - 3:00 PM**

**Confirmed Meeting w/ Workers' Compensation Insurance Rating Bureau's CEO, Bill Mudge, Chief Actuary, Dave Bellusci and Chief Legal Officer, Brenda Keys re Workers' Compensation Presentation -- SF-23 Video Conf Rm (Office of Commissioner)**

**May 31, 2019**

Friday

**11:00 AM - 1:30 PM**

**Working out of SF Office**

**9:00 PM - 11:00 PM**

**LGBTQ Reception from Equality California, the California LGBTQ  
Legislative Caucus and Senator Scott Wiener -- Oasis- 298 11th St,  
San Francisco, CA 94103**

**June 1, 2019**

Saturday

**8:00 AM - 7:00 PM**

**2019 California Democratic Convention -- MOSCONE CONVENTION  
CENTER 2019 California Democratic Convention**

**10:13 AM - 10:50 AM**

**Speaking at General Session-- Moscone Center, Hall F**

**June 2, 2019**

Sunday

**1:30 PM - 2:30 PM**

**8th Annual Awards Program (Garfield Alumni Foundation Lunch)  
Honoring Argelia Atilano; Tonya Martin Staffing CRL, -- Luminarias  
Restaurant, 3500 Ramona Blvs., Monterey Park 91754**

**June 3, 2019**

Monday

<b>1:00 PM - 1:45 PM</b>	<b>Meeting w/ Mike P -- CRL's Office</b>
<b>2:30 PM - 3:00 PM</b>	<b>Conference Call /Staff Briefing</b>
<b>3:35 PM - 3:50 PM</b>	<b>Interview w/ Steve Jaxon, KSRO</b>
<b>3:45 PM - 4:30 PM</b>	<b>Briefing w/ Catalina and Michael -- CRL's office</b>

**June 4, 2019**

Tuesday

**9:30 AM - 9:45 AM**

**Interview w/ Pat Kerrigan/KSRO Radio**

**10:30 AM - 11:00 AM**

**California LGBTQ Pride Month Kick-off Presser -- Capitol Mall in  
the traffic circle between 9th St & 10th St**

**June 5, 2019**

Wednesday

<b>9:30 AM - 11:00 AM</b>	<b>Lunch w/ Susan B. at Jack Stack Barbecue; Jack Stack Barbecue - Freight House, 101 W. 22 St, Kansas City</b>
<b>11:00 AM - 2:30 PM</b>	<b>Long-Term Care Insurance (EX) Task Force (Regulator-to-Regulator meeting)</b>
<b>4:30 PM - 7:30 PM</b>	<b>NAIC Dinner and Ballgame - Kansas City Royals vs. Boston Red Sox. First pitch is at 7:15 pm. (Baseball ticket link attached below) - - Kauffman Stadium, Frank White Suite 1 &amp; Signature Suite 21, Kansas City, MO 64129</b>

**June 6, 2019**

Thursday

**12:00 AM - 12:00 AM**

**Registration Confirmed - 2019 NAIC/NIPR Insurance Summit --  
Kansas City Marriott Downtown, 200 W 12th Street, Kansas City,  
MO 64105**

**6:30 AM - 1:30 PM**

**Long-Term Care Insurance (EX) Task Force Meeting (Regulator-to-  
Regulator)**



**June 7, 2019**

Friday

<b>8:30 AM - 9:15 AM</b>	<b>SPEAK NAIFA California's Keynote Speaker for their Career Advancement Conference; -- Hyatt Regency, Newport Beach, CA</b>
<b>10:30 AM - 11:00 AM</b>	<b>Metromile Meeting w/ Jill Allison Opel w/ Foley and Lardner, LLP; Bryant, Tonya, Adam Gammell and Lynne WehmueLLer staffing -- LA-14 Video Conf Rm #14001 (Primary); SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meet and Greet with Michael Rosenfield of Sidley Austin and Associates of Kemper Corporation; Julia, Tonya, Adam Gammell, Rick Holdbrook and Lynn WehmueLLer staffing -- SF-21 Video Conf Rm #21010 (Primary); LA-14 Video Conf Rm #14001</b>  <b>Attendees: Duane Sanders, President of the P&amp;C Division, Amy Condo, General Counsel of the P&amp;C Division from Kemper and Michael Rosenfield of Sidley Austin LLP</b>
<b>12:00 PM - 12:30 PM</b>	<b>Confirmed: Meeting re WCIRB Governing Committee; Staff: Tonya</b>
<b>12:30 PM - 12:35 PM</b>	<b>Garfield High School Band Plaque Presentation; Paul Baily, Band Leader; -- LA Office of the Commissioner</b>
<b>9:00 PM - 11:00 PM</b>	<b>Paula Abdul Concert - West Hollywood Park</b>

**June 8, 2019**

Saturday

**No responsive calendar entries**

**June 9, 2019**

Sunday

**8:00 AM - 8:45 AM**

**Breakfast w/ HRC (Human Rights Campaign) before the parade;  
Tonya staffing CRL -- Vinadore Cafe, 8157 Santa Monica Blvd,  
West Hollywood, CA 90046**

**10:00 AM - 1:00 PM**

**March w/ the EQCA & Stonewall Democratic Club in the 2019 LA  
Pride Parade; Contact: Jane Wishon at or Jeremy Payne directly  
at 1202 N. Crescent Heights Boulevard, West Hollywood, CA 90069**

**June 10, 2019**

Monday

<b>9:45 AM - 10:30 AM</b>	<b>Staff Briefing CDI Staff: Catalina, Michael, Tony, Joel, Mike P, Bryant, and Ken -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>11:00 AM - 2:30 PM</b>	<b>HOLD to Prepare for Senate Hearing</b>
<b>3:00 PM - 4:00 PM</b>	<b>SELECT COMMITTEE ON GOVERNOR'S 2019 REPORT: WILDFIRES AND CLIMATE CHANGE - CALIFORNIA'S ENERGY FUTURE -- State Capitol, Room 112</b>

**June 11, 2019**

Tuesday

<b>11:00 AM - 11:45 AM</b>	<b>Meeting w/ Mike P -- CRL's Office</b>
<b>12:00 PM - 12:15 PM</b>	<b>Staff Briefing; CDI Staff: Catalina, Michael &amp; Bryant -- CRL's office</b>
<b>5:30 PM - 7:00 PM</b>	<b>FYI- John Laird for Senate reception -- State Building &amp; Construction Trades Council of California 1231 I Street, Suite 302 Sacramento</b>

**June 12, 2019**

**Wednesday**

<b>9:00 AM - 10:00 AM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>10:00 AM - 10:45 AM</b>	<b>Meeting w/ Tracie Riggs, Tuolumne County Administrator; Attendees below; CDI Staff: Catalina, Tony, Michael and Joel -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner) Attendees:</b> <ol style="list-style-type: none"><li><b>1. Sherri Brennan, Supervisor District 1 Tuolumne County</b></li><li><b>2. Tracie Riggs, CAO – Tuolumne County</b></li><li><b>3. Eric Erhardt, Asst. CAO – Tuolumne County</b></li><li><b>4. Sarah Carrillo, County Counsel – Tuolumne County</b></li><li><b>5. Chuck Iley, CAO – Amador County</b></li><li><b>6. Dallin Kimble, CAO – Mariposa County</b></li><li><b>7. Don Ashton, CAO – El Dorado County</b></li><li><b>8. Nicole Williamson, CAO – Alpine County</b></li><li><b>9. Al Alt, CAO – Calaveras County</b></li></ol>
<b>10:45 AM - 11:00 AM</b>	<b>Staff Briefing CDI Staff: Catalina, Janice, Ken and Tony -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>11:00 AM - 12:00 PM</b>	<b>Reception for Senate-Elect Lena Gonzales -- State Capitol, Room 211</b>
<b>12:00 PM - 1:00 PM</b>	<b>Swearing in of Senator-Elect Lena Gonzalez and Senator-Elect Brian Dahle -- State Capitol</b>
<b>2:00 PM - 2:30 PM</b>	<b>Meet and Greet with Assemblymember Brian Maienschein , District 77th ; Catalina staffing -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>2:30 PM - 3:00 PM</b>	<b>Meeting CalChiro and Bethany Heckman of Weidman Group; re: Essential Health Plan Benefit package -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>7:00 PM - 9:00 PM</b>	<b>Dinner for Senator-Elect Lena Gonzalez -- Firehouse, 1112 2nd St, Sacramento, CA 95814</b>

**June 13, 2019**

Thursday

**8:45 AM - 10:15 AM**

**Speak (Keynote) at the WCIRB Annual Conference re His Vision for the Industry; per CRL (1/17);, work w/ COMMS; Arrive at (arrive by 8:45) Event begins at 9:00 -- The Bently Reserve, 301 Battery St Ste 1, San Francisco, CA 94111, The Former San Francisco Federal Reserve, San Francisco, CA**

**June 14, 2019**

Friday

**11:00 AM - 11:30 AM**

**Speak) Climate Resolve's "What Can Cities do about Wildfires";;  
Julia Staffing CRL -- Cathedral of Our Lady of the Angels, 555 West  
Temple Street, Los Angeles, CA, US, 90012**

**6:00 PM - 9:00 PM**

**San Diego Equality Awards (in Nora Vargas honor) -- (Humphrey's  
By The Bay) 2241 Shelter Island Dr, San Diego, CA 92106**



**June 15, 2019**

Saturday

**9:00 PM - 11:00 PM**

**Dinner with David Vela and Alfredo Medina from Mannatt --  
Blacksmiths Restaurant - 117 Winston St., Los Angeles**

**June 16, 2019**

Sunday

**No responsive calendar entries**

**June 17, 2019**

**Monday**

<b>9:15 AM - 10:00 AM</b>	<b>Meeting w/ Ms. Kristen Miranda, CA President for Aetna &amp; J. Kevin Pedrotti; CDI Staff: Janice; Contact: Kevin -- SAC-17 Video Conf Rm #17005 (Primary) Kristen Miranda, California President &amp; West Territory Head Rajini Sharma, West Region Counsel Sunshine Moore, Sr. Director, State Government Affairs Kevin Pedrotti, JK Pedrotti, Inc.</b>
<b>10:00 AM - 10:30 AM</b>	<b>Conference Call w/ Fire Chief Michael Schwartz, North Tahoe Fire Protection District re Non-renewals; Kelly McElravey;</b>
<b>10:30 AM - 11:00 AM</b>	<b>Meet w/ Mike Peterson -- CRL's office</b>
<b>11:00 AM - 11:20 AM</b>	<b>Meet and Greet with Joe Torti w/ Fairfax Financial Holdings Limited</b>  <b>Attendees: Nick Bentley – Riverstone - President and CEO Debbie Irving – Riverstone - Executive Vice President, Chief Corporate Operations Officer &amp; Chief Financial Officer John Bauer – Riverstone – Vice President and Deputy General Counsel, Corporate Legal Joe Torti – Fairfax – Vice President Regulatory Affairs</b>
<b>11:30 AM - 12:00 PM</b>	<b>Staff Briefing -- CRL's office</b>
<b>2:30 PM - 4:30 PM</b>	<b>Confirmed Sexual Harassment and Discrimination Prevention Training; NOTE: LA VC Set up for LA Staff -- SAC-13 Video Conf Rm #13025; LA-14 Video Conf Rm #14001 (Primary)</b>
<b>5:30 PM - 6:30 PM</b>	<b>Dinner w/ Rex Frazier -- Waterboy 2000 Capitol Ave</b>

**June 18, 2019**

Tuesday

**1:00 PM - 2:00 PM**

**California Commission on Aging (Former Assembly Member Betsy Butler requesting for you to speak before her Commission; Julia or Tonya staffing CRL -- Thousand Oaks Inn, 75 W. Thousand Oaks Blvd., Thousand Oaks, CA 91360 - Garden Room**

**June 19, 2019**

Wednesday

**10:45 AM - 12:15 PM**

**Speak at InsurTech Climate Change & Insurance: Protecting Our Future; Contact: Natalie; Aaron Staffing CRL - -- South San Francisco Conference Center, 255 South Airport Boulevard, South San Francisco, CA 94080**

**June 20, 2019**

Thursday

**No responsive calendar entries**

**June 21, 2019**

Friday

**No responsive calendar entries**

**June 22, 2019**

Saturday

**No responsive calendar entries**



**June 23, 2019**

Sunday

**No responsive calendar entries**

**June 24, 2019**

Monday

<b>11:00 AM - 11:30 AM</b>	<b>Meeting with Melissa Cortez of Governmental Advocates and Kurt Stembridge of Greenwich Biosciences -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>11:30 AM - 12:45 PM</b>	<b>Lunch with LGBTQ Caucus Members -- Third floor of the historic side, Room 317</b>
<b>1:00 PM - 2:00 PM</b>	<b>Joel's Retirement Party -- SAC 13</b>
<b>5:30 PM - 7:30 PM</b>	<b>CA Legislative LGBTQ Caucus 2019 Pride Ceremony -- Governor's Mansion 1526 H Street, Sacramento, CA</b>

**June 25, 2019**

**Tuesday**

<b>12:00 AM - 12:00 AM</b>	<b>Executive Committee (ExCo) Interim &amp; Mid-Year All Commissioners Roundtable -- Rockland, ME</b>
<b>7:30 AM - 8:00 AM</b>	<b>2023 National Meeting bid presentations -- Knox County Ballroom, Lower Level West Wing</b>
<b>8:15 AM - 8:25 AM</b>	<b>Welcome and Opening Remarks (Superintendent Eric A. Cioppa (ME), NAIC President) -- Knox County Ballroom, Lower Level, West Wing</b>
<b>8:25 AM - 9:15 AM</b>	<b>Long-Term Care Insurance (Commissioner Scott A. White (VA)) -- Knox County Ballroom, Lower Level, West Wing</b>
<b>9:15 AM - 10:15 AM</b>	<b>Lunch for Meeting Attendees and Guests -- Bay Point Ballroom, Upper Level, West Wing</b>
<b>10:15 AM - 11:15 AM</b>	<b>Long-Term Care Insurance (cont'd) (Commissioner Scott A. White (VA)) -- Knox County Ballroom, Lower Level, West Wing</b>
<b>11:15 AM -12:15 PM</b>	<b>Health Insurance (Commissioner Jessica Altman (PA)) Knox County Ballroom, Lower Level, West Wing</b>
<b>12:15 PM - 1:15 PM</b>	<b>Canceled: Plenary (NAIC)</b>
<b>12:15 PM - 12:45 PM</b>	<b>Plenary -- Knox County Ballroom, Lower Level West Wing</b>
<b>1:00 PM - 2:00 PM</b>	<b>Western Zone Meeting -- Vinalhaven, Lower Level, West Wing</b>
<b>3:00 PM - 6:00 PM</b>	<b>Conference Welcome Reception and Dinner for All Attendees and Guests -- Samoset - Penobscot Bay Patio</b>

**June 26, 2019**

**Wednesday**

<b>All Day</b>	<b>Executive Committee (ExCo) Interim &amp; Mid-Year All Commissioners Roundtable -- Rockland, ME</b>
<b>4:30 AM - 5:30 AM</b>	<b>FYI: Breakfast for Meeting Attendees and Guests -- Bay Point Ballroom, Upper Level, West Wing</b>
<b>4:30 AM - 5:30 AM</b>	<b>FYI: Compact Strategy Session -- Penobscot Bay Room at the Samoset Resort in Rockport, Maine</b>
<b>5:30 AM - 6:30 AM</b>	<b>Data, Innovation &amp; Cyber (Michael Consedine, NAIC CEO Scott Kosnoff, Partner, Faegre Baker Daniels, LLP) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>6:30 AM - 6:45 AM</b>	<b>Morning Break</b>
<b>6:45 AM - 7:30 AM</b>	<b>Annuity Suitability (Director Jillian Froment (OH)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>7:30 AM - 9:00 AM</b>	<b>Panel Discussion: "A Better Understanding of Climate Risks" Moderator: Superintendent Beth Dwyer(RI) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>9:00 AM - 10:15 AM</b>	<b>Lunch for Meeting Attendees and Guests -- Bay Point Ballroom, Upper Level, West Wing</b>
<b>10:15 AM - 11:15 AM</b>	<b>Standing Committees - First Breakout Session (A, E and G Committees) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>11:15 AM - 11:30 AM</b>	<b>Afternoon Break</b>
<b>11:30 AM - 12:30 PM</b>	<b>Standing Committees - Second Breakout Session (B, C and D Committees) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>12:30 PM - 1:00 PM</b>	<b>Regroup and Wrap-Up on Standing Committee Discussions -- Knox County Ballroom – Lower Level, West Wing</b>
<b>3:30 PM - 6:00 PM</b>	<b>Commissioners Reception and Dinner for All Attendees and Guests -- Point Lookout - The Summit</b>
<b>4:00 PM - 7:00 PM</b>	<b>FYI: World Pride Opening Ceremony; Tonya is attending with Parliament Member Alex Greenwich - : 7:00 PM - 10:00 PM (EST) -- Barclays Center, 620 Atlantic Ave, Brooklyn, NY 11217</b>

**June 27, 2019**

**Thursday**

<b>12:00 AM - 12:00 AM</b>	<b>Executive Committee (ExCo) Interim &amp; Mid-Year All Commissioners Roundtable -- Rockland, ME</b>
<b>4:30 AM - 5:30 AM</b>	<b>FYI: Breakfast for Meeting Attendees and Guests -- Bay Point Ballroom, Upper Level West Wing</b>
<b>5:30 AM - 6:15 AM</b>	<b>FYI: International Insurance Issues (Commissioner Gary D. Anderson (MA)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>6:15 AM - 6:45 AM</b>	<b>Group Capital Calculation (Commissioner David Altmaier (FL)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>6:45 AM - 7:00 AM</b>	<b>RegTech (Andy Beal (NAIC)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>7:00 AM - 9:00 AM</b>	<b>FYI: Stonewall National LGBTQ Wall of Honor - 10:00 am/EST -- The Stonewall Inn, 53 Christopher St. New York, New York 10014</b>
<b>7:00 AM - 7:15 AM</b>	<b>Morning Break</b>
<b>7:15 AM - 7:45 AM</b>	<b>Pharmacy Benefit Manager Regulation (Commissioner Andrew Stolfi (OR)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>7:45 AM - 8:00 AM</b>	<b>FYI: NAIC Designation Program (Trish Schoettger (NAIC)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>8:00 AM - 8:15 AM</b>	<b>NAIC Disaster Assistance Program (Trish Schoettger (NAIC)) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>8:15 AM - 8:45 AM</b>	<b>FYI: (Hold for additional discussion items) -- Knox County Ballroom – Lower Level, West Wing</b>
<b>8:45 AM - 9:00 AM</b>	<b>FYI: Wrap-up -- Knox County Ballroom – Lower Level, West Wing</b>
<b>2:00 PM - 4:00 PM</b>	<b>Speaking (at 6pm) at World Pride Reception: Honoring LGBTQ Elected Official's, Presented by Google - 5:00 PM - 7:00 PM (EST) -- Google HQ, 111 Eighth Ave, New York, NY 10011</b>

**June 28, 2019**

Friday

- |                           |   |
|---------------------------|---|
| <b>8:00 AM - 10:00 AM</b> | <b>Speak/Attend: Sister City Brunch hosted by Ricardo Lara and Alex Greenwich (Independent Member for Sydney) - 11:00 AM - 1:00 PM (EST) -- Bowery Road, 132 4th Avenue, New York, New York</b>             |
| <b>2:30 PM - 3:30 PM</b>  | <b>Happy Hour/Dinner with Sponsors &amp; CA LGBTQ Caucus - 5:30 PM (EST) -- Buddakan NYC, 75 9th Avenue, New York, NY 10011</b>   |
| <b>3:00 PM - 6:00 PM</b>  | <b>Rally: Stonewall 50 Commemoration (OPTIONAL); NOTES: Tonya is in the process of securing a speaking opportunity for the Commissioner. - 6:00 PM - 9:00 PM (EST) -- Christopher St &amp; Waverly Pl</b>   |
| <b>5:00 PM - 6:30 PM</b>  | <b>FYI: To Kill a Mockingbird (SPONSORS ONLY); NOTE: If Commissioner Lara speaks at Stonewall 50 event he will not be attending - : 8:00 PM (EST) -- Shubert Theatre, 225 W 44th St, New York, NY 10036</b> |

**June 29, 2019**

Saturday

**11:00 AM - 7:00 PM**

**VIP ROOFTOP - With DJ sets by DJ Grind, DJ Toy Armada, DJ Ben Baker, and DJ Kitty Glitter - Starts at 2pm -10pm (EST) -- The Park  
118 10th Avenue, New York, NY 10011**

**1:00 PM - 4:00 PM**

**Mets vs. Braves - Baseball Game - 4:00 PM (EST) -- Citi Field  
(Seated in Sterling Suite 9) - 120-01 Roosevelt Ave., Queens, NY  
11368**

**June 30, 2019**

Sunday

**8:00 AM - 3:00 PM**

**PrideFest - WorldPride NYC | Stonewall50: Note: the Veronica's will be performing; 11:00am to 6:00pm (EST) -- 4th Ave, B/w Union Square and Astor Pl <https://2019-worldpride-stonewall50.nycpride.org/events/pridefest/>**

**3:30 PM - 5:30 PM**

**MARCH WITH VICTORY IN THE NEW YORK CITY PRIDE PARADE**

**4:00 PM - 7:00 PM**

**World Pride Closing Ceremony - 7:00-10:00 PM ET -- Times Square**



**July 1, 2019**

Monday

**No responsive calendar entries**

**July 2, 2019**

Tuesday

**1:30 PM - 2:00 PM**

**Call w/ Ann O'Leary and Rachel Wagoner**

**2:30 PM - 3:00 PM**

**Meet w/ Mike Peterson -- CRL's office**

**July 3, 2019**

Wednesday

**12:00 PM - 1:00 PM**

**Lunch with Antonia Hernandez; Checkers Downtown, 535 South Grand Ave., Los Angeles, CA 90071**

**3:30 PM - 4:00 PM**

**Phone call with Elaine Howell (State Auditor)**

**July 4, 2019**

Thursday

**Holiday**

**No responsive calendar entries**

**July 5, 2019**

Friday

**No responsive calendar entries**

**July 6, 2019**

Saturday

**No responsive calendar entries**

**July 7, 2019**

Sunday

**No responsive calendar entries**

**July 8, 2019**

**Monday**

<b>9:30 AM - 10:00 AM</b>	<b>Interview (by phone) w/ Thomas Fuller, New York Times re Wildfire Season -- CRL's office</b>
<b>10:00 AM - 10:30 AM</b>	<b>Meeting with Shaun Flanigan of Capitol Strategic Advisors -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>10:30 AM - 11:00 AM</b>	<b>Meeting w/ Root CEO, Alex Timm along with Alfredo Medina -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>11:30 AM - 1:30 PM</b>	<b>Ethics Training 1.5 - 2 hours</b>
<b>2:00 PM - 2:45 PM</b>	<b>Confirmed: Meet and Greet with New CalHR Director; Eraina Ortega, Director</b>



**July 9, 2019**

Tuesday

<b>11:00 AM - 11:45 AM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner);</b>
<b>1:00 PM - 1:30 PM</b>	<b>Record Video for California Earthquake Authority (CEA) -- TBD</b>
<b>2:00 PM - 3:00 PM</b>	<b>Meeting w/ Michael S. Gugig, VP, State Government Relations &amp; Associate General Counsel, Transamerica re Long Term Care; Marie Roche - John Hancock government affairs and Chair of AHIP's LTC Committee, Jan Graeber, ACLI senior actuary &amp; fmr chief actuary -- SAC-17 Video Conf Rm #17005 (Primary)</b>  <b>Attendees:</b> <b>Michael S. Gugig, VP, State Government Relations &amp; Associate General Counsel, Transamerica</b> <b>Marie Roche - John Hancock government affairs and Chair of AHIP's LTC Committee, Jan Graeber, ACLI senior actuary and former chief actuary for the TX Department; Amanda Matthiesen of AHIP, and Ray Nelson (by phone) AHIP consulting actuary.</b>  <b>CDI Staff: Catalina and Michael</b>
<b>3:00 PM - 3:30 PM</b>	<b>CDI-CEA Meeting</b>

**July 10, 2019**

Wednesday

**6:15 PM - 7:00 PM**

**Honoring CRL with the Community Leadership Award from the  
Orange County Lavender Bar Association -- The Sky Garden at the  
Michelson Building, 3161 Michaelson Drive , Irvine, Ca**

**July 11, 2019**

**Thursday**

<b>8:30 AM - 9:00 AM</b>	<b>Confirmed Speaker (provide welcoming remarks) at National Counsel of Insurance Legislators Summer National Meeting; Julia staffing CRL -- Newport Beach Marriott Hotel and Spa</b>
<b>10:30 AM - 11:00 AM</b>	<b>CRL and Glenn Pomeroy conduct joint media briefing to discuss the role of earthquake insurance in the recovery process -- CDI LA Office</b>
<b>2:00 PM - 2:30 PM</b>	<b>Conducts follow-up media calls while in transit</b>
<b>4:30 PM - 5:00 PM</b>	<b>Interviews with Telemundo and Univision -- Kerr McGee Community Center, 100 W California Ave, Ridgecrest, CA 93555</b>
<b>5:00 PM - 5:29 PM</b>	<b>Briefing w/ Mayor Peggy Breeden, Jed McLaughlin, Police Chief, City Manager and local business owners -- 100 West California Avenue, Ridgecrest, California, 93555</b>
<b>5:30 PM - 6:00 PM</b>	<b>Meet with Norma Vega Kerr McGee Community Center, 100 W California Ave, Ridgecrest, CA 93555</b>
<b>6:00 PM - 7:15 PM</b>	<b>Help serve dinner to earthquake victims staying at the shelter -- Kerr McGee Community Center, 100 W California Ave, Ridgecrest, CA 93555</b>

**July 12, 2019**

Friday

**No responsive calendar entries**

**July 13, 2019**

Saturday

**No responsive calendar entries**

**July 14, 2019**

Sunday

**No responsive calendar entries**

**July 15, 2019**

Monday

**9:45 AM - 10:00 AM**

**Phone call with Nick Roxborough --**

**2:00 PM - 2:30 PM**

**Call w/ Catalina and Bryant**

**July 16, 2019**

Tuesday

**10:30 AM - 11:45 AM**

**Site Visit of Los Angeles Children Hospital (take a tour of the hospital, share your vision of health insurance policy in California and meet administration, physicians, patients and staff); CDI Staff: Tonya -- Los Angeles Childrens Hospital, 4650 Sunset Blvd., Los Angeles 90027**

**2:00 PM - 3:00 PM**

**AltaMed Filming ( Message from CRL for the 50th Year Anniversary Gala Dinner Video) -- Governor's Press, Office LA Office Building**



**July 17, 2019**

Wednesday

<b>10:00 AM - 10:30 AM</b>	<b>Meeting with Brian Ternan, Ca. Commercial State Plan President and Michael Prosio, Regional Vice President of Government Affairs for Anthem -- LA-14 Video Conf Rm #14001 (Primary); SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>10:30 AM - 11:00 AM</b>	<b>Interview w/ Ryan Sabalow &amp; Dale Kasler w/ Sacramento Bee; re Wildfire insurance availability and affordability;</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meeting with Farmers CEO Jeff Dailey -- LA Office</b>
<b>11:30 AM - 12:15 PM</b>	<b>Meet and greet with the Insurance Rate Analyst Branch -- LA -13 Video Trng Room # 13003 (this room will be connected to the SF-21 Video Conference room #21010)</b>

**July 18, 2019**

Thursday

<b>11:00 AM - 11:45 AM</b>	<b>Meet w/ CSAA New President and CEO, Tom Troy, Mike Zukerman, Senior VP &amp; GC, Seema Taneja, Assistant GC &amp; Director Governmental Affairs, Dwight Ku, Regional Director Governmental Affairs &amp; Shari McHugh, Contract lobbyist for CSAA Insurance Group -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>2:30 PM - 3:00 PM</b>	<b>Call w/ Sharon</b>

**July 19, 2019**

Friday

<b>9:30 AM - 10:00 AM</b>	<b>Scheduling Meeting w/ David and Roberta -- CRL's office</b>
<b>10:00 AM - 10:45 AM</b>	<b>Meeting w/ Thomas J. Mayes &amp; Genworth's President &amp; CEO Tom McInerney; David O'Leary, President &amp; CEO, US Life Insurance; Matt Kepler, President- Closed Block; Lynn White, SVP &amp; Chief of Staff to CEO; CDI Staff: Catalina, Michael, Ken, Susan &amp; Perry -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-9 Video Conf Rm #9001 (Secondary)</b>
<b>10:45 AM - 11:15 AM</b>	<b>Briefing -- CRL's Office</b>
<b>11:30 AM - 12:00 PM</b>	<b>Briefing; CDI Staff: Catalina, Bryant and Camilo -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>12:00 PM - 12:30 PM</b>	<b>Briefing; CDI Staff: Catalina, Michael, Bryant, Amorette, Camilo and Camille -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>5:30 PM - 7:00 PM</b>	<b>Welcome remarks at Chicano Latino Youth Leadership Project banquet (speaking at 6:30pm for 15 minutes) -- CSU Sacramento Alumni Center 6000 College Town Dr., Sacramento, 95819</b>

**July 20, 2019**

Saturday

**No responsive calendar entries**

**July 21, 2019**

Sunday

**No responsive calendar entries**

**July 22, 2019**

Monday

**10:00 AM - 12:00 PM**

**Funeral Liturgy for Barbara Frances Torres -- St. Alphonsus  
Church 532 S. Atlantic Blvd., LA 90022**

**July 23, 2019**

Tuesday

<b>8:30 AM - 8:30 AM</b>	<b>Symposium Begins</b>
<b>8:45 AM - 8:45 AM</b>	<b>Check in for Keynote 8:45 - check in for keynote</b>
<b>9:00 AM - 5:00 PM</b>	<b>Climate Risk Symposium -- UCLA School of Law, Room 1430, 385 Charles E Young Dr E, Los Angeles, CA 90095</b>
<b>9:15 AM - 9:45 AM</b>	<b>Opening Keynote Address</b>
<b>10:00 AM - 11:01 AM</b>	<b>Panel 1 - Physical Climate Risks, Mitigation, and Insurance</b>
<b>11:30 AM - 12:30 PM</b>	<b>Panel 2 - Natural Infrastructure Solutions</b>
<b>12:30 PM - 12:40 PM</b>	<b>Dave Jones speaks</b>
<b>12:45 PM - 1:45 PM</b>	<b>Lunch</b>
<b>1:45 PM - 2:30 PM</b>	<b>Afternoon Keynote: Butch Bacani</b>
<b>2:30 PM - 3:45 PM</b>	<b>Panel 3: Managing Physical and Transition Risks and Opportunities</b>
<b>3:45 PM - 4:00 PM</b>	<b>Break</b>
<b>4:00 PM - 5:15 PM</b>	<b>Roundtable: California Policy Innovations - CRL moderating</b>
<b>5:15 PM - 5:30 PM</b>	<b>Closing Remarks</b>
<b>5:30 PM - 6:30 PM</b>	<b>Reception for all participants</b>

**July 24, 2019**

Wednesday

<b>9:00 AM - 9:30 AM</b>	<b>Welcome Remarks for Bring your Kids to Work Day -- 13th floor Conference Room - LA</b>
<b>9:30 AM - 10:00 AM</b>	<b>Interview w/ Lily Jamali from The California Report (NPR throughout CA)</b>
<b>10:00 AM - 10:30 AM</b>	<b>Meet with Secretary Arrellano from Quitana Roo, Mexico to discuss Coral Reef Insurance project; CDI Staff: Mike Peterson -- CRL's office</b>
<b>10:30 AM - 11:30 AM</b>	<b>Meet with Butch Bucani (United Nations), Raghuv eer Vinokullu (Munich Re), and Saul Gomez (Resources Legacy Fund); Louis Blumberg -- CRL's office</b>
<b>1:00 PM - 1:30 PM</b>	<b>Meet with Jeremy McDaniels from the Sustainable Insurance Forum Location: CRL's LA Office</b>
<b>1:30 PM – 2:00 PM</b>	<b>Meet with Raghuv eer Vinokullu and Bonnie Guth from Munich CDI Staff: Mike Peterson Location: CRL's LA Office</b>
<b>2:00 PM - 3:00 PM</b>	<b>Meet with Stan Dupre, Clare Murray from Two Degrees Initiative -- CRL's LA Office</b>
<b>3:00 PM - 4:00 PM</b>	<b>Ice Cream with CRL and CDI Kids -- LA Executive Office Staff: Julia and Angela</b>
<b>3:00 PM - 3:15 PM</b>	<b>Interview w/ Keith Menconi w/KCBS Radio, SF re: partnership w/UN</b>
<b>5:00 PM – 6:00 PM</b>	<b>Meet and Greet with Faisal Gill Location: Blue Cow Kitchen and Bar – 350 South Grand Ave., Los Angeles, CA</b>



**July 25, 2019**

Thursday

<b>10:00 AM - 10:30 AM</b>	<b>Staff Briefing CRL in LA Office -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); ORNG-EB Conf Rm</b>
<b>10:30 AM - 11:00 AM</b>	<b>Conference Call/Staff Briefing w/Catalina, Bryant, Byron, and Michael Soller -</b>
<b>11:00 AM - 11:45 AM</b>	<b>LA Times Editorial Conference Call</b>
<b>1:00 PM - 2:00 PM</b>	<b>Speak at the 30th Annual APCIA General Counsel Seminar; -- Loews Hollywood Hotel, located at 1755 N. Highland Ave, Los Angeles, CA 90028 - Studio's A,B &amp; C</b>
<b>3:00 PM - 3:30 PM</b>	<b>Call w/ Catalina and Michael re Budget</b>

**July 26, 2019**

Friday

**6:00 PM - 9:00 PM**

**East LA Meets NAPA" AltaMed Food & Wine Festival 2019 -- L.A.  
Live - 800 Olympic Blvd.Los Angeles, CA 90015**

**July 27, 2019**

Saturday

**12:05 PM - 1:05 PM**

**Staff Briefing w/ Catalina, Bryant, Michael M. -- CRL's office**

**6:00 PM – 8:00 PM**

**Keynote Speaker at the Calaveras County Democrats Central  
Committee's 2<sup>nd</sup> Annual Fundraising Event  
Location: Vallecito, CA**

**July 28, 2019 – July 31, 2019**

Sunday - Wednesday

**No responsive calendar entries**

**August 1, 2019**

Thursday

**No responsive calendar entries**

**August 2, 2019**

Friday

**No responsive calendar entries**

**August 3, 2019**

Saturday

<b>4:00 AM - 6:00 AM</b>	<b>Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhinelander North &amp; Center - 2nd Floor</b>
<b>8:00 AM - 10:00 AM</b>	<b>Lunch - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhinelander North &amp; Center - 2nd Floor</b>
<b>10:00 AM - 11:00 AM</b>	<b>NAIC Opening Session -- Grand Ballroom - 3rd Level</b>
<b>12:00 PM - 1:00 PM</b>	<b>Climate Risk and Resilience (C) Working Group -- Sutton North &amp; Beekman - 2nd Level</b>
<b>1:00 PM - 1:30 PM</b>	<b>Meeting w/ New York Superintendent Lacewell to Discuss Priorities -- Lincoln Room on the 4th Floor</b>
<b>2:30 PM - 3:30 PM</b>	<b>Western Zone Meeting (Regulator Only) -- Sutton Center - 2nd Level The Western Zone financial statements June 25 Mid-Year Zone Meeting Minutes</b>
<b>3:30 PM - 4:30 PM</b>	<b>NAIC Welcome Reception -- Rhinelander Gallery - 2nd Level</b>

**August 4, 2019**

Sunday

<b>4:00 AM - 6:00 AM</b>	<b>Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhinelander North &amp; Center - 2nd Floor</b>
<b>6:00 AM - 9:00 AM</b>	<b>Commissioners Roundtable (Regulator Only)</b>
<b>8:00 AM - 10:00 AM</b>	<b>Lunch - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhinelander North &amp; Center - 2nd Floor</b>
<b>9:00 AM - 10:00 AM</b>	<b>California Delegation Meeting -- East Suite - 4th Floor</b>
<b>10:00 AM - 11:00 AM</b>	<b>Long-Term Care (EX) Task Force -- America's Hall II - 4th Level</b>
<b>11:00 AM - 11:30 AM</b>	<b>Meeting w/ Jonathan Dixon, International Association of Insurance Supervisors (IAIS) Secretary General; -- East Suite – NY Hilton Midtown – 4th Floor.</b>
<b>11:30 AM - 11:50 AM</b>	<b>Meeting w/ NAIC Consumer Representatives; Contact: Brendan Bridgeland, Center for Insurance Research, NAIC Consumer Representative, -- East Suite – NY Hilton Midtown – 4th Floor.</b>



**August 5, 2019**

Monday

<b>4:00 AM - 6:00 AM</b>	<b>Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhineland North &amp; Center - 2nd Floor</b>
<b>8:00 AM - 10:00 AM</b>	<b>Lunch - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhineland North &amp; Center - 2nd Floor</b>
<b>10:00 AM - 10:30 AM</b>	<b>Financial Condition (E) Committee -- Gramercy - 2nd Level</b>
<b>10:30 AM - 12:00 PM</b>	<b>Property and Casualty Insurance (C) Committee -- America's Hall II - 4th Level</b>
<b>12:30 PM - 1:15 PM</b>	<b>NAIC Podcast Interview - "Climate Resilience" -- Concourse E Meeting Room, Concourse Level, New York Hilton Midtown -- 1335 6th Avenue, New York, NY 10019</b>

**August 6, 2019**

Tuesday

<b>4:00 AM - 6:00 AM</b>	<b>Breakfast - Regulators, Consumer Rep. and NAIC Staff -- Hilton Rhineland North &amp; Center - 2nd Floor</b>
<b>6:00 AM - 8:00 AM</b>	<b>NAIC Joint Meeting of Executive (EX) Committee and Plenary</b>

**August 7, 2019**

Wednesday

**9:30 AM - 10:30 AM**

**Meeting with Placer County Supervisors Kirk Uhler, Cindy Gustafson - Lisa Burlison -- Placer County Administrative Offices, 175 Fulweiler Avenue, Auburn CA**

**The following will be in attendance:**

**Todd Leopold, Placer County Executive Officer Kirk Uhler, Supervisor, District 4 (Board Chair) Cindy Gustafson, Supervisor, District 5**

**Bekki Riggan, Deputy CEO (Public Health & Safety) Holly Powers, Assistant Director of Emergency Services**

**Joel Joyce, Management Analyst/Legislative**

**Jane Christenson, Assistant County Executive Officer Sarah Pointdexter, Management Analyst**

**11:30 AM - 12:30 PM**

**Meeting with Nevada County Supervisors Dan Miller, Ed Scofield -- Nevada County Eric Rood Administrative Center 950 Maidu Avenue, Suite 200 (2nd Floor) Nevada City, CA 95959 (Board's Conference Room)**

**Attendees:**

**Supervisors Dan Miller and Supervisor Ed Scofield CEO Alison Lehman Clerk of the Board Julie Patterson Hunter**

**2:00 PM - 3:00 PM**

**Meeting with Butte County Supervisors Lambert and Teeter -- 25 County Center Drive, Oroville, CA 95965**

**Staff: Michael, Tony, Allison**

**Board Chair, Supervisor Steve Lambert**

**Vice Chair, Supervisor Doug Teeter**

**Chief Administrative Officer, Shari McCracken**

**Assistant Chief Administrative Officer, Brian Ring**

**Deputy Chief Administrative Officer, Casey Hatcher**

**August 8, 2019**

Thursday

**No responsive calendar entries**

**August 9, 2019**

Friday

**10:00 AM - 12:30 PM**

**Santa Barbara/Montecito Roundtable Discussion with Assembly  
Member Limon -- Montecito Association - 1469 E Valley Rd,  
Montecito, CA 93108**

**August 10, 2019**

Saturday

**6:30 PM - 8:00 PM**

**SB 1391 Gathering -- Sherman Oaks, CA**

**August 11, 2019**

Sunday

**No responsive calendar entries**

**August 12, 2019**

Monday

**No responsive calendar entries**



**August 13, 2019**

Tuesday

<b>1:00 PM - 1:45 PM</b>	<b>Meeting w/ CalEPA Secretary Blumenfeld; Contact: Michelle Sinclair -- SAC-17 Video Conf Rm #17005 (Primary)</b>
<b>1:45 PM - 2:45 PM</b>	<b>Staff briefing -- CRL's office</b>
<b>3:00 PM - 3:30 PM</b>	<b>Confirmed Meeting w/ Ann O'Leary; CDI Staff: Catalina, Michael Martinez, and Mike Peterson -- Governor's Office, State Capitol</b>
<b>4:00 PM - 5:00 PM</b>	<b>Staff Briefing</b>
<b>5:00 PM - 5:30 PM</b>	<b>Staff Briefing w/ Catalina and Janice -- CRL's Office</b>

**August 14, 2019**

Wednesday

**10:00 AM - 11:00 AM**

**Meeting with Tom Mays, Alvarez and Marcel re Long Term Care insolvency; CDI Staff: Catalina, Susan Bernard (participating in LA) -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary)**

**Attendees from Alvarez and Marsal include:**

**Jim McDermott, Managing Director, Insurance Advisory Services  
Douglas Greer, Senior Director, company restructuring, financial, operational and strategic advisory;**

**Scott Harrison, Senior Advisor and former Deputy Superintendent of the New York State Insurance Department and Deputy Commissioner of the Delaware Insurance Department;  
Tom Mays, Consultant**

**1:00 PM - 2:00 PM**

**Scheduling Meeting w/ David and Roberta -- CRL's office**

**August 15, 2019**

**Thursday**

- 10:00 AM - 11:00 AM** Meeting w/ Calaveras County including Greg Pryor (other attendees below); CDI Staff: Catalina, Michael M, Joel, Mike Peterson and Tony -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary); SF-23 Video Conf Rm (Office of Commissioner)
- Attendees:**  
Greg Pryor, a 38 year retired professional Fire Captain Sac Metro Fire and standing local special district Fire Board member in West Point, Calaveras County  
Jack Garamendi , County of Calaveras Supervisor District 1 Albert Alt, County Administrator for Calaveras County Chief of Amador County Fire Protection, Chief Walt White  
Calaveras County of West Point Fire Protection Chief, Terry Miller. Chair of the Amador County FireSafe Council, Pat Minyard  
The standing Mayor of Jackson Ca, and Insurance professional Connie Gonsalves  
Also Area Professional Foresters and fire fuel mitigation and resource management specialists.
- 11:15 AM - 12:00 PM** Staff Briefing w/ Legislative Team; CDI Staff: Catalina, Michael, Melissa, Josephine, Kendra and Mel -- SAC-17 Video Conf Rm #17005 (Primary)
- 1:00 PM - 2:00 PM** El Dorado County Meeting with Supervisors -- Conference Room A in the County Government Center, 330 Fair Lane, Placerville CA 95667  
Attendees for El Dorado County Meeting on the 15<sup>th</sup>
- Supervisor Brian Veerkamp,  
Dist. 3 (Vice Chair)  
Supervisor John Hidahl,  
Dist. 1  
Don Ashton, Chief  
Administrative Officer  
Carla Hass,  
Communications  
Director  
Laurel Brent-Bumb, CEO, El Dorado County  
Chamber of Commerce (Possible)  
Representative fr/ EDC Association of Realtors
- 4:00 PM - 5:00 PM** Amador County Supervisors Meeting; Joel to staff -- 810 Court Street, Jackson, CA -  
Attendees:
- District 5 Brian Oneto  
District 3 Jeff Brown  
County Administrative Officer Chuck Iley  
Contact: Jeff Brown
- 7:30 PM - 8:30 PM** Keynote Speaker for the Amador County Democratic Central Committee's 14th annual dinner -- Jackson Rancheria, Casino Resort, Amador County, 12222 New York Ranch Rd, Jackson, CA 95642

**August 16, 2019**

Friday

<b>10:00 AM - 10:45 AM</b>	<b>Staff Briefing - -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>11:00 AM - 11:30 AM</b>	<b>Staff Briefing -- SAC-17 Video Conf Rm #17005 (Primary); CC-EB Conf Rm</b>

**August 17, 2019**

Saturday

**9:00 AM - 10:30 AM**

**Speak/Present at Session III - Lessons from the Past: The  
Evolution of Latino Political Leadership in California -- UCLA  
Meyer and Renee Luskin Conference Center, Los Angeles, CA**

**August 18, 2019**

Sunday

**5:00 PM - 6:00 PM**

**Speak (Keynote) at the Peninsula Democratic Coalition**

**Location: Cuesta Park, 165 Cuesta Drive, Mountain View, CA**

**August 19, 2019**

Monday

**No responsive calendar entries**

**August 20, 2019**

Tuesday

**7:30 AM - 8:30 AM**

**Confirmed Meeting w/ Ana Matosantos -- Fox and Goose, 1001 R  
St, Sacramento, CA 95811**



**August 21, 2019**

Wednesday

**1:30 PM - 2:00 PM**

**Interview Call with Michael Robertson of the California Foundation on the Environment and Economy (CFEE) --**

**2:30 PM - 3:00 PM**

**Meeting w/ Chubb's Jodi Bond, EVP Global Governmental Affairs, Richard Pike VP and Counsel re Chubb's New Policy on Coal Underwriting and Investment -- SAC-17 Video Conf Rm #17005 (Primary); LA-14 Video Conf Rm #14001 (Primary)**

**August 22, 2019**

Thursday

<b>1:00 PM - 1:30 PM</b>	<b>Call w/ Sharon</b>
<b>1:30 PM - 2:00 PM</b>	<b>Interview EPRC CEA Position -- CRL's Office</b>
<b>2:00 PM - 2:30 PM</b>	<b>Scheduling meeting w/ David and Roberta -- CRL's office</b>
<b>2:30 PM - 3:30 PM</b>	<b>Staff Briefing -- CRL's Office</b>
<b>6:00 PM - 8:00 PM</b>	<b>Nevada County Town Hall- Wildfire Insurance Recovery Update- -- Foothill Sierra Event Center in Grass Valley - Nevada County 400 Idaho Maryland Rd, Grass Valley, CA 95945</b>

**August 23, 2019**

Friday

<b>10:00 AM - 10:30 AM</b>	<b>Meeting w/ Mike P -- CRL's office</b>
<b>11:45 AM - 12:45 PM</b>	<b>Meeting w/ the Governor -- Office of the Governor, State Capitol</b>
<b>4:15 PM - 4:45 PM</b>	<b>CDP Rural Caucus Speaking at 4:30pm sharp -- Double Tree by Hilton 2050 Gateway Place, 2nd Level, Fir Room San Jose, CA</b>

**August 24, 2019**

Saturday

**No responsive calendar entries**

**August 25, 2019**

Sunday

**1:00 PM - 2:30 PM**

**Pacific Coast University, School of Law in Long Beach 88th  
Commencement Ceremony - -- Cal State Long Beach in the Gerald  
R. Daniel Recital Hall, 1250 N. Bellflower Blvd. Long Beach, CA  
90840**

**August 26, 2019**

Monday

<b>11:00 AM - 11:30 AM</b>	<b>Meet and Greet with the Consul General of Israel in Los Angeles -- LA Office</b>
<b>12:30 PM - 1:00 PM</b>	<b>Staff Briefing</b>
<b>1:00 PM - 1:30 PM</b>	<b>Phone call w/ Senate Appropriations Chair Portantino</b>
<b>2:00 PM - 2:30 PM</b>	<b>Meeting w/Angela -- CRL's office</b>

**August 27, 2019**

Tuesday

<b>10:00 AM - 11:30 AM</b>	<b>Staff Meeting -- SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner); LA-14 Video Conf Rm #14001 (Primary)</b>
<b>1:45 PM - 2:15 PM</b>	<b>Call w/ Assembly Appropriations Chair Lorena Gonzalez-Fletcher</b>
<b>2:15 PM - 3:00 PM</b>	<b>Meeting w/ Anna Maubach, w/ Kahn, Soares and Conway, LLP -- SAC-17 Video Conf Rm #17005 (Primary); SF-21 Video Conf Rm #21010 (Primary)</b>
<b>3:00 PM - 3:30 PM</b>	<b>Record Our Promise Video -- CRL's office</b>
<b>6:40 PM - 7:35 PM</b>	<b>Receive the Dream Maker Award at the Campaign for College Opportunity's 15th Anniversary Celebration -- Crocker Art Museum 216 O St, Sacramento, CA 95814</b>

**August 28, 2019**

Wednesday

<b>10:30 AM - 11:15 AM</b>	<b>Scheduling Meeting w/ David and Roberta -- CRL's office</b>
<b>11:30 AM - 12:15 PM</b>	<b>Staff Briefing; CDI Staff: Catalina, Mike L. and Ken S. -- SAC-16 Video Conf Rm #16005 (Secondary); SF-23 Video Conf Rm (Office of Commissioner)</b>
<b>3:00 PM - 3:30 PM</b>	<b>Check in -- CRL's Office</b>
<b>6:00 PM - 8:00 PM</b>	<b>Placer County Listening Tour -- Gold Country Fairgrounds, Placer Hall, 209 Fairgate Road, Auburn, CA 95603 Staff: Tonya /Julia</b>



**August 29, 2019**

Thursday

<b>12:00 PM - 12:30 PM</b>	<b>Meeting w/ President pro Tempore Toni G. Atkins -- Capitol Office Room 205</b>
<b>3:00 PM - 4:00 PM</b>	<b>Meeting with the Tuolumne County Supervisor's -- 2 South Green St., 4th floor, Sonora, CA 95370</b>
<b>5:00 PM - 7:00 PM</b>	<b>Tuolumne County Insurance Town Hall -- Sonora Opera Hall &amp; Community Center, 250 S Washington St, Sonora, CA 95370 -</b>

**August 30, 2019**

Friday

**8:45 AM - 9:15 AM**

**Meeting w/ASM Daly -- State Capitol, Room 3120**

**August 31, 2019**

Saturday

**No responsive calendar entries**

## **EXHIBIT 9**



July 19, 2019

**VIA EMAIL AND OVERNIGHT DELIVERY**

Ms. Chao Lor  
California Department of Insurance  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Email: Chao.Lor@insurance.ca.gov  
Tel.: (916) 492-3207

**RE: Public Records Act Request**

Dear Ms. Lor,

Pursuant to Government Code section 6253, subdivision (b) of the Public Records Act ("PRA"), and Article 1, section 3 of the California Constitution, Consumer Watchdog hereby requests copies of the following records:<sup>1</sup>

All e-mail or any other communications ("Communications") between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, or Larry R. Graber. This request also includes Communications between Insurance Commissioner Lara or his representatives, including staff of the Department, and any individuals employed by or representing Applied Underwriters, California Insurance Company, Constitution Insurance Company, or Independence Holding Company. This request includes, but is not limited to, records providing the identities of the individuals participating in the Communications, the topics of those Communications, and the contents of those Communications. This request includes, but is not limited to, any Communications regarding matters pending before the Department, including before the Administrative Hearing Bureau. This request seeks records from January 7, 2019 to the present.

Please note that this letter constitutes a new PRA request. However, as pointed out in our July 11, 2019 letter regarding PRA-2019-00555, each of the individuals and companies identified in this revised request raises significant public interest issues, as it

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<sup>1</sup> As used in this letter, the term "records" includes writings and correspondence that are printed, typed, hand-written, facsimiles, or computer-generated e-mail.

Ms. Lor Chao  
California Department of Insurance  
July 19, 2019  
Page 2 of 2

appears these individuals and companies were attempting to inappropriately influence Commissioner Lara's decision-making on important public matters in violation of state and federal law.

Consumer Watchdog requests these records in an electronic format such as a Portable Document Format ("PDF").

Any records withheld from production for inspection should be separately identified and should be accompanied by the claimed justification for withholding those records as required by Government Code section 6255. The justification should state the nature of the record withheld and the specific exemption under which the record is being withheld, and provide an explanation of why the public interest is served by withholding the record. We reserve the right to appeal the Department's decision to withhold any materials.

Should you contend that a portion of a particular record is exempt from disclosure, pursuant to Government Code section 6253, subdivision (a) the exempt portion should be redacted and the remaining portion be produced for inspection.

Consumer Watchdog is prepared to pay reasonable search and duplication fees in connection with this request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Government Code section 6253, subdivision (e). (See *North Co. Parents Org. v. California Dep't of Educ.* (1994) 23 Cal.App.4th 144, 148.) As the information that is the subject of this request is of primary benefit to the public, we ask that the Department waive all search and duplication fees.

Consistent with Government Code section 6253, subdivision (c), we expect to hear from the Department within ten days. If you have any questions regarding this PRA request, please contact me at (310) 392-2632 or [Jerry@ConsumerWatchdog.org](mailto:Jerry@ConsumerWatchdog.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jerry Flanagan', with a horizontal line drawn underneath the name.

Jerry Flanagan

## **EXHIBIT 10**



**RICARDO LARA**  
CALIFORNIA INSURANCE COMMISSIONER

September 16, 2019

Jerry Flanagan  
[\(jerry@consumerwatchdog.org\)](mailto:jerry@consumerwatchdog.org)

SUBJECT: PRA-2019-00697

Dear Mr. Flanagan:

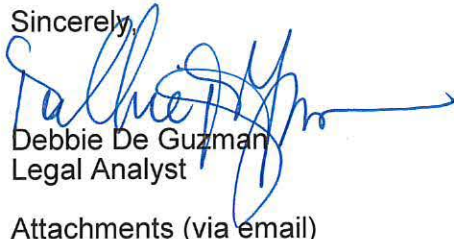
On July 19, 2019, the California Department of Insurance ("Department") received your Public Records Act request in the above referenced matter.

Specifically, your request seeks:

All e-mail or any other communications ("Communications") between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, or Larry R. Graber. This request also includes Communications between Insurance Commissioner Lara or his representatives, including staff of the Department, and any individuals employed by or representing Applied Underwriters, California Insurance Company, Constitution Insurance Company, or Independence Holding Company. This request includes, but is not limited to, records providing the identities of the individuals participating in the Communications, the topics of those Communications, and the contents of those Communications. This request includes, but is not limited to, any Communications regarding matters pending before the Department, including before the Administrative Hearing Bureau. This request seeks records from January 7, 2019 to the present.

The Department concluded its search and provides you with the attached disclosable public records. Please be advised that certain information was withheld, in whole or in part, pursuant to Insurance Code sections 12919 and 735.5. In addition, the Department purposely excluded production of certain attachments to email correspondence related to ongoing litigation against Applied Underwriters because the Department is not a party. Some of the excluded attachments contain personal health information about individuals that are privileged and confidential under Civil Code section 1798.24, evidence Code sections 1040 and 1041, and Government Code section 6254, subdivisions (a), (c), (d), and (k). Should you wish to receive copies of these attachments, we ask that you contact the parties' counsels, Mr. Phil Walker and/or Mr. Jeff Silver.

Sincerely,



Debbie De Guzman  
Legal Analyst

Attachments (via email)



**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <Jeffreysilver@silver-law.net>  
**Sent:** Thursday, March 28, 2019 5:01 AM  
**To:** Han, Donovan; Burch, Bob; Bello, Adeola  
**Cc:** Chen, Jing Yi; Sia, Bernadette; Havick, Ryan; Mathis, Daniel; Reiner, Eric; Vang, Ber; Bernard, Susan; Lo, Michelle  
**Subject:** RE: Exit Meeting- Applied Underwriters, Inc. Subgroup

Confirming my attendance.

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558

-----Original Appointment-----

**From:** Han, Donovan [<mailto:Donovan.Han@insurance.ca.gov>]  
**Sent:** Wednesday, March 27, 2019 3:35 PM  
**To:** Jeff Silver; Burch, Bob; Bello, Adeola  
**Cc:** Chen, Jing Yi; Sia, Bernadette; Havick, Ryan; Mathis, Daniel; Reiner, Eric; Vang, Ber; Bernard, Susan; Lo, Michelle  
**Subject:** Exit Meeting- Applied Underwriters, Inc. Subgroup  
**When:** Thursday, March 28, 2019 1:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** [REDACTED]

Hi Everyone,

I would like to schedule an exit meeting with the Applied Underwriters, Inc. management team to discuss the results of the Group Financial Examination as of December 31, 2017. The Agenda for this meeting and a Summary of Findings and Recommendations is attached.

Please forward this invite to anyone you think would need to attend.

Thanks,

Donavan Han, CFE  
Senior Insurance Examiner- Specialist  
California Department of Insurance  
Field Examination Division  
(415) 538-4066  
[donavan.han@insurance.ca.gov](mailto:donavan.han@insurance.ca.gov)

*CONFIDENTIALITY NOTICE: This communication may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication. << File: Exit Meeting Agenda.docx >> << File: Exam Findings and Recommendations.pdf >> << File: IT Findings and Recommendations with Responses.docx >> << File: Letter of Representation.pdf >> << File: Subsequent Events Letter.pdf >> << File: Draft Report-California Insurance Company..pdf >>*

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Wednesday, March 20, 2019 6:54 AM  
**To:** Han, Donovan  
**Subject:** Call

Just confirming there is no call today.

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Wednesday, March 20, 2019 3:35 PM  
**To:** Han, Donovan  
**Subject:** RE: Exit Meeting- Applied Underwriters, Inc. Subgroup

Just confirming and it is okay. You have quite a group attending.

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
402-393-1984

---

**From:** Han, Donovan [mailto:Donavan.Han@Insurance.ca.gov]  
**Sent:** Wednesday, March 20, 2019 5:30 PM  
**To:** Jeff Silver  
**Subject:** RE: Exit Meeting- Applied Underwriters, Inc. Subgroup

Hi Jeff,

It will be 11 AM PST and 1 PM CST. Will that be ok?

Thanks,

Donavan

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Wednesday, March 20, 2019 3:27 PM  
**To:** Han, Donovan <Donavan.Han@Insurance.ca.gov>; Burch, Bob <bburch@eidebailly.com>; Bello, Adeola <adeola.bello@tdi.texas.gov>  
**Cc:** Chen, Jing Yi <JingYi.Chen@Insurance.ca.gov>; Sla, Bernadette <Bernadette.Sla@Insurance.ca.gov>; Havick, Ryan <rhavick@eidebailly.com>; Mathis, Daniel <daniel.mathis@Ild.iowa.gov>; Reiner, Eric <eric.reiner@tdi.texas.gov>; Vang, Ber <Ber.Vang@Insurance.ca.gov>  
**Subject:** RE: Exit Meeting- Applied Underwriters, Inc. Subgroup

To confirm, the 1:00 p.m. start time is Pacific time.

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
402-393-1984

-----Original Appointment-----

**From:** Han, Donovan [mailto:Donavan.Han@Insurance.ca.gov]  
**Sent:** Wednesday, March 20, 2019 5:19 PM  
**To:** Jeff Silver; Burch, Bob; Bello, Adeola  
**Cc:** Chen, Jing Yi; Sla, Bernadette; Havick, Ryan; Mathis, Daniel; Reiner, Eric; Vang, Ber  
**Subject:** Exit Meeting- Applied Underwriters, Inc. Subgroup  
PRA-2019-00697

GLB000004

When: Thursday, March 28, 2019 1:00 PM-3:00 PM (UTC-06:00) Central Time (US & Canada).

Where: [REDACTED]

Hi Everyone,

I would like to schedule an exit meeting with the Applied Underwriters, Inc. management team to discuss the results of the Group Financial Examination as of December 31, 2017. The Agenda for this meeting and a Summary of Findings and Recommendations will be added to this invite shortly before the meeting.

Please forward this invite to anyone you think would need to attend.

Thanks,

Donavan Han, CFE

Senior Insurance Examiner- Specialist

California Department of Insurance

Field Examination Division

(415) 538-4066

[donavan.han@insurance.ca.gov](mailto:donavan.han@insurance.ca.gov)

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**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Thursday, June 6, 2019 2:54 PM  
**To:** Hein, Patricia; Phil@askphilwalker.com  
**Subject:** RE: Applied Underwriters/CIC Petition to Suspend Certificate of Authority

Dear Ms. Hein:

Thank you for your letter.

Jeff Silver

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
402-393-1984

**From:** Hein, Patricia <Patricia.Hein@insurance.ca.gov>  
**Sent:** Thursday, June 06, 2019 4:50 PM  
**To:** Phil@askphilwalker.com  
**Cc:** Jeff Silver <jeffreysilver@silver-law.net>  
**Subject:** Applied Underwriters/CIC Petition to Suspend Certificate of Authority

Dear Mr. Walker:

Please see the attached.

Patricia Hein  
Attorney IV, Government Law Bureau  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Email: [patricia.hein@insurance.ca.gov](mailto:patricia.hein@insurance.ca.gov)  
Phone: (415) 538-4430  
Fax: (415) 904-5490

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**De Guzman, Debbie Lynne**

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**From:** Hein, Patricia  
**Sent:** Thursday, June 6, 2019 2:50 PM  
**To:** Phil@askphilwalker.com  
**Cc:** jeffreysilver@silver-law.net  
**Subject:** Applied Underwriters/CIC Petition to Suspend Certificate of Authority  
**Attachments:** Response to Phil Walker Re AU.pdf; AUCRA C&D Order.pdf

Dear Mr. Walker:

Please see the attached.

Patricia Hein  
Attorney IV, Government Law Bureau  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Email: [patricia.hein@insurance.ca.gov](mailto:patricia.hein@insurance.ca.gov)  
Phone: (415) 538-4430  
Fax: (415) 904-5490



**RICARDO LARA**  
CALIFORNIA INSURANCE COMMISSIONER

SENT VIA EMAIL AND U.S. MAIL

June 6, 2019

Phil Neal Walker Law Corporation  
250 King Street, Suite 414  
San Francisco, CA 94107

SUBJECT: Petition Re: Certificate of Authority of Applied Underwriters' Affiliates

Dear Mr. Walker:

This letter acknowledges and responds to your emails, in which you request that the California Department of Insurance schedule a hearing to consider revoking or suspending the certificate of authority of Applied Underwriters' affiliates, AUCRA and CIC, and request an order for the production of documents. Unfortunately, I was unaware of your emails until recently because they were automatically diverted to my spam email inbox. Please note for the future that the Department does not accept pleadings or service by email.

Title 10 California Code of Regulations section 2509.40, et seq. sets forth the procedure for employers, insurers, rating organizations and other persons to request review by, or an appeal to, the Insurance Commissioner concerning the business of workers' compensation. Indeed, the Administrative Hearing Bureau has adjudicated a number of cases in which employers prevailed in disputes involving AUCRA and CIC's business practices. Although these regulations and related statutory authority provide an adjudicatory process for persons aggrieved by the application of rate filings, there is no similar process under sections 700(c) and 704. Nonetheless, thank you for notifying the Department of your concerns regarding this insurer. We have also had concerns about the EquityComp product and the behavior of Applied Underwriters and its affiliates.

As you may be aware, in 2016, the Department entered into a Stipulated Consent Cease and Desist Order in which CIC and AUCRA agreed to cease and desist issuing new Reinsurance Participation Agreements until such time as the RPA form was submitted to the WCIRB and the Department in compliance with the requirements of Insurance Code sections 11658 and 11735. A copy of the order is attached. In 2017, in conjunction with the settlement of the appeal of the *Shasta Linen* case, the Department approved revised forms that CIC and AUCRA agreed to use in lieu of the RPA, and AUCRA agreed to stop using the RPA form in California. The new agreements foster more transparency and accountability and disclose information that employers

CALIFORNIA DEPARTMENT OF INSURANCE  
PROTECT • PREVENT • PRESERVE  
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San Francisco, CA 94105  
Tel: 415-538-4430 • Fax: 415-904-5490  
Patricia.Hein@insurance.ca.gov

PRA-2019-00697

GLB000008



need to make an informed decision about the EquityComp program. To our knowledge, neither CIC nor AUCRA have written any new policies in California since then despite the approval of the revised agreements.

Although we will not be scheduling a hearing regarding this matter at present, we appreciate your alerting us to this situation and we will continue to monitor the activities of CIC and AUCRA in the state to ensure their compliance with California insurance laws.

Cordially,

*Patricia Hein*

Patricia Hein  
Acting Assistant Chief Counsel

ph:tms

Attachment

cc: Kristin Rosi, Chief Administrative Law Judge  
Jeffrey Silver

1  
2  
3  
4  
5 BEFORE THE INSURANCE COMMISSIONER  
6 OF THE STATE OF CALIFORNIA  
7

8 In the Matter of the Certificates of  
9 Authority of

File No.: MI-2015-00064

10 CALIFORNIA INSURANCE COMPANY  
11 and APPLIED UNDERWRITERS  
12 CAPTIVE RISK ASSURANCE  
13 COMPANY, INC.

STIPULATED CONSENT CEASE AND  
DESIST ORDER

Respondents.

14 The California Department of Insurance (CDI), Respondent California Insurance  
15 Company (CIC) and Respondent Applied Underwriters Captive Risk Assurance Company, Inc.  
16 (AUCRA) enter into this Stipulated Consent Cease and Desist Order (Consent Order) and CIC  
17 and AUCRA<sup>1</sup> consent to the issuance of this Consent Order by the Insurance Commissioner  
18 pursuant to the terms set forth below.

19 I.

20 MATTERS IN THIS PROCEEDING

21 A. CIC and AUCRA each acknowledge service and receipt of the Notice of Hearing and  
22 Order to Cease and Desist from Issuance or Renewal of Workers' Compensation Insurance  
23 Policies and Collateral/Ancillary Agreements in Violation of Insurance Code §§11658 and 11735  
24 and California Code of Regulations, Title 10, Sections 2251 and 2268 dated June 28, 2016 (the  
25 Notice) and acknowledge service and receipt of the Amended Notice of Hearing and Order to  
26 Cease and Desist from Issuance or Renewal of Workers' Compensation Insurance Policies and  
27

28 <sup>1</sup> Nothing in this Consent Order shall be construed as an admission by CDI that CIC and AUCRA are not a single  
entity for purposes of the Commissioner's Order in *In the Matter of the Appeal of Shasta Linen Supply, Inc.*, CDI File  
No. AHB-WCA-14-31.

1 Collateral/Ancillary Agreements in Violation of Insurance Code §§11658 and 11735 and  
2 California Code of Regulations, Title 10, Sections 2251 and 2268 dated July 13, 2016 (the  
3 Amended Notice).

4 B. CIC and AUCRA deny the allegations set forth in the Notice and the Amended Notice  
5 but in lieu of proceeding with a hearing on the Amended Notice on July 27, 2016, agree to the  
6 terms set forth in this Consent Order.

7 C. The CDI, CIC and AUCRA agree that the terms of this Consent Order do not  
8 constitute an admission or agreement by CIC or AUCRA as to matters alleged in the Notice and  
9 the Amended Notice.

## 10 II

### 11 RECTALS

12 A. The Notice and Amended Notice allege that CIC issued guaranteed cost workers'  
13 compensation insurance policies (Guaranteed Cost Policies) that required the employer/insured to  
14 enter into a Reinsurance Participation Agreement (RPA) with AUCRA:

15 B. The Insurance Commissioner issued a Decision & Order in *In the Matter of the Appeal*  
16 *of Shasta Linen Supply, Inc.*, CDI File No. AHB-WCA-14-31 (*Shasta Linen*), which stated that  
17 the RPA issued to Shasta Linen Supply, Inc. in connection with a Guaranteed Cost Policy was  
18 illegal and void because it is an unfiled and unapproved collateral agreement that was not filed  
19 with the California Workers' Compensation Insurance Rating Bureau (WCIRB) and the CDI in  
20 compliance with Insurance Code §§11658 and 11735 and California Code of Regulations, Title  
21 10, §2268 and former §2218.

22 C. The Decision and Order in *Shasta Linen* was made precedential pursuant to  
23 Government Code §11425.60(b).

24 D. CIC disagrees with the findings in the *Shasta Linen* Decision & Order and it has filed  
25 a Verified Petition for a Peremptory Writ of Mandate and Complaint for Declaratory and  
26 Injunctive Relief, Los Angeles County Superior Court Case No. BS 163243 (the Writ  
27 Proceeding), which challenges the *Shasta Linen* Decision & Order.

28 ///

1. III

2. DEFINITIONS

3. A. The term RPA means (i) the RPA form issued to Shasta Linen Supply, Inc. that was  
4 the subject of the Decision & Order in *Shasta Linen* for which the current term of the RPA has  
5 not expired or (ii) any form of RPA that is substantially similar to the RPA issued to Shasta Linen  
6 Supply, Inc. and that is ancillary or collateral to a guaranteed cost workers' compensation  
7 insurance policy that covers claims by California workers arising within locations in California  
8 and/or employees employed in facilities in California, or workers whose employment is otherwise  
9 covered under California workers' compensation laws, regardless of where CIC and an employer  
10 entered the contract for which the current term of the RPA has not expired. This definition  
11 excludes non-California employees that are covered by a non-California workers' compensation  
12 policy.

13 B. The term "Policy" or Policies" means (i) a Guaranteed Cost Policy or Policies for  
14 which an RPA is in force as of July 1, 2016 (that is, the current term of the RPA has not expired)  
15 and (ii) Guaranteed Cost Policies that cover claims by California workers, arising within locations  
16 in California and/or employees employed in facilities in California or workers whose employment  
17 is otherwise covered under California workers' compensation laws, regardless of where CIC and  
18 an employer entered the contract, for which the RPA expired between the date of the Notice and  
19 the date of this Consent Order (hereinafter, "California Policy"). This definition excludes non-  
20 California employees that are covered by a non-California workers' compensation policy.

21 IV

22 AGREEMENT

23 A. CIC and AUCRA will cease and desist from issuing new RPAs or renewing existing  
24 RPAs with respect to a California Policy until such time as the RPA has been submitted to the  
25 WCIRB and the CDI in compliance with the requirements of Insurance Code §11658 and §11735  
26 and all other applicable statutes and regulations, and the RPA has not been disapproved.

27 B. Notwithstanding Paragraph IV (A) above, CIC may renew a Policy issued in  
28 connection with an RPA in force as of July 1, 2016.

1 C. Arbitrations under either an RPA that is currently an in-force RPA or a past RPA  
2 entered into or issued in California will take place in California.

3 D. CIC and AUCRA will not apply run-off loss development factors to any Policy at any  
4 time, including upon termination, cancellation or nonrenewal of the RPA or upon termination,  
5 cancellation or nonrenewal of the Policy. The term "run-off loss development factor" means the  
6 run-off loss development factor referred to in RPA Schedule 1, Paragraph 4.

7 E. CDI actuaries, on the one hand, and CIC and AUCRA actuaries on the other hand, will  
8 immediately meet and confer for the purpose of determining and agreeing upon modified loss  
9 development factors (LDFs) to be used in connection with the Policies. Upon agreement among  
10 the actuaries as to modified LDFs, which may include the current LDFs, those LDFs will apply to  
11 the Policies and RPAs.

12 F. If CDI actuaries and CIC and AUCRA actuaries are able to agree on modified LDFs,  
13 as referred to in Paragraph (IV) (E), then no hearing will be held on the Amended Notice, and this  
14 matter will be concluded. If the CDI actuaries and CIC and AUCRA actuaries are unable to agree  
15 on modified LDFs, or if the Insurance Commissioner does not approve an agreement by the  
16 parties, the hearing on the Amended Notice will proceed on September 2 and September 9, 2016,  
17 or such other or continued hearing date agreed upon by CDI, CIC, AUCRA, and the  
18 Administrative Hearing Bureau (AHB), or as set by AHB.

19 G. If an agreement among actuaries as specified in Paragraph IV (F) is not reached, CIC  
20 and AUCRA agree that nonetheless the amendments to RPAs that are specified in Paragraph IV  
21 (C) and IV (D) of this Consent Order will nevertheless remain in force.

22 H. Notwithstanding Article IV. A, AUCRA may issue or renew RPAs and CIC may issue  
23 or renew Guaranteed Cost Policies in connection with RPAs if a final judgment has been entered  
24 in the Writ Proceeding which determines that (i) the RPA is not a collateral or ancillary  
25 agreement subject to the requirements of Insurance Code §11658 and applicable regulations; (ii)  
26 the RPA is not subject to the filing requirements of Insurance Code §11735; and (iii) the RPA is  
27 not otherwise subject to filing requirements of the Insurance Code.

28

1 I. If CIC or AUCRA obtain a preliminary injunction in the Writ Proceeding on the  
2 grounds specified in Paragraph IV (H), above, CIC and AUCRA agree to meet and confer with  
3 the CDI to determine whether such relief should cause the parties to agree to stay this Consent  
4 Order pending the outcome of the Writ Petition on the merits. CIC and AUCRA acknowledge  
5 that the CDI does not concede that injunctive relief is an appropriate remedy in the Writ  
6 Proceeding.

7 J. If a final judgment of the nature specified in Paragraph IV (H) above is entered, CIC  
8 and AUCRA nonetheless agree that the amendments to RPAs that are specified in Paragraph  
9 IV(C) and IV(D) of this Consent Order will remain in force, and (ii) if CDI actuaries and CIC and  
10 AUCRA actuaries agree upon loss development factors as provided for in Paragraph IV(E)  
11 below, the agreed upon loss development factors will continue to apply to any RPA currently in  
12 force at the time of this Consent Order.

13 K. CIC and AUCRA will recalendar the date for hearing on the Notice of Motion and  
14 Motion for Stay of Administrative Order filed in the Writ Proceeding (Motion for Stay) for on or  
15 after September 30, 2016. If a hearing on the Amended Notice has not concluded by September  
16 30, 2016, and has not otherwise been settled, CIC and AUCRA will continue the hearing date on  
17 the Motion for Stay by thirty days, and such additional time thereafter as will ensure that a  
18 rennotice of the hearing would both be served after the hearing on the merits of the Amended  
19 Notice has concluded, and comply with sections 1005 and 1013 of the Code of Civil Procedure.  
20 Furthermore, prior to such rennotice, CDI, on the one hand, and CIC and AUCRA on the other  
21 hand, will confer as to the relief sought by CIC and AUCRA in the Motion for Stay to ensure that  
22 any stay order that may be issued does not modify or negate any of the terms of this Consent  
23 Order.

24 L. This Consent Order only pertains to the proceeding noticed and matters set forth in the  
25 Amended Notice and it does not pertain to the Writ Petition or *Shasta Linen*, and nothing in this  
26 Consent Order constitutes a waiver of CIC's or AUCRA's rights to pursue the Writ Proceeding or  
27 other relief pertaining to *Shasta Linen* (except as limited by Paragraph H above.)  
28

1 M. Nothing in this Consent Order prevents CIC from issuing standalone Guaranteed Cost  
2 Policies that have been submitted to the WCIRB and the CDI and which have not been  
3 disapproved. The term "standalone" means a Guaranteed Cost Policy for which no RPA is  
4 entered into.

5 N. Nothing in the Consent Order limits or affects the rights of the Insurance  
6 Commissioner in connection with the Writ Petition or *Shasta Linen* and, except as otherwise  
7 specified in Article IV, D, E, F, and J above, nothing in this Stipulated Agreement affects or  
8 limits the powers or rights of the Insurance Commissioner to contend or declare that RPAs (other  
9 than RPAs that are filed with the WCIRB and the CDI and that are not disapproved) are  
10 unenforceable, void, voidable, or illegal and nothing limits the powers or rights of the Insurance  
11 Commissioner to initiate or make any investigation, to institute any legal or administrative  
12 proceeding, to take any action permitted by law, and to seek and obtain all relief and remedies  
13 (including any fines or penalties), or to adjudicate the rights of others, as otherwise permitted by  
14 law.

15 O. This Consent Order only applies to policies and RPAs covering loss exposures in  
16 California, claims arising within locations in California and California workers. The Consent  
17 Order is not intended to impact policies or RPAs relating to risks covered outside of California.

18 P. This Consent Order may be executed in counterparts, each of which shall constitute a  
19 duplicate original. Execution by facsimile or by electronically transmitted signature shall be fully  
20 and legally binding.

21 Q. CIC and AUCRA acknowledge that this Consent Order is a public record pursuant to  
22 Government Code §6250 *et seq.* Pursuant to Insurance Code §12968, this Consent Order will be  
23 posted on the CDI's internet website.

24 R. This Consent Order will be interpreted and construed in accordance with California  
25 law, without regard to choice-of-law considerations.

26 S. Respondents acknowledge that Insurance Code §12921(b) (1) requires the Insurance  
27 Commissioner to approve the final settlement of this matter. The terms of this Consent Order are  
28

1 contingent upon the Insurance Commissioner's approval, which shall be evidenced by the Order  
2 in substantially the form and content as set forth on page 8 hereof.

3 The CDI and Respondents CIC and AUCRA execute this Consent Order as follows:

4 Date: August 25, 2016

CALIFORNIA DEPARTMENT OF INSURANCE

By: 

MICHAEL J. LEVY  
DEPUTY GENERAL COUNSEL

9 Date: August 25, 2016

CALIFORNIA INSURANCE COMPANY

By: 

Secretary  
Title

17 Date: August 25, 2016

APPLIED UNDERWRITERS CAPTIVE RISK  
ASSURANCE COMPANY, INC.

By: 

Secretary  
Title



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Jones hereby adopts the Stipulated Consent Cease and Desist Order set forth on pages 1 through 7 of this document, and hereby orders that the parties comply with the terms and conditions to which they have agreed.

  
DAVE JONES  
CALIFORNIA INSURANCE  
COMMISSIONER

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Thursday, June 6, 2019 2:54 PM  
**To:** Hein, Patricia; Phil@askphilwalker.com  
**Subject:** RE: Applied Underwriters/CIC Petition to Suspend Certificate of Authority

Dear Ms. Hein:

Thank you for your letter.

Jeff Silver

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
402-393-1984

---

**From:** Hein, Patricia <Patricia.Hein@insurance.ca.gov>  
**Sent:** Thursday, June 06, 2019 4:50 PM  
**To:** Phil@askphilwalker.com  
**Cc:** Jeff Silver <jeffreysilver@silver-law.net>  
**Subject:** Applied Underwriters/CIC Petition to Suspend Certificate of Authority

Dear Mr. Walker:

Please see the attached.

Patricia Hein  
Attorney IV, Government Law Bureau  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Email: [patricia.hein@insurance.ca.gov](mailto:patricia.hein@insurance.ca.gov)  
Phone: (415) 538-4430  
Fax: (415) 904-5490

*CONFIDENTIALITY NOTICE: This communication may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.*

**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:31 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 9 of 9  
**Attachments:** 4 Pet to Susp Exh 9 052619.pdf

Attached.

Phil Walker

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

Phil Walker Work Comp Savings  
Phil Walker AMA Report Reviews  
[www.philwalker.do](http://www.philwalker.do)

**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:31 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 8 of 9  
**Attachments:** 4 Pet to Susp Exh 8 052619.pdf

Attached.

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Phil Walker, Esq.  
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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:31 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 7 of 9  
**Attachments:** 4 Pet to Susp Exh 7e 052619.pdf; 4 Pet to Susp Exh 7d 052619.pdf; 4 Pet to Susp Exh 7c 052619.pdf; 4 Pet to Susp Exh 7b 052619.pdf; 4 Pet to Susp Exh 7a 052619.pdf

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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:30 PM  
**To:** Hein, Patricia; Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 6 of 9  
**Attachments:** 4 Pet to Susp Exh 6a 052619.pdf; 4 Pet to Susp Exh 6b 052619.pdf

Attached.

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Phil Walker, Esq.  
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San Francisco, CA 94107

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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:28 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 3 of 9  
**Attachments:** 4 Pet to Susp Exh 3a Revd 052619.pdf

Attached.

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:29 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 4 and 5 of 9  
**Attachments:** 4 Pet to Susp Exh 4 052619.pdf; 4 Pet to Susp Exh 5 052619.pdf

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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Sunday, May 26, 2019 5:27 PM  
**To:** Hein, Patricia; Jeff Silver  
**Subject:** Applied Underwriters/Calif. Ins. Co: Pet. to Suspend Certif of Authority. Exh 1 and 2 of 9  
**Attachments:** 4 Pet to Susp Exh 1 052619.pdf; 4 Pet to Susp Exh 2a Revd 052619.pdf

Attached.

Phil Walker  
Counsel for Pitamber,  
Stovall's Inn, Personal  
Touch Clean., and Envir.  
Control

Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Friday, May 24, 2019 11:18 AM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver;anthony.coles@dlapiper.com;shand.stephens@dlapiper.com  
**Subject:** Stovall's Inn, Personal Touch Cleaning, and Envir. Control: Date for Taking Action re Further Steps of 5/31/19

Dear Ms. Hein:

I have previously filed Requests for Order Compelling Production in these matters.

I will take further action regarding this matter on June 1, 2019, if a determination is not received with regard to these Requests.

I do this because I have had experience before where the Department of Insurance has not acted on requests. In such situations, the Department never responded after filings and response. Therefore, I have to implement a date on which to act because I do not know if I will receive a response or determination from the Department.

Respectfully submitted,

Phil Walker

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Friday, May 17, 2019 11:51 AM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters, et. al. Petition for Hrg. on Suspension, Denial, or Revocation of Certificate to Insure of Applied entities  
**Attachments:** AU Req for Hrg On Susp of Certif of Auth to Insure 051719.docx

Dear Ms. Hein:

Attached, please find a Request for Hearing on Suspension, Denial, or Revocation of the Certificate to Insure of the Applied entities.

**In light of the pending sale of the Applied entities by September 30, 2019, we do respectfully request the scheduling of the hearing at the earliest possible date.**

Exhibits will follow.

I am also filing 2 copies with the Department of Insurance Administrative Hearing Bureau.

Respectfully submitted,

Phil Walker  
Counsel for Pitamber,  
Stovall's Inn, Personal Touch Cleaning,  
and Environment Control.

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

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**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Monday, May 13, 2019 11:13 AM  
**To:** Jeff Silver  
**Cc:** Hein, Patricia  
**Subject:** Re: Environment Control Building Maintenance Company

Dear Ms. Hein,

I am sure you are familiar with the corporate structure of the Applied companies, including Applied Underwriters, Inc., AUCRA, California Insurance Company, Continental Indemnity, Applied Risk Services, and others.

1. The corporate structure is outlined in the *Shasta Linen ALJ Dept. of Insurance* decision.
2. Tribunals which have examined the corporate relationships have found that all of the Applied companies are intertwined and inextricable and should be treated as one entity.
3. Environment Control renews each of its arguments made to the Department of Insurance.
4. Compliance with Labor Code Section 3762 and Insurance Code Sec. 700(c) by the Applied companies is independent of any arbitration action. As a result, Environment Control requests that the Department of Insurance exercise its authority over the Applied companies and order them to comply with Labor Code Section 3762.

Respectfully submitted,

Phil Walker  
Counsel for Environment  
Control

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

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Phil Walker AMA Report Reviews  
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On Mon, May 13, 2019 at 7:52 AM Jeff Silver <[jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)> wrote:

Ms. Hein:

I am in receipt of Mr. Walker's May 8, 2019 e-mail to you again urging the California Department of Insurance to become involved as leverage in a matter pending in a private arbitration.

This is amply demonstrated by Mr. Walker's reference to AUCRA (Applied Underwriters Captive Risk Assurance Company, Inc.). AUCRA is not Environment Control Building Maintenance company's workers' compensation insurer and is not therefore subject to Labor Code Section 3762.

As previously indicated, this dispute will be resolved in the existing pending private arbitration.

Thank you for your attention to this matter.

Jeff Silver

**Jeffrey A. Silver**

10805 Old Mill Road

Omaha, Nebraska 68154

Telephone: 402-393-1984

Facsimile: 402-393-8558

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Monday, May 13, 2019 7:52 AM  
**To:** Hein, Patricia  
**Cc:** 'phil@askphilwalker.com'  
**Subject:** Environment Control Building Maintenance Company

Ms. Hein:

I am in receipt of Mr. Walker's May 8, 2019 e-mail to you again urging the California Department of Insurance to become involved as leverage in a matter pending in a private arbitration.

This is amply demonstrated by Mr. Walker's reference to AUCRA (Applied Underwriters Captive Risk Assurance Company, Inc.). AUCRA is not Environment Control Building Maintenance company's workers' compensation insurer and is not therefore subject to Labor Code Section 3762.

As previously indicated, this dispute will be resolved in the existing pending private arbitration.

Thank you for your attention to this matter.

Jeff Silver

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Tuesday, May 7, 2019 8:15 AM  
**To:** Hein, Patricia  
**Cc:** phil@askphilwalker.com  
**Subject:** Environment Control Building Maintenance Company  
**Attachments:** P Hein.pdf; Ex 1 EC.pdf; Ex 2 EC.pdf; Ex 3 EC.pdf

Ms. Hein:

Please see attached response.

Thank you.

Jeff Silver

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558



California Insurance Company  
P.O. BOX 3646  
OMAHA, NE 68103-0646

Writer's Direct Line 402-342-4900 ext. 4141; Facsimile 402-393-8558

E-MAIL: [jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)

May 7, 2019

**Via Electronic Mail**

Patricia Hein  
California Department of Insurance  
Legal Division  
45 Fremont Street  
23rd Floor  
San Francisco, California 94105

RE: Environment Control Building Maintenance Company, Inc.

Dear Ms. Hein:

This correspondence will respond to Phil Walker's proposed Order sent to you on May 6, 2019 in connection with Environment Control Building Maintenance Company, Inc. ("Environment Control") and his claim that documents responsive to Labor Code §3762 are not being provided.

Mr. Walker claims this is the fourth request being made to you. To that extent, Mr. Walker is correct. The first is Garratt Callahan. This request was in connection with a pending arbitration with the request for claims information preceding the arbitration and thus seeking pre-arbitration discovery. That matter was resolved by payment by Garratt Callahan.

The same situation existed with respect to Stovall's Inn which I responded to by April 29, 2019 e-mail correspondence to you.

The pattern continued with respect to Personal Touch to which I responded on May 2, 2019.

There are two separate responses to Mr. Walker's correspondence which are detailed below.

First, Environment Control's recent monthly Plan Analysis from Applied Underwriters, Inc. provides a detailed listing of every workers' compensation claim of Environment Control's injured workers. The two most recent Plan Analyses are attached. As you can see, on Page 6 of the February, 2019 Plan Analysis (Exhibit 1), each claim is identified by date of injury, status



Patricia Hein  
May 7, 2019  
Page 2

and total incurred. On Page 12 of the Plan Analysis it provides a Summary of Claims. On Page 13, an Analysis of Closed Indemnity Claim Counts, Claims Summary by Accident Cause, and on Page 14 Claims Summary by Body Part Injured and Claims Summary by Nature of Injury. Finally, beginning on Page 15, there is a Claims Listing by name of claimant, status, accident description, date reported, expense type and incurred and total paid. I have highlighted these identified pages. The same Plan Analysis with similar data for the period of March 1, 2019 through March 31, 2019 is provided (Exhibit 2). By simply comparing the Plan Analyses, Personal Touch can determine what changes in the claims have occurred, as well as whether individual reserve amounts have decreased, remained the same or increased, and amounts paid.

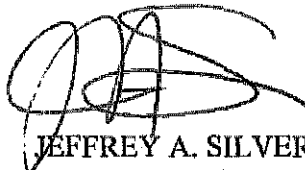
The foregoing provided Environment Control with the required information while at the same protecting the individual private medical information of each claimant.

On April 27, 2019, Mr. Walker filed a Demand For Arbitration with JAMS and in that same correspondence made a demand for claim files to be produced on May 4, 2019, a copy of which correspondence is attached hereto as Exhibit 3. Claim No. 3 of the Arbitration asserts Breach of Contract – Improper Claims Handling. Claim No. 4 of the Arbitration asserts Negligent Claims Handling, Claim No. 5 asserts Gross Negligence in Claims Handling, Claim No. 6 asserts Negligent Hiring, Supervision, and Retention of Employer Handling Claimant Workers' Compensation Claims. Clearly, Mr. Walker is requesting copies of claim files not for Labor Code §3762 but to do pre-arbitration discovery to support Environment Control's arbitration claims. This despite arbitrations being confidential.

California Insurance Company respectfully suggests this is now a private litigation matter and the California Department of Insurance should allow the matter to be fully litigated in the arbitration and not become otherwise involved.

Thank you for your attention to this matter.

Very truly yours,



JEFFREY A. SILVER  
Secretary and General Counsel

JAS/ld  
Attachment

CC: File

**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Monday, May 6, 2019 3:26 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Applied Underwriters: Fourth Request to Ins. Commissioner for Order of Production per LC Sec. 3762  
**Attachments:** ARB Envir Control Req for O to Compel Prodn to Cal Ins Comm 050619.docx

Dear Ms. Hein:

Attached, please find a Request for Order of Production filed on behalf of California insured Environment Control.

This now makes the fourth time I have had to seek the assistance of the Insurance Commissioner due to Applied Underwriter's and it affiliates and subsidiaries', failure to comply with discovery requests under Labor Code Section 3762.

Respectfully submitted,

Phil Walker  
Counsel for Environment Control

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

Phil Walker Work Comp Savings  
Phil Walker AMA Report Reviews  
[www.philwalker.do](http://www.philwalker.do)

**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Saturday, May 4, 2019 10:43 AM  
**To:** Hein, Patricia; Jeff Silver  
**Subject:** Pers. Touch Cleaning v Applied Underwriters: Forwarded to you May 3, 2019, by email

Dear Ms. Hein:

Mr. Silver has written you indicating that it is a private arbitration matter and that the Department of Insurance should not be involved.

I believe he is incorrect. This matter involves enforcement of California Insurance and Labor Code provisions which are applicable to Applied.

1. Labor Code Section 3762 requires an insurer to provide non-privileged documents which affect the insured's premium to the insured. I wrote Mr. Silver requesting this information which has not been provided. Therefore, Applied and its affiliates and subsidiaries, including California Insurance Company, are in violation of Labor Code Section 3762.

2. Cal. Ins. Code Sec. 700 (c) provides:

**(c)**

After the issuance of a certificate of authority, the holder shall continue to comply with the requirements as to its business set forth in this code and in the other laws of this state...

By refusing to comply with Labor Code Section 3762, Applied Underwriters and its affiliates and subsidiaries are in violation of California Insurance Code Section 700(c).

**Therefore, I request that the applicable Certificate of Authority be suspended until Applied, et. al., demonstrate compliance with Insurance Code Sec. 700(c) and Labor Code Section 3762.**

Respectfully submitted,

Phil Walker  
Counsel for Personal Touch Cleaning  
& Maintenance  
Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)

Fax: 888.563.9444

Phil@askphilwalker.com 415-816-3527

GLB000035



**De Guzman, Debbie Lynne**

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**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Friday, May 3, 2019 3:47 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Personal Touch Cleaning v Applied: Response to Mr. Silver's letter to you of May 2, 2019

Dear Ms. Hein:

I wrote you forwarding a Request for Order of Production from the Insurance Commissioner to Applied Underwriters.

1. Mr. Silver has now responded on May 2, 2019. Unfortunately, his response is both inaccurate and not truthful.
2. I have requested the following information pursuant to Labor Code Section 3762 which has not been provided. This is not pre-arbitration discovery. It is a request for records under California Labor Code Section 3762. Arbitration has now been commenced.

I have not received the following records requested on the specified claim files:

- a. All claim notes
  - b. All reserve calculations
  - c. All reserve listings
  - d. Full payment record
  - e. Written records of the approval by AUCRA of all parents of \$15,000 or more
  - f. Written records of approval of AMCRA of all reserve increases of \$50,000 or more; and
  - g. Written records indicating AUCRA's approval of claims handling as reasonably acceptable and written confirmation of such.
3. The Plan Analysis he provided does not include these requested documents.
  4. I have never sought private medical information of claimants.
  5. Mr. Silver wants the Department of Insurance to stay out of this matter. I believe the Department has a duty under the Insurance Code to ensure the California authorized insurers comply with California law, particularly Labor Code Sec. 3762, which is a requirement for continuing to be Certified as Authorized to Conduct Insurance Business in California.
  6. Therefore, Personal Touch Cleaning requests that the Order to Compel Production issue.

PRA-2019-00697

GLB000037

Respectfully submitted,

Phil Walker  
Counsel for Personal Touch Cleaning

Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

Phil Walker Work Comp Savings  
Phil Walker AMA Report Reviews  
[www.philwalker.do](http://www.philwalker.do)

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Friday, May 3, 2019 7:07 PM  
**To:** Hein, Patricia  
**Cc:** 'Phil Neal Walker'  
**Subject:** RE: Personal Touch Cleaning & Maintenance, Inc. -- Applied Underwriters, Inc.

It does not relate to any pending case except a pending private arbitration between the parties. I simply responded to Mr. Walker's effort to involve the Department in a private arbitration matter.

Jeff Silver

---

**From:** Hein, Patricia [mailto:Patricia.Hein@insurance.ca.gov]  
**Sent:** Friday, May 3, 2019 6:05 PM  
**To:** Jeff Silver  
**Cc:** 'Phil Neal Walker'  
**Subject:** RE: Personal Touch Cleaning & Maintenance, Inc. -- Applied Underwriters, Inc.

Mr. Silva.

I am not familiar with this matter. Please let me know if this relates to a pending case or some other issue.

Thank you.

Patricia Hein  
Acting Assistant Chief Counsel, Government Law Bureau  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Email: [patricia.hein@insurance.ca.gov](mailto:patricia.hein@insurance.ca.gov)  
Phone: (415) 538-4430  
Fax: (415) 904-5490

**From:** Jeff Silver [mailto:jeffreysilver@silver-law.net]  
**Sent:** Thursday, May 2, 2019 2:30 PM  
**To:** Hein, Patricia <Patricia.Hein@insurance.ca.gov>  
**Cc:** 'Phil Neal Walker' <Phil@askphilwalker.com>  
**Subject:** Personal Touch Cleaning & Maintenance, Inc. -- Applied Underwriters, Inc.

Please see attached correspondence.

Jeffrey A. Silver 2019-00697

GLB000039

10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558



**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Thursday, May 2, 2019 2:30 PM  
**To:** Hein, Patricia  
**Cc:** 'Phil Neal Walker'  
**Subject:** Personal Touch Cleaning & Maintenance, Inc. -- Applied Underwriters, Inc.  
**Attachments:** P Hein Personal Touch.pdf

Please see attached correspondence.

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558



California Insurance Company  
P.O. BOX 3646  
OMAHA, NE 68103-0646

Writer's Direct Line 402-342-4900 ext. 4141; Facsimile 402-393-8558

E-MAIL: [jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)

May 2, 2019

**Via Electronic Mail**

Patricia Hein  
California Department of Insurance  
Legal Division  
45 Fremont Street  
23rd Floor  
San Francisco, California 94105

RE: Personal Touch Cleaning & Maintenance, Inc.

Dear Ms. Hein:

This correspondence will respond to Phil Walker's May 1, 2019 correspondence on behalf of Personal Touch Cleaning & Maintenance, Inc. ("Personal Touch") and his claim that documents responsive to Labor Code §3762 are not being provided.

Mr. Walker identified three entities for which he has requested claims information. The first is Garratt Callahan. This request was in connection with a pending arbitration with the request for claims information preceding the arbitration and thus seeking pre-arbitration discovery. That matter was resolved by payment by Garratt Callahan.

The same situation exists with respect to Stovall's Inn which I responded to by April 29, 2019 e-mail correspondence to you.

The pattern continues with respect to Personal Touch. There are two separate responses to Mr. Walker's correspondence which are detailed below.

First, Personal Touch's recent monthly Plan Analysis from Applied Underwriters, Inc. provides a detailed listing of every workers' compensation claim of Personal Touch's injured workers. The two most recent Plan Analyses are attached. As you can see, on Page 4 of the February, 2019 Plan Analysis (Exhibit 1), each claim is identified by date of injury, status and total incurred. On Page 6 of the Plan Analysis it provides a Summary of Claims. On Page 7, an Analysis of Closed Indemnity Claim Counts (Page 8), Claims Summary by Accident Cause (Page 8), and on Page 9 Claims Summary by Body Part Injured and Claims Summary by Nature of Injury. Finally, beginning on Page 10, there is a Claims Listing by name of claimant, status,

Patricia Hein  
May 2, 2019  
Page 2

accident description, date reported, expense type and incurred and total paid. I have highlighted these identified pages. The same Plan Analysis with similar data for the period of March 1, 2019 through March 31, 2019 is provided (Exhibit 2). By simply comparing the Plan Analyses, Personal Touch can determine what changes in the claims have occurred, as well as whether individual reserve amounts have decreased, remained the same or increased, and amounts paid.

The foregoing provided Personal Touch with the required information while at the same protecting the individual private medical information of each claimant.

On April 17, 2019, Mr. Walker filed a Demand For Arbitration with JAMS and in that same correspondence made a demand for claim files to be produced on April 24, 2019, a copy of which correspondence is attached hereto as Exhibit 3. Claim No. 3 of the Arbitration asserts Breach of Contract – Improper Claims Handling, Claim No. 4 of the Arbitration asserts Negligent Claims Handling, Claim No. 5 asserts Gross Negligence in Claims Handling, Claim No. 6 asserts Negligent Hiring, Supervision, and Retention of Employer Handling Claimant Workers' Compensation Claims. Clearly, Mr. Walker is requesting copies of claim files not for Labor Code §3762 but to do pre-arbitration discovery to support Personal Touch's arbitration claims. This despite arbitrations being confidential.

California Insurance Company respectfully suggests this is now a private litigation matter and the California Department of Insurance should allow the matter to be fully litigated in the arbitration and not become otherwise involved.

Thank you for your attention to this matter.

Very truly yours,



JEFFREY A. SILVER  
Secretary and General Counsel

JAS/ld  
Attachment

CC: File

**De Guzman, Debbie Lynne**

---

**From:** Hein, Patricia  
**Sent:** Monday, May 13, 2019 11:45 AM  
**To:** Yim, Brentley  
**Subject:** FW: Personal Touch Cleaning v Applied: Third Employer I have had to file a Request for Order of Production for. Attached.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

-----Original Message-----

**From:** Phil Neal Walker [mailto:Phil@askphilwalker.com]  
**Sent:** Wednesday, May 01, 2019 1:58 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Personal Touch Cleaning v Applied: Third Employer I have had to file a Request for Order of Production for. Attached.

Dear Ms. Hein,

This constitutes the third Request for Production I have filed with the California Insurance Commissioner in light of the failure of Applied Underwriters and its affiliates and subsidiaries to comply with California law, specifically Labor Code Section 3762.

The first employer was Garratt Callahan. That Request was filed with Ins. Commissioner Jones. After the filing of the Request, Applied produced the requested information.

I filed a second Request on behalf of Stovall's Inn. That Request was filed on April 27, 2019.

Attached, please find the Third Request filed on May 1, 2019, on behalf of Personal Touch Cleaning.

I would request a ruling by the Insurance Commissioner on this Request.

I anticipate there will be further Requests on behalf of additional employers. I anticipate a fourth Request to be filed in the week of May 6, 2019.

Respectfully submitted,

Phil Walker  
Counsel for Personal Touch Cleaning

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)

Fax: 888.563.9444

Phil@askphilwalker.com  
PRX 2019-00697

GLB000044

Phil Walker Work Comp Savings  
Phil Walker AMA Report Reviews  
[www.philwalker.do](http://www.philwalker.do)

**De Guzman, Debbie Lynne**

---

**From:** Hein, Patricia  
**Sent:** Monday, May 13, 2019 11:45 AM  
**To:** Yim, Brentley  
**Subject:** FW: Stovall's Inn v Applied U Req. for Order of Ins. Comm Compelling Applied to Comply with California Law

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

-----Original Message-----

**From:** Phil Neal Walker [mailto:Phil@askphilwalker.com]  
**Sent:** Wednesday, May 01, 2019 12:33 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Stovall's Inn v Applied U Req. for Order of Ins. Comm Compelling Applied to Comply with California Law

Dear Ms. Hein,

I have received Mr. Silver's response to my Request for Order Compelling Production filed on April 27, 2019.

1. I noted that my request for claims file information was under Labor Code Section 3762. Mr. Silver attempts to mislead you that it was part of an arbitration. It was not. Labor Code Section 3762 requires an insurer to provide all information requested by an insured which may affect the insureds premium.

a. As part of that, I requested the claimant notes, reserve calculations, reserve listings, and full payment records. This is because the premium is calculated based on amounts paid out + reserves. Therefore, the claim notes indicate whether or not the payments made were correct under California law as does the payment record. The reserve calculations and reserve listings indicate whether or not the reserves were correct under California law.

b. Stovall's Inn had purchased the EquityComp program with which you are familiar. That plan was described as a loss-sensitive retrospective rating plan where the employer's losses and experience would affect the premium charged.

In various proceedings, Applied now claims this was not a loss sensitive retrospective rating plan but, rather, a guaranteed cost policy accompanied by a profit-sharing plan. That is NOT what any California DOI ALJ has found in either Shasta Linen or Platinum Security.

c. Mr. Silver has never provided the requested information. Instead, he offered "Claim Summaries" (1 to 2 page summaries prepared by the Claims Examiners" and redacted medical reports. As you can see, this is not what I requested.

Alternatively, he indicated that I could fly to Omaha to review the claim files.

3. Labor Code Section 3762 makes no provision for an insured's representative to have to travel to Omaha to secure claims information. Further, as you can see, a claim summary and redacted medical information would provide no information on whether or not the payments made were correct legally or the reserves set were correct legally.

PR-2019-00697

GLB000046

4. I detailed the language of California Labor Code Section 3762 on pp. 2 and 3 of my Request for Order of Production. Mr. Silver has failed to address the requirements of that statute.

5. Further, as noted, Applied Underwriters and all of its affiliates and subsidiaries licensed to do business in California must comply with California law in order to maintain a Certificate of Authority. This violation of Labor Code Section 3762 constitutes a breach of that requirement.

Therefore, I renew my request that the Order for Production Issue.

Respectfully submitted,

Phil Walker  
Counsel for Stovall's Inn

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)  
Fax: 888.563.9444  
Phil@askphilwalker.com

Phil Walker Work Comp Savings  
Phil Walker AMA Report Reviews  
[www.philwalker.do](http://www.philwalker.do)

**De Guzman, Debbie Lynne**

---

**From:** Jeff Silver <jeffreysilver@silver-law.net>  
**Sent:** Monday, April 29, 2019 2:34 PM  
**To:** Hein, Patricia  
**Cc:** Phil Neal Walker  
**Subject:** Stovall Inns v. Applied Underwriters, Inc.  
**Attachments:** FI-L9TFB6LI41B004292019162919001.pdf

Please see attached.

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558





California Insurance Company  
P.O. BOX 3648  
OMAHA, NE 68103-0648

Writer's Direct Line 402-342-4900 ext. 4141; Facsimile 402-393-8558

E-MAIL: [jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)

April 29, 2019

**Via Electronic Mail**

Patricia Hein  
California Department of Insurance  
Legal Division  
45 Fremont Street  
23rd Floor  
San Francisco, California 94105

RE: Stovall Inns

Dear Ms. Hein:

This correspondence will respond to Phil Walker's April 27, 2019 correspondence on behalf of Stovall Inns ("Stovall") and his claim that documents responsive to Labor Code §3762 are not being provided.

There are two separate responses to Mr. Walker's correspondence which are detailed below.

First, Stovall's recent monthly Plan Analysis from Applied Underwriters, Inc. provides a detailed listing of every workers' compensation claim of Stovall's injured workers. The two most recent Plan Analyses are attached. As you can see, on Page 5 of the February, 2019 Plan Analysis (Exhibit 1), each claim is identified by date of injury, status and total incurred. On Page 8 of the Plan Analysis, it provides a Summary of Claims. On Page 9, an Analysis of Closed Indemnity Claim Counts, Claims Summary by Accident Clause, and on Page 10 Claims Summary by Body Part Injured and Claims Summary by Nature of Injury. Finally, beginning on Page 11, there is a Claims Listing by name of claimant, status, accident description, date reported, expense type and incurred and total paid. I have highlighted these identified pages. The same Plan Analysis with similar data for the period of March 1, 2019 through March 31, 2019 is provided (Exhibit 2). By simply comparing the Plan Analyses, Stovall can determine what changes in the claims have occurred, as well as whether individual reserve amounts have decreased, remained the same or increased, and amounts paid.

The foregoing provided Stovall with the required information while at the same protecting the individual private medical information of each claimant.

On December 14, 2018, Mr. Walker via correspondence indicated that Stovall was initiating arbitration and in addition to claim files wanted to interview the claims examiners and supervisors. This was clearly pre-arbitration discovery. See Exhibit 3.

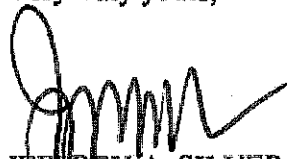
As a result, I viewed Mr. Walker's demand for claim files as essentially pre-arbitration discovery. On February 6, 2019, I offered Mr. Walker that we would make copies of all claim summaries, medical reports with personal medical data redacted and all reserve changes which would provide information consistent with Labor Code §3762 or come to Omaha to view the claim files. The information as to the claims adjusters was not within the purview of Labor Code §3762. Mr. Walker did not accept that option.

On April 17, 2019, Mr. Walker did in fact file a Demand For Arbitration with JAMS. Claim No. 4 of the Arbitration asserts Negligent Claims Handling, Claim No. 5 asserts Gross Negligence in Claims Handling, Claim No. 6 asserts Negligent Hiring, Supervision, and Retention of Employer Handling Claimant Workers' Compensation Claims. Clearly, Mr. Walker is requesting copies of claim files not for Labor Code §3762 but to do pre-arbitration discovery to support Stovall's arbitration claims. This despite arbitrations being confidential.

California Insurance Company respectfully suggests this is now a private litigation matter and the California Department of Insurance should allow the matter to be fully litigated in the arbitration and not become otherwise involved.

Thank you for your attention to this matter.

Very truly yours,



JEFFREY A. SILVER  
Secretary and General Counsel

JAS/ld  
Attachment

CC: File

**De Guzman, Debbie Lynne**

---

**From:** Phil Neal Walker <Phil@askphilwalker.com>  
**Sent:** Saturday, April 27, 2019 4:51 PM  
**To:** Hein, Patricia  
**Cc:** Jeff Silver  
**Subject:** Stovall's Inn v Applied U: Request for Order of Insurance Comm. Compelling Prodn. Per Lab. Code Sec. 3762  
**Attachments:** ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 11.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 7.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 8.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 10.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 9.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 6.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 5.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 3.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 2.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 4.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719 1.jpeg; ARB Stovalls Inn Exhs to Mot to Compel Prodn 042719.jpeg; CAS Stovall's Inn v AU Pet for Prodn and Not of Intent 042719.docx

Dear Ms. Hein,

As Chief Counsel for Workers Compensation within the Department of Insurance, I am forwarding the attached Request for Order Compelling Production of Documents per California Labor Code Section 3762.

I request that this be considered by the Commissioner.

Applied Underwriters and its affiliates and subsidiaries continue to fail to produce documents requested under Labor Code Section 3762. As a result, Applied Underwriters and its affiliates and subsidiaries are in violation of Insurance Code Section 700(c) which requires them to comply with all laws of California to continue holding a Certificate of Authority to Insure.

I have attached a Proposed Order.

If you are not the appropriate person to receive this, please pass it on to the individual who is.

Thank you.

Respectfully submitted,

Phil Walker  
Counsel for Stovall's Inn

Phil Walker  
Phil Walker, Esq.  
250 King Street, Suite 414  
San Francisco, CA 94107

Phone: 415-816-3527 (phone or text)

Fax: 888.563.9444

[Phil@askphilwalker.com](mailto:Phil@askphilwalker.com)

Phil Walker Work Comp Savings

Phil Walker AMA Report Reviews

[www.philwalker.do](http://www.philwalker.do)

## **EXHIBIT 11**



September 17, 2019

**VIA EMAIL AND OVERNIGHT DELIVERY**

Chao Lor  
California Department of Insurance  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Email: [chao.lor@insurance.ca.gov](mailto:chao.lor@insurance.ca.gov)  
Tel.: (916) 492-3207

**RE: Public Records Act Requests – PRA-2019-00555 and PRA-2019-00697**

Dear Ms. Lor,

The Public Records Act (“PRA”) provides that “every person has a right to inspect any public record, except as hereafter provided.” (Gov. Code § 6253(a).) Hence, “all public records are subject to disclosure unless the Legislature has expressly provided to the contrary.” (*Williams v. Superior Court* (1993) 5 Cal.4th 337, 356.) Moreover, the preamble of the PRA statute notes that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Gov. Code § 6250; *ACLU Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 447.)

On September 4, September 13, and September 16 the Department provided partial productions of records responsive to Consumer Watchdog’s requests for Commissioner Lara’s calendar of meetings (“Conferences”) and certain Communications, as defined in the above-captioned PRA requests. Disclosure of such public records in full is essential to restoring the public trust in the Office of the Insurance Commissioner in the wake of news reports of influence peddling involving Commissioner Lara and insurance companies regulated by the Department.

In letters accompanying all three productions, the Department stated, without support, that certain responsive records were withheld because they were either privileged or otherwise exempt from disclosure. For example, regarding the calendar entries provided on September 13, on many days there are no entries of meetings whatsoever, suggesting those records have been heavily expurgated and do not reveal the full picture of Commissioner Lara’s Conferences and Communications relevant to the reports of influence peddling.

September 17, 2019

Page 2 of 2

As the Department did not provide any basis for these blanket claims of privilege nor any description of the withheld records, there is no basis for Consumer Watchdog, or a court, to test the claimed privileges. We therefore write to request the Department provide a privilege log containing a summary description of the subject matter of each withheld record, the date of the record, the author and recipient (if any) of the record, and the basis of the claimed privilege or exemption.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Flanagan', written over a horizontal line.

Jerry Flanagan  
Litigation Director  
(310) 392-2632

## **EXHIBIT 12**





**RICARDO LARA**  
CALIFORNIA INSURANCE COMMISSIONER

September 27, 2019

**VIA EMAIL ONLY**

Jerry Flanagan  
Consumer Watchdog  
6330 San Vicente Blvd., Suite 250  
Los Angeles, CA 90048

RE: Public Records Act Requests – PRA-2019-00555 and PRA-2019-00697

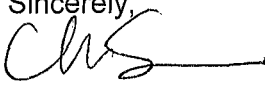
Dear Mr. Flanagan:

This letter is in response to your letter dated September 17, 2019, wherein you requested that the California Department of Insurance ("CDI") provide you with a privilege log for all records withheld relating to the above referenced Public Records Act ("PRA") requests.

Please be advised that the CDI will not provide you with a privilege log as it is not required to do so under the California Public Records Act. The CDI receives between 80-100 PRA requests per month. Any given request could require a review of thousands of records exempt from disclosure. In short, we respectfully decline your request based on the California Supreme Court's analysis in *Haynie v. Superior Court of Los Angeles* (2001) 26 Cal.4<sup>th</sup> 1061.

The CDI has complied with the requirements under Government Code section 6253, subdivisions (a) and (b) by providing you with all disclosable public records on September 4, September 13, and September 16 in response to your PRA requests. For many of the records produced, CDI staff redacted only those portions that are confidential and exempt from disclosure. In each of the letters accompanying all three productions, the CDI provided you with a list of exemptions and/or privileges for information redacted or records withheld in its entirety.

Thank you in advance for your courtesy and consideration.

Sincerely,  
  
Chao Lor  
Senior Attorney

## **EXHIBIT 13**



October 22, 2019

**VIA EMAIL AND OVERNIGHT DELIVERY**

Chao Lor  
California Department of Insurance  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Email: [chao.lor@insurance.ca.gov](mailto:chao.lor@insurance.ca.gov)  
Tel.: (916) 492-3207

**RE: Public Records Act Requests – PRA-2019-00555 and PRA-2019-00697**

Dear Ms. Lor,

On September 4, September 13, and September 16 the Department provided partial productions of records responsive to Consumer Watchdog's requests for Commissioner Lara's calendar of meetings ("Conferences") and certain Communications, as defined in the above-captioned Public Records Act ("PRA") requests. These requests were narrowed to target specific individuals and companies. Disclosure of such public records in full is essential to restoring the public trust in the Office of the Insurance Commissioner in the wake of news reports of influence peddling involving Commissioner Lara and insurance companies regulated by the Department.

In letters accompanying all three productions, the Department stated, without support, that certain responsive records were withheld because they were either privileged or otherwise exempt from disclosure. For example, regarding the calendar entries provided on September 13, on many days there are no entries of meetings whatsoever, suggesting those records have been heavily expurgated and do not reveal the full picture of Commissioner Lara's Conferences and Communications relevant to the reports of influence peddling. We also note that only a single email and a single text from Commissioner Lara were produced.

In addition, Consumer Watchdog understands that instead of producing Commissioner Lara's actual calendars as they appear in their native format(s), the Department *created* a new document and selected, and in some instances altered, the actual calendar entries it chose to produce. Under the PRA, the Department must provide the original records. Please provide copies of the original documents immediately.

As we have previously noted, the Department's concern that producing these records would chill the "deliberative process" have no place where the public interest at stake is whether the regulated companies or Commissioner Lara violated state or federal law. (*See Times Mirror Co.* (1991) 53 Cal.3d 1325, 1341.) The *Times Mirror* decision notes that focused requests like those at issue here outweigh any interest in keeping public records from the public view.

[W]here the public interest in certain specific information contained in one or more of the [elected official's] calendars is . . . compelling, [and] the specific request more focused; then, the court might properly conclude that the public interest in nondisclosure does not clearly outweigh the public interest in disclosure, whatever the incidental impact on the deliberative process.

(*Times Mirror Co.*, 53 Cal.3d at 1345–46). In other words, the *Times Mirror* court

cautioned that '[n]ot every disclosure which hampers the deliberative process implicates the deliberative process privilege. Only if the public interest in nondisclosure clearly outweighs the public interest in disclosure does the deliberative process privilege spring into existence. *The burden is on the [elected official] to establish the conditions for creation of the privilege.*'

(*Labor & Workforce Dev. Agency v. Superior Court* (2018) 19 Cal.App.5th 12, 28, review denied (Apr. 25, 2018) [emphasis added] [quoting *California First Amendment Coal. v. Superior Court* (1998) 67 Cal.App.4th 159, 172–73]; see also *Caldecott v. Superior Court* (2015) 243 Cal.App.4th 212, 226 [holding there was "not a sufficient showing the public interest in nondisclosure outweighs the interest in disclosure. . . . Rather . . . the public interest in disclosure is compelling and is not overcome by the limited, qualified public disclosure exemption."].) For example, in one case the Court of Appeal "conclude[d] that the public interest served by revealing the names of the pharmaceutical companies and others from whom [government officials] sought to obtain [lethal injection drugs] clearly outweighs that favoring nondisclosure." (*American Civil Liberties Union of Northern California v. Superior Court* (2011) 202 Cal.App.4th 55, 77–78.)

Moreover, the blanket withholding of documents without giving Consumer Watchdog enough information to determine whether the withholding is proper is inconsistent with the spirit of the PRA. The Department's blanket statements of exemption and privilege give no information about how many documents are being withheld, or pursuant to which of the claimed privileges and exemptions they are being withheld. For example, is one document being held on the basis of attorney client privilege, or one thousand?

Though the Department refused our request to produce a privilege log detailing the withheld records, the Department should nonetheless provide sufficient information to enable Consumer Watchdog to determine whether the claimed exemptions and privileges are justified.

We therefore request that you provide us with additional information about the type and amount of documents withheld pursuant to each claimed exemption or privilege. Otherwise we will have no choice but to assume that records are being wrongfully withheld and we will be forced to seek an order compelling their production.

Therefore, consistent with *Cedars-Sinai Med. Ctr. v. Superior Court* (1998) 18 Cal. 4th 1, 12-13, this letter demands that you preserve all records responsive to the above PRA requests, including electronically stored information (“ESI”) on all computers, tablets, flash drives, CD Rom discs, handheld devices, smartphones, and any other media, whether digital or non-digital. The ESI and other records to be preserved include, but are not limited to, all “writings” as defined by Evidence Code § 250: “handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

This demand includes all digital messages, emails, text messages, videotapes, files, “tweets,” Facebook posts, and other online communications and voicemail messages.

Failure to preserve these records could result in sanctions, costs, attorney fees, and any other remedies that may be available under the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Flanagan', with a horizontal line drawn underneath.

Jerry Flanagan  
Litigation Director  
(310) 392-2632

## **EXHIBIT 14**



**RICARDO LARA**  
CALIFORNIA INSURANCE COMMISSIONER

October 31, 2019

**VIA EMAIL ONLY**

Jerry Flanagan  
Consumer Watchdog  
6330 San Vicente Blvd., Suite 250  
Los Angeles, CA 90048

RE: Public Records Act Requests – PRA-2019-00555 and PRA-2019-00697

Dear Mr. Flanagan:

This letter is in response to your letter dated October 22, 2019. Your letter requests the California Department of Insurance ("CDI") do the following: 1) provide you with a copy of Commissioner Lara's actual calendars as they appear in their native format(s); 2) provide you with additional information about the type and amount of documents withheld pursuant to each claimed exemption or privilege; and 3) preserve all records responsive to the above referenced Public Records Act ("PRA") requests.

Please be advised that the CDI will not provide you with another version of Commissioner Lara's calendars as requested. On September 13, 2019, the CDI provided you with all responsive calendars and a letter detailing what types of information were not disclosed and under what exemptions or privileges. Certain information was not produced, for instance, because it relates to the Commissioner's personal matters or personnel activities and these types of information are exempt from disclosure under the PRA.

The CDI will not provide you with additional information about the type and amount of documents withheld pursuant to each claimed exemption or privilege because it is not required to do so. (*Haynie v. Superior Court of Los Angeles* (2001) 26 Cal.4<sup>th</sup> 1061.) As you were previously advised the CDI fulfilled its duties and responsibilities under the PRA when it provided a list of exemptions and/or privileges for information redacted or records withheld in its entirety in its September 3, September 13, and September 16 productions.

Jerry Flanagan  
Page 2  
October 31, 2019

Finally, the CDI retains all business records pursuant to its records retention policy and will retain all the responsive records to these PRA requests in accordance with its retention policy.

Thank you in advance for your courtesy and consideration.

Sincerely,  
  
Chao Lor  
Senior Attorney



## **EXHIBIT 15**

**FORM A**

To: The Insurance Commissioner of the State of California  
Attention: Ms. Carol Frair, Bureau Chief  
Legal Division Corporate Affairs Bureau  
45 Fremont Street – 24<sup>th</sup> Floor  
San Francisco, CA 94105

**INFORMATION STATEMENT OF**  
(this “Statement”)

**Steven M. Menzies**  
(the “Offeror”)

**CONCERNING AN OFFER TO ACQUIRE CONTROL OF**

**California Insurance Company**  
(the “Domestic Insurer”)

Dated: May 30, 2019

**The above-captioned contemplated transaction involves an offer to acquire voting securities of the above-named domestic insurer through the means of a purchase of shares of its parent corporation**

**Filed pursuant to Insurance Code Section 1215.2 and Sections 2683 et seq., Title 10, California Administrative Code.**

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-342-4200, Ext. 4141  
Facsimile: 402-393-8558  
jeffreysilver@silver-law.net

**ITEM I. THE OFFER TO PURCHASE OR EXCHANGE SHARES, OR THE AGREEMENT OF MERGER OR PLAN OF REORGANIZATION**

**(a) Insurer.**

The name and address of the Domestic Insurer to which this Statement relates is:

California Insurance Company  
950 Tower Lane  
Foster City, CA 94404  
FEIN No.: 94-1627528  
NAIC No.: 38865

**(b) Method of Acquisition.**

The following is a summary of the proposed acquisition of control of the Domestic Insurer by the Offeror (the "Proposed Acquisition"). The summary of the principal terms of the Proposed Acquisition is qualified in its entirety by reference to the specific agreements identified below.

Berkshire Hathaway Inc. ("Berkshire") owns eighty-one percent (81%) of the issued and outstanding shares of AU Holding Company, Inc., a Delaware Corporation ("AU Holding"). Steven Menzies ("Offeror") owns eleven and one-half percent (11½%) of AU Holding. Sidney Ferenc ("Ferenc") owns seven and one-half percent (7½%) of AU Holding.

AU Holding owns all of the issued and outstanding shares of Applied Underwriters, Inc. ("AUI") and separately all of the issued and outstanding shares of North American Casualty Co. ("NAC") pursuant to an exemption granted under IDB No. 19-648 on May 21, 2019. NAC owns all of the issued and outstanding shares of the Domestic Insurer.

On January 31, 2019, Berkshire, United Insurance Company ("UIC") and Offeror entered into a Stock Purchase Agreement (the "Berkshire SPA") whereby UIC agreed, subject to receipt of all required regulatory approvals, to purchase from Berkshire, by no later than September 30, 2019, the 263,250 shares of AU Holding held by Berkshire. On January 30, 2019, UIC and Ferenc entered into a Stock Purchase Agreement (the "Ferenc SPA") whereby UIC agreed subject to receipt of all regulatory approvals to purchase from Ferenc by no later than September 30, 2019 the 24,375 shares of AU Holding held by Ferenc. UIC assigned the Berkshire SPA and Ferenc SPA (collectively the "UIC Assignments") to Bernard Acquisition Company, LLC ("BAC"). As a result of the transactions contemplated by the Menzies Assignment (as defined and described below), neither UIC nor BAC will acquire any direct or indirect equity or voting interest in the Domestic Insurer and a separate disclaimer of control (the "Disclaimer") will be filed by UIC/BAC with the California Department of Insurance (the "Department") pursuant to California Insurance Code §1215.4(1).

On April 1, 2019, the Offeror entered into an Assignment Agreement (the "Menzies Assignment") with BAC whereby the Offeror agreed: (a) to accept all of BAC's right, title and interest in and to the Berkshire SPA and Ferenc SPA (and indirectly all of the outstanding shares

of the Domestic Insurer); and (b) as consideration for the Assignment, Offeror will cause AU Holding to transfer to BAC all of the issued and outstanding shares of AUI held by AU Holding. Accordingly, control of the Domestic Insurer will be solely with the Offeror.

Pursuant to the Menzies Assignment, the Offeror would acquire through NAC, subject to the receipt of all required regulatory approvals and to the closing of the transactions contemplated by the Berkshire SPA and Ferenc SPA, all of the outstanding capital stock of the Domestic Insurer under the Proposed Acquisition. Under the Menzies Assignment, UIC and BAC will disclaim any and all interest in the Domestic Insurer that UIC/BAC otherwise would have acquired at the closing of the transactions contemplated by the Berkshire SPA and Ferenc SPA and execute the Disclaimer. The Menzies Assignment contains customary representations, warranties and covenants and other terms and conditions.

The closing of the Proposed Acquisition must occur on or before September 30, 2019 or the parties will be under no contractual obligation to consummate the transactions contemplated by the Berkshire SPA, the Ferenc SPA and the Menzies Assignment, and Berkshire will be entitled to retain the \$50 million deposit that was previously paid to Berkshire under the Berkshire SPA.

Executed copies of the Berkshire SPA and Ferenc SPA are attached as Appendix 1 and 2. The UIC Assignments are attached as Appendix 3 and 4 respectively. The Menzies Assignment is attached as Appendix 5.

## **ITEM II. IDENTITY AND BACKGROUND OF THE OFFEROR** **(Section 1215.2(a)1))**

### **(a) The Offeror.**

The name and address of the Offeror seeking to acquire control over the Domestic Insurer is:  
Steven M. Menzies  
6515 North 159 Street  
Omaha, NE 68116

### **(b) The Offeror's Business Operations.**

The Offeror is an individual with twenty-five years' experience in the insurance business including serving as the President and Chief Operating Officer of the Domestic Insurer for the past sixteen years. He is also the sole owner of Constitution Insurance Company, a New York domiciled insurance company rated A- by A.M. Best (and not involved in this transaction).

The Offeror intends to continue business operations of the Domestic Insurer as currently conducted, subject to changes in a manner consistent with sound business practices and the growth and stability of their business, and in accordance with applicable law including any required regulatory approvals. However, the Domestic Insurer will expand its business operations to include Wildfire Home Insurance to California homeowners, Home Insurance to California homeowners in inner-city areas, and workers' compensation to employers involved in

the cannabis industry. The Domestic Insurer currently holds the requisite Certificate of Authority to these lines of business. Prior to submitting this Statement, Offeror submitted a Form A Statement to the Iowa Division of Insurance for Continental Indemnity Company, Applied Underwriters Captive Risk Assurance Company, Inc., Pennsylvania Insurance Company and Illinois Insurance Company domiciled in Iowa, and a Form A to the Texas Department of Insurance for Texas Insurance Company domiciled in Texas. A statement to the Hawaii Department of Insurance for Commercial General Indemnity Company will be submitted. All of these regulatory approvals must be obtained for the Proposed Acquisition to close.

The transaction contemplated by the Ferenc SPA can close independently of the Proposed Acquisition.

**(c) Organizational Chart.**

Not applicable, as the Offeror is a natural person.

**ITEM III. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE OFFEROR (SECTION 1215.2(a)(1))**

**(a) Names and Business Address of Directors and Executive Officers of the Offeror.**

The Offeror is a natural person with extensive experience in the insurance industry beginning in 1994, including serving as the President and Chief Operating Officer of the Domestic Insurer for the past sixteen years.

The name and business address of the Offeror is:

Steven M. Menzies  
6515 North 159 Street  
Omaha, Nebraska 68116

**(b) Principal Business Activity.**

The Offeror's present principal business activity, occupation or employment and other required biographical information is set forth in the biographical affidavit of the Offeror, attached as Appendix 7 to this Statement.

**(c) Previous Occupations.**

A list of the Offeror's primary occupations during the last five years and other required biographical information is set forth in the biographical affidavit of the Offeror, attached as Appendix 7 to this Statement.

**(d) Convictions.**

During the last ten years, the Offeror has not been convicted in a criminal proceeding (excluding minor traffic violations).

**ITEM IV. NATURE, SOURCE AND AMOUNT OF CONSIDERATION  
(SECTION 1215.2(a)(2))**

**(a) Nature, Source and Amount of Consideration.**

The consideration to be paid by the Offeror for the Proposed Acquisition (the "Consideration") is set forth in the Menzies Assignment. Since no monies are being paid by Offeror to BAC, Offeror does not require any financing for the Acquisition.

**(b) Criteria for Determination of Consideration.**

The nature and amount of the Consideration involved in the Proposed Acquisition were determined through arm's length negotiations between unrelated parties with the advice of their respective financial, legal, actuarial and other advisors. The parties have evaluated the value of the interests being transferred and determined, on an arms-length basis, that such transferred interests have approximately equal value.

**ITEM V. FUTURE PLANS FOR THE INSURER (SECTION 1215.2(a)(3))**

**(a) Liquidation, Sale of Assets, Merger, Other Major Change**

The Offeror has no present plans for the Domestic Insurer to liquidate the Domestic Insurer, to sell any of its assets, to merge the Domestic Insurer with any person or persons, to declare a dividend (whether or not extraordinary) or to make any other major change to the Domestic Insurer's business operations except as set forth in Item II (b) or corporate structure or management.

**(b) Description of Proposed Acquisition**

Please see Item I(b) for a description of the Proposed Acquisition.

**(c) Future Operations**

After the Acquisition, the business operations of the Domestic Insurer may change in a manner consistent with sound business practices and the growth and stability of its businesses, including maintaining a conservative ratio of premium writings to surplus and in accordance with applicable law, including any required regulatory approvals.

There will be no change of management and as described in this paragraph, the Offeror has no present plans for the Domestic Insurer to declare a dividend (whether or not extraordinary), to liquidate the Domestic Insurer, to sell any of its assets, or to merge the Domestic Insurer with any person or persons.

UIC/BAC pursuant to the Disclaimer will not have any equity or voting interests in the Domestic Insurer as a result of the transactions contemplated by the Menzies Assignment.

The parties contemplate entering into future negotiations concerning the acquisition of some or all of UIC's subsidiaries by the Domestic Insurer. If such a transaction were to occur that would trigger the requirement for a Form A filing with the Department, and an appropriate Form A would be filed. There is currently no contractual arrangement or side agreement providing for such transaction or otherwise.

**(d) Changes in Board of Directors and Executive Officers**

Following the Proposed Acquisition, the Offeror will elect the following persons to serve as directors, and will cause the Domestic Insurer to appoint the following persons as officers, of the Domestic Insurer:

Directors

Sidney R. Ferenc  
Steven M. Menzies  
Jeffrey A. Silver  
Jon M. McCright  
Marc M. Tract

Officers

Steven M. Menzies, President  
Robert L. Stafford, Vice President Finance  
Justin N. Smith, Vice President/Chief Actuary  
Jeffrey A. Silver, Secretary

These individuals are currently serving in these capacities as directors and officers of the Domestic Insurer, and so no changes are contemplated to be made to the Domestic Insurer's current board except that Sidney R. Ferenc will be Chairman Emeritus and management following the Proposed Acquisition.

Attached to this Statement as Appendix 8 are biographical affidavits for each of the proposed directors and officers listed above.

Separately, fingerprint cards are being submitted to Accurate Biometrics.

**ITEM VI. VOTING SECURITIES TO BE ACQUIRED**

At the closing of the Proposed Acquisition, the Offeror would be the sole, indirect owner of NAC which owns all of the issued and outstanding shares of the Domestic Insurer.

The nature and amount of consideration involved in the Proposed Acquisition were determined through arm's length negotiations between unrelated parties with the advice of their respective financial, legal, actuarial and other advisors.

**ITEM VII. OWNERSHIP OF VOTING SECURITIES (SECTION 1215.2(a)(4))**

Except as contemplated by the Menzies Assignment, neither the Offeror nor any of its affiliates beneficially owns, or has any right to acquire beneficial ownership of, any voting security of the Domestic Insurer.

**ITEM VIII. CONTRACTS, ARRANGEMENTS, OR UNDERSTANDINGS WITH RESPECT TO VOTING SECURITIES OF THE INSURER (SECTION 1215.2(a)(5))**

Other than the Berkshire SPA, the Menzies Assignment and the Ferenc SPA, there are no contracts, arrangements or understandings with respect to any voting security of the Domestic Insurer in which the Offeror or its affiliates is involved.

**ITEM IX. RECENT PURCHASES OF VOTING SECURITIES**

To the knowledge of the Offeror, there have been no purchases of any voting securities of the Domestic Insurer by the Offeror or its affiliates during the 12 calendar months preceding the filing of this Statement.

**ITEM X. RECENT RECOMMENDATIONS TO PURCHASE**

To the knowledge of the Offeror, there have been no recommendations to purchase any voting security of the Domestic Insurer made by the Offeror or its affiliates, or by anyone based upon interviews or at the suggestion of the Offeror or its affiliates, during the 12 calendar months preceding the filing of this Statement.

**ITEM XI. AGREEMENTS WITH BROKER – DEALERS**

No agreement, contract or understanding has been made by the Offeror or its affiliates with any broker-dealer as to solicitation of voting securities of the Domestic Insurer for tender and no amount of fees, commissions or other compensation have been paid by the Offeror or its affiliates to broker-dealers with regard thereto.

**ITEM XII. FINANCIAL STATEMENTS AND EXHIBITS**

**(a) Listing of Appendices.**

A complete listing of the Appendices to this Statement follows:



<b>Appendix</b>	<b>Description</b>
1	Berkshire Stock Purchase Agreement (the “Berkshire SPA”)
2	Ferenc Stock Purchase Agreement (the “Ferenc SPA”)
3	Assignment of Berkshire SPA from UIC to BAC (the “UIC Assignment”)
4	Assignment of Ferenc SPA from UIC to BAC (the UIC Assignment”)
5	Assignment Agreement of Berkshire SPA and Ferenc SPA to Menzies (the “Menzies Assignment”)
6	Post-Acquisition Organizational Chart of the Domestic Insurer
7	Biographical Affidavit of Offeror
8	Biographical Affidavits for Proposed Directors and Officers
9	Financial Statement of the Offeror
10	5 Year Pro-Forma Financial Statement on NAIC UCAA Form for Domestic Insurer
11	Proposed Plan of Operation
12	Enterprise Risk Management

**(b) Financial Statements.**

The financial statement of the Offeror is attached hereto as Appendix 9.

**(c) Tender Offers, etc.**

The Offeror is not aware of any tender offers for, requests or invitations for tenders of, exchange offers for or agreements to acquire or exchange any voting securities of the Domestic Insurer or any additional soliciting material relating thereto.

The Offeror has not proposed or entered into any employment, consultation, advisory, management contracts concerning the Domestic Insurer.

The Domestic Insurer does not issue annual reports to its stockholders.

**ITEM XIII. AGREEMENT REGARDING ENTERPRISE RISK MANAGEMENT**

Attached as Appendix 12.

**Request for Confidentiality**

As to certain Exhibits hereto, annexes, exhibits and schedules thereto, or parts thereof which are submitted under separate cover (Appendices 1, 2, 3, 4, 5, 9, 10 and 11), marked “Confidential” as described above, the Offeror hereby respectfully request that (i) such materials be provided confidential treatment, (ii) the Offeror be notified in advance of any proposed disclosure by the Department and (iii) the Offeror be given reasonable opportunity to seek a protective order or to take other action to prevent or limit such disclosure.

### Commitment

Offeror has been involved with the Domestic Insurer since it became a member of AU Holding. Offeror is committed to retaining control of the Domestic Insurer as a long term investment and to maintain its current domiciliary status in California.

### SIGNATURE

IN WITNESS WHEREOF the person making and filing this information statement hereby incorporates herein all exhibits attached hereto and all writings referred to herein, and declares that the matters stated herein and in the attached exhibits and in the writings incorporated herein are true and correct. In witness whereof the Offeror hereunto affixes his signature and seal at Omaha, Nebraska this 31 day of May, 2019.



STEVEN M. MENZIES

### CERTIFICATION

The undersigned deposes and says that he has duly executed this Form A dated May 31, 2019 and that he is familiar with the Statement and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief.

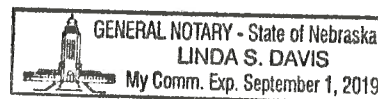


Steven M. Menzies


Subscribed and sworn to this  
31 day of May, 2019

  
Notary Public

My Commission expires on 9-1-19



## **EXHIBIT 16**



**CALIFORNIA**  
**Secretary of State ALEX PADILLA**

SECRETARY OF STATE
ELECTIONS
CAMPAIGN & LOBBYING
BUSINESS PROGRAMS
STATE ARCHIVES
REGISTRIES

Cal-Access Search

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**Cal-Access Home**

Campaign Finance

[Candidates & Elected Officials](#)

[Propositions & Ballot Measures](#)

[Committees, Parties, Major Donors & Slate Mailers](#)

[Daily/Late/Special Filings](#)

Lobbying Activity

Resources

For Filers Only

Political Reform

User's Manual

## Campaign Finance:

# LARA FOR INSURANCE COMMISSIONER 2022; RICARDO

### Election Cycle:

☒ 2019 through 2020

☐ Historical

### View Information:

(Due to the amount of data, these pages may take some time to load.)

☐ General Information

☐ Contributions Received

☐ Contributions Made

☐ Expenditures Made

☒ Late and \$5000+ Contributions Received

☐ Late Contributions Made

☐ Late Independent Expenditures

☐ Electronic Filings

# Cal-Access

**In addition to filing regularly required campaign disclosure statements, candidates, officeholders, ballot measure committees, political parties, PACs, and major donors may file late contribution reports and other special filings. These usually occur in the 90 days preceding Election Day. Contributions and independent expenditures of \$1,000 or more are disclosed within 24 hours of the time they are made or received. You may search in this section by filer, by date, by candidate, and by proposition. At any other time, contributions of \$5,000 or more are disclosed within 10 days.**

**DOWNLOAD THESE RESULTS:** [MICROSOFT EXCEL](#)

## Late and \$5000+ Contributions Received

NAME OF CONTRIBUTOR			CITY	STATE / ZIP
THERESA DEBARBRIE			OCEAN CITY	NJ / 08226
ID NUMBER	EMPLOYER		OCCUPATION	
	BARROW STREET NURSERY SCHOOL		ADMINISTRATIVE COORDINATOR	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$7,700.00	INITIAL	4/16/2019	4/30/2019	2380326-INC28

NAME OF CONTRIBUTOR			CITY	STATE / ZIP
STEPHEN H. ACUNTO			MOUNT VERNON	NY / 10552
ID NUMBER	EMPLOYER		OCCUPATION	
	CINN GROUP, INC.		PRESIDENT	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #

\$7,700.00	INITIAL	4/16/2019	4/30/2019	2380326-INC27
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NAME OF CONTRIBUTOR			CITY	STATE/ZIP
CAROLE H. ACUNTO			YONKERS	NY / 10705
ID NUMBER	EMPLOYER		OCCUPATION	
	PLATINUM EYE PRODUCTIONS, LLC & MEDIA MEASURE MEDIA, LLC		PRESIDENT & EXECUTIVE PRODUCER	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$7,700.00	INITIAL	4/16/2019	4/30/2019	2380326-INC26

NAME OF CONTRIBUTOR			CITY	STATE/ZIP
STEPHEN H. ACUNTO			MOUNT VERNON	NY / 10552
ID NUMBER	EMPLOYER		OCCUPATION	
	CINN GROUP, INC.		PRESIDENT	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$7,800.00	INITIAL	4/16/2019	4/30/2019	2380326-INC21

NAME OF CONTRIBUTOR			CITY	STATE/ZIP
CAROLE H. ACUNTO			YONKERS	NY / 10705
ID NUMBER	EMPLOYER		OCCUPATION	
	PLATINUM EYE PRODUCTIONS, LLC & MEDIA MEASURE MEDIA, LLC		PRESIDENT & EXECUTIVE PRODUCER	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$7,800.00	INITIAL	4/16/2019	4/30/2019	2380326-INC20

NAME OF CONTRIBUTOR			CITY	STATE/ZIP
THERESA DEBARBRIE			OCEAN CITY	NJ / 08226
ID NUMBER	EMPLOYER		OCCUPATION	
	BARROW STREET NURSERY SCHOOL		ADMINISTRATIVE COORDINATOR	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$7,800.00	INITIAL	4/16/2019	4/30/2019	2380326-INC19

NAME OF CONTRIBUTOR			CITY	STATE/ZIP
DARLENE GRABER			AUSTIN	TX / 78750
ID NUMBER	EMPLOYER		OCCUPATION	
	NONE		HOMEMAKER	
AMOUNT	TYPE	TRANS. DATE	FILED DATE	TRANS #
\$7,800.00	INITIAL	4/24/2019	4/25/2019	2377135-INC24

NAME OF CONTRIBUTOR		CITY	STATE/ZIP
JEFFREY THORN		BROOLINE	MA / 02446
ID NUMBER	EMPLOYER	OCCUPATION	

	ADKINS KELSTON & ZAVEZ P.C.		ATTORNEY	
<b>AMOUNT</b>	<b>TYPE</b>	<b>TRANS. DATE</b>	<b>FILED DATE</b>	<b>TRANS #</b>
\$15,500.00	INITIAL	4/11/2019	4/23/2019	2376384-INC22

## **EXHIBIT 17**

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## Release of Lara's Calendar and Public Records Suggest Lara Made First Contact In "Pay to Play" Insurance Scandal (/insurance/release-laras-calendar-and-public-records-suggest-lara-made-first-contact-pay-play)

🕒 Thu, 09/19/2019 - 09:27

📁 Posted in: INSURANCE (/INSURANCE)

### Raises Questions About Cleansing of Calendar and Role of Lena Gonzalez



February 26, 2019 -- CA Insurance Commissioner Ricardo Lara with disgraced NM Insurance Commissioner Eric Serna.

**UPDATE: 9/20 Consumer Watchdog sent this letter**

**([https://www.consumerwatchdog.org/sites/default/files/2019-09/9-19-](https://www.consumerwatchdog.org/sites/default/files/2019-09/9-19-19LetterRelCLaraPlusRelease.pdf)**

**19LetterRelCLaraPlusRelease.pdf ) to the California Attorney General and District Attorneys for Sacramento, San Francisco and Los Angeles along with the information below.**

**Los Angeles, CA --** Calendar entries, documents, and newly uncovered photographs reveal that



Insurance Commissioner Ricardo Lara, not his fundraiser, made first contact with an agent of a workers compensation insurance company offering political support in conjunction with seeking approval for a change of control in the company.

New records, produced under the Public Records Act, appear incomplete and suggest Lara is not being fully forthcoming about his meetings. For example, the only email produced from Lara himself is one sent to Consumer Watchdog's president. Lara did not produce his texts, but a phone record from a Department official includes Lara's response approving a key meeting with principals in the scandal. Consumer Watchdog asked the Department to provide a privilege log of all the calendar entries and documents withheld to assess a potential Public Records Act challenge.

In addition, the records implicate a new political figure in the scandal, Lara's handpicked-successor for his state senate seat Senator Lena Gonzalez.

Documents show that former New Mexico Superintendent of Insurance Eric Serna, who resigned in disgrace in the wake of a pay-to-play fundraising scandal, tried to broker Lara's approval of the sale of Berkshire Hathaway-controlled California Insurance Company to his associate Steve Menzies, while offering fundraising and political assistance to Lara.

Serna is considered the Chuck Quackenbush of New Mexico. He resigned in 2006 as New Mexico Superintendent of Insurance under a cloud, including an attorney general investigation into a state contract Serna awarded to a Santa Fe bank that gave \$129,000 to a charity that Serna founded. The chair of the state Public Regulation Commission cited "the continued entanglements with his private interests and his official duties" as the reason for his retirement.

Newly-uncovered photographs (<https://consumerwatchdog.org/ricardo-lara-pictures>) of a taxpayer-funded trip Lara took to New Mexico reveal Serna and Lara were together in late February in Santa Fe. The Santa Fe meetings were prior to March email communiques between Serna and Lara's fundraising consultant, Dan Weitzman, that ignited the fundraising scandal and led to the firing of Weitzman and an apology from Lara. The photographs place Lara on the ground floor of the pay-to-play scandal with his arms around its kingpin, even though Lara claimed his fundraiser was to blame and he did not make the inappropriate overtures.

View a timeline of events: <https://consumerwatchdog.org/sites/default/files/2019-09/LaraTimelineSept.pdf> (<https://consumerwatchdog.org/sites/default/files/2019-09/LaraTimelineSept.pdf>)

Lara did not disclose the February contact with Serna in his Public Record Act release of his calendar of meetings Friday. Lara's apology stated that "my campaign operation scheduled meetings and solicited campaign contributions that did not fall in line with commitments I made to refuse contributions from the insurance industry." Yet, the photographs of Lara and Serna at an immigrant rights group event that Lara's calendar notes he attended demonstrate Lara has not been fully forthcoming.

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Evidence shows Serna arranged and attended March meetings with Lara and his staff including both the buyer and seller of the workers compensation insurance company to discuss the company's change of ownership approval and fundraising for "relationship building" for the Lara 2022 campaign. Serna is general counsel for Nelson Taplin Goldwater Consultants (NTG), an insurance consulting group whose Chairman is Barry Goldwater Jr., where his associates, related entities and son donated \$23,500 in 2018 to the Lara campaign, donations that Lara has not returned.

Department correspondence involving Serna from early March paint a troubling picture of the mixing of official decisions and fundraising. However, the newly released calendar and Public Record Act responses show that taxpayers paid for Lara's travel to and lodging in Santa Fe, where Serna is based, from February 25th – February 27th, just days before the troubling March fundraising emails. Lara's calendars list only two events for which taxpayers picked up Lara's Santa-Fe bills: a celebration at an immigration rights group, Somos Un Pueblo Unido, and an insurance panel the next morning.

Photographs of the immigrant rights group event, uncovered from an event photographer's online gallery, show Lara spent that evening arm and arm with Serna, who introduced him from the podium and gave him an award. See the photographs here: <https://consumerwatchdog.org/ricardo-lara-pictures> (<https://consumerwatchdog.org/ricardo-lara-pictures>) (A separate photo gallery from the same photographer show Serna as central figure in a July celebration with Steve Menzies.)

Serna appears to be connective tissue in the Lara scandal. According to the recently released calendars, Serna and Lara had dinner in New York on April 10th, six days before the questionable donations flowed to "Lara 2022" from associates and relatives affiliated with insurance companies, mostly related to Menzies. Weitzman was also in New York and reimbursed by "Lara 2022" at the time. One mysterious donor not related to Menzies, Texas homemaker Darlene Graber, who gave \$7800 to Lara, lives with Larry Graber, the head of an insurance company that sells "short term" health insurance policies banned in California. Lara's calendars state Serna met with Lara about "short term" health policies on January 30th and the April 10th dinner with Lara was with Serna and health insurers.

The fact that Lara flew to Santa Fe and met with Serna, just days before the unseemly March emails mixing Department decisions and fundraising began, suggest Lara, not Weitzman, was approached directly with a "pay to play" proposition. It also shows the release of Lara's calendars, which were heavily expurgated, may not reveal the full picture of his actual dealings relevant to the fundraising scheme.

One day after Lara's return from Santa Fe on March 1st, Lara's fundraiser Dan Weitzman, Lara and his Department staff exchanged emails discussing meetings with the Menzies team about both fundraising and about California Insurance Company's change of ownership. The pending change will have to be approved by September 30th according to Department statements.

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Lara later attended a March 12th fundraising meeting described as the Berkshire Hathaway lunch meeting "to benefit Ricardo Lara for Insurance Commissioner 2022" at Camden, Spit & Larder in Sacramento. Meeting attendees: Lara, Steve Menzies CEO Applied Underwriters, Jeff Silver Applied Underwriters counsel, Jamie Sahara Chairman of Cayman Islands-based United Insurance Company, Camille Alcala California Democratic Party Deputy Director of Finance), Dan Weitzman, Eric Serna.

View the meeting agenda: <https://www.consumerwatchdog.org/sites/default/files/2019-09/PRA2019-00555CDIMeetings30pdf.pdf>  
(<https://www.consumerwatchdog.org/sites/default/files/2019-09/PRA2019-00555CDIMeetings30pdf.pdf>)

On the same day, March 12th, information in a follow-up internal California of Department of Insurance (CDI) email thread describes "the highlights of what was discussed" in a meeting with staff members and is heavily redacted. Jeff Silver, a lawyer for the Berkshire-Hathaway subsidiaries, sent a follow-up email to Department employees saying "thank you for taking the time to visit with Eric, Steve Menzies and me concerning the soon to be filed Form A for California Insurance Company. We look forward to working with you and your staff to meet the September 30, 3019 deadline." [Form A is the paperwork seeking Lara's approval of the acquisition of Applied Underwriters by Steve Menzies and United Insurance.]

### **Lena Gonzalez Received \$25K From Menzies Associates, Pays Weitzman**

Ten days following the lunch meeting, on March 22nd, board members and a relative of a board member of Menzies-controlled Constitution Insurance Company sent \$25,000 in campaign contributions to Lara ally and hand-picked state Senate successor Lena Gonzalez. According to campaign donation records compiled by the National Institute on Money in State Politics, none had previously donated in California political campaigns. All are on the board of directors, or related to a board member, of Menzies' Constitution Insurance Company, whose board overlaps with Applied Underwriters and California Insurance Company. Another \$46,500 in campaign contributions were made to Lara by individuals connected to Menzies through Constitution Insurance Company, donations at the center of the fundraising scandal embroiling Lara. Lara returned those contributions. The \$25,000 to Gonzalez came from:

- Contributor Xiaoyun A. Hu, of Burlingame, California, is identified as a manager of the Constitution Group by the SOS. He is also a member of the Board of Directors of Constitution Insurance Company. Hu contributed \$8,500 to Gonzalez on March 22, 2019.
- Contributor Pei H. Hu, apparently a relative of Xiaoyun A. Hu, is identified as a manager of the King Chuan Restaurant in SOS records. She contributed \$8,000 to Gonzalez on March 22, 2019.
- Contributor Katy Van Horn, of Castro Valley, CA, is identified by the SOS as a business owner. She is also a member of the Board of Directors of Constitution Insurance Company. Van Horn

contributed \$8,500 to Gonzalez on March 22, 2019.

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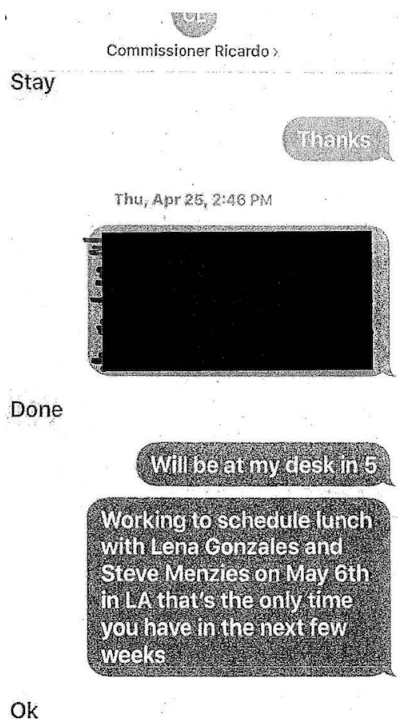


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A day after the contributions were made to Lena Gonzalez, on March 23rd, Lara's Facebook page shows he participated in GOTV events for Gonzalez in Long Beach. Three days after the contributions, on March 25th, Lena Gonzalez for Senate 2019 paid Lara fundraiser Dan Weitzman \$12,000 for campaign consulting. On June 10th, Lena Gonzalez for Senate 2019 paid Dan Weitzman another \$12,000 for campaign consulting. In total, Gonzalez has paid Weitzman \$24,000, almost exactly the amount she received in campaign contributions from people connected to Menzies, including an extra \$210 paid for expenses on April 20th.

The contributions raise serious questions: Did Lara receive any of the money paid by Gonzalez to Weitzman? Did Steve Menzies, new owner of California Insurance Company in the pending sale, launder contributions through Gonzalez and board members of the interlocking companies in order to hide their true source and avoid campaign spending limits? Were the contributions intended to influence Lara's approval of the pending sale, actions that would constitute a bribe under state law?

Gonzalez's name surfaces again in an April 24th text message to Lara from a Department employee's phone (Lara did not produce his texts), seeking to schedule a lunch in May with "Lena Gonzales and Steve Menzies." Lara replies "OK." A subsequent May 1st email from Jamie Sahara CEO of Cayman Islands-based United Insurance, the buyer in the California Insurance Company deal, is the most vivid example of policy discussions alongside fundraising. Sahara's company is in the middle of the Berkshire/Applied Underwriters/Menzies sale – as it entered into a stock purchase agreement with Berkshire to buy Applied & transfer control to Menzies.



In the below email from a chain between Jamie Sahara, David Green Special Assistant at the Department of Insurance, and Dan Weitzman, Sahara discusses lunch (presumably the same lunch Lara received the text about) between Weitzman, Gonzalez, Menzies, Sahara and Lara:

Lara received the text about between Weitzman, Gonzalez, Menzies, Sahara and Lara :

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"We would like to schedule two meetings with the Commissioner:

1. Formal policy discussion with the Commissioner to discuss the California Insurance Company.
2. Political meeting with the Commissioner, Lena Gonzalez, and Dan Weitzman"

View the email: <https://www.consumerwatchdog.org/sites/default/files/2019-09/PRA2019-00555CDIMeetings47.pdf> (<https://www.consumerwatchdog.org/sites/default/files/2019-09/PRA2019-00555CDIMeetings47.pdf>)

While that one email suggests two meetings, only one appears to be scheduled. Records reflect a lunch meeting on May 6, 2019, from 12:00 – 2:00pm at NoMad in Los Angeles, with Steve Menzies & Jamie Sahara; Dan Weitzman may also have been in attendance; multiple records appear to notify other people who may or may not have attended: Catalina Hayes-Bautista (Lara's CDI chief-of-staff), Angela Lizarraga (formerly a member of Lara's Senate staff), Roberta Potter (Lara's CDI appointment scheduler).

Why Lara's fundraiser, Weitzman, was involved in multiple meetings about official Department business is another troubling issue for Lara. It suggests that official Department decisions are being discussed simultaneously to fundraising and that one is being leveraged for the other.

In addition, at least four decisions were made by Administrative Law Judges against the workers compensation insurer Menzies sought to buy, then overturned in the company's favor by Lara, in the midst of these meetings and email communications with the Berkshire-Hathaway team, and as contributions from them were flowing covertly through Menzies' associates and their relatives.

"The new documents suggest state laws involving money laundering, bribery and misuse of public monies may have been violated, raising the stakes for a state prosecutor or the Attorney General to investigate this troubling circumstantial evidence and find out what was said and promised in these meetings," said Jamie Court, president of Consumer Watchdog.

View the calendar records produced under the Public Records

Act: [https://consumerwatchdog.org/sites/default/files/2019-09/PRALaraCalendarJan-Aug\\_0.pdf](https://consumerwatchdog.org/sites/default/files/2019-09/PRALaraCalendarJan-Aug_0.pdf) ([https://consumerwatchdog.org/sites/default/files/2019-09/PRALaraCalendarJan-Aug\\_0.pdf](https://consumerwatchdog.org/sites/default/files/2019-09/PRALaraCalendarJan-Aug_0.pdf))

View the communications mixing fundraising with Department

business: [https://consumerwatchdog.org/sites/default/files/2019-](https://consumerwatchdog.org/sites/default/files/2019-09/PRAAppliedCommunications.pdf)

[09/PRAAppliedCommunications.pdf](https://consumerwatchdog.org/sites/default/files/2019-09/PRAAppliedCommunications.pdf) (<https://consumerwatchdog.org/sites/default/files/2019-09/PRAAppliedCommunications.pdf>)

View the slideshow referred to in the press briefing below:

<https://www.consumerwatchdog.org/sites/default/files/2019-09/Lara%20Calendar%20Slides.pdf>



[RICARDO LARA \(/TAXONOMY/TERM/1981\)](#)   [CALIFORNIA INSURANCE COMMISSIONER \(/TAXONOMY/TERM/2001\)](#)

[PROP 103 \(/TAGS/PROP-103\)](#)   [INSURANCE COMPANIES \(/TAGS/INSURANCE-COMPANIES\)](#)   [STATE SENATE \(/TAGS/STATE-SENATE\)](#)

[ETHICS \(/TAGS/ETHICS\)](#)   [APPLIED UNDERWRITERS \(/TAXONOMY/TERM/2011\)](#)

[CALIFORNIA DEPARTMENT OF INSURANCE \(/TAGS/CALIFORNIA-DEPARTMENT-INSURANCE\)](#)

[CONFLICT OF INTEREST \(/TAGS/CONFLICT-INTEREST\)](#)   [CORRUPTION \(/TAGS/CORRUPTION\)](#)

[CAPITOL WATCHDOG \(/TAGS/CAPITOL-WATCHDOG\)](#)

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(/energy/consumer-watchdog-applauds-

departure-another-regulator-who-protected-big-oil-hopeful-sign)

## **Consumer Watchdog Applauds Departure of Another Regulator Who Protected Big Oil As Hopeful Sign Of Major Reform Under Gov. Newsom (/energy/consumer-watchdog-applauds-departure-another-regulator-who-protected-big-oil-hopeful-sign)**

ENERGY (/ENERGY)

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overhaul-and-expand-bottle-deposit-system-senate-floor)

## **Wine & Beverage Industry Stops Bill To Overhaul and Expand Bottle Deposit System On Senate Floor (/energy/wine-beverage-industry-stops-bill-overhaul-and-expand-bottle-deposit-system-senate-floor)**



(/insurance/commissioner-lara-should-

reject-job-education-based-insurance-discrimination-says)

## **Commissioner Lara Should Reject Job & Education-Based Insurance Discrimination, Says Consumer Watchdog (/insurance/commissioner-lara-should-reject-job-education-based-insurance-discrimination-says)**

More »



## **EXHIBIT 18**

# **RESPONSIVE TO REQUEST #1**

**De Guzman, Debbie Lynne**

---

**Subject:** California Insurance Company-Berkshire Hathaway Inc.  
**Start:** Wed 1/30/2019 2:00 PM  
**End:** Wed 1/30/2019 2:30 PM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
**Organizer:** Jeff Silver

May I call you at 2:00 p.m. Pacific Time today at 415-538-4379

---

**From:** Schnoll, Kenneth [<mailto:Kenneth.Schnoll@insurance.ca.gov>]  
**Sent:** Wednesday, January 30, 2019 12:24 PM  
**To:** Jeff Silver  
**Subject:** RE: California Insurance Company-Berkshire Hathaway Inc.

Hello Jeff: I am available for a call after 1:30 Pacific today. Please send an invite for a call at a time convenient for you. Regards, Ken Schnoll

Kenneth B. Schnoll  
General Counsel, Deputy Commissioner  
California Department of Insurance  
45 Fremont Street, 23<sup>rd</sup> Floor  
San Francisco, CA 94105  
(415) 538-4379  
[kenneth.schnoll@insurance.ca.gov](mailto:kenneth.schnoll@insurance.ca.gov)

---

**From:** Jeff Silver [<mailto:jeffreysilver@silver-law.net>]  
**Sent:** Wednesday, January 30, 2019 10:18 AM  
**To:** Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>  
**Subject:** California Insurance Company-Berkshire Hathaway Inc.

Ken:

I am the general counsel for California Insurance Company ("CIC") which is domiciled in California and an indirect subsidiary of Berkshire Hathaway Inc.

I sat next to you at the luncheon at the most recent California General Counsel seminar.

Is there a time today for a short call to discuss ownership of CIC.

Thanks.

Jeff

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558  
[jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)

---

**From:** Potter, Roberta  
**Sent:** Tuesday, March 05, 2019 6:31 AM  
**To:** Commissioner Ricardo Lara  
**Subject:** Can I confirm this lunch for Dan next Tuesday?

It's with Eric Serna

Lunch with Berkshire Hathaway

Date: Tuesday, March 12, 2019

Time: 11:30AM

Location: Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

Attendees: IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff

---

**From:** Angelica Rodriguez <angelica@danweitzman.net>  
**Sent:** Tuesday, March 05, 2019 11:11 AM  
**To:** Potter, Roberta  
**Subject:** FW: Event Requests: Eric Serna



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: angelica@danweitzman.net  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

---

**From:** Angelica Rodriguez  
**Sent:** Friday, March 1, 2019 1:06 PM  
**To:** 'Potter, Roberta' <Roberta.Potter@insurance.ca.gov>; 'Michelle Maravich' <maravichm@[REDACTED]>  
**Cc:** Aubrey Weber <aubrey@danweitzman.net>; dan@danweitzman.net; Emily W. <emily@danweitzman.net>  
**Subject:** Event Requests: Eric Serna

Roberta & Michelle,

Per Dan and Eric Serna's discussion this afternoon, please see below for the event request Eric would like to set up for Ricardo. Let me know if these work with Lara's schedule & we can go from there. Thanks!

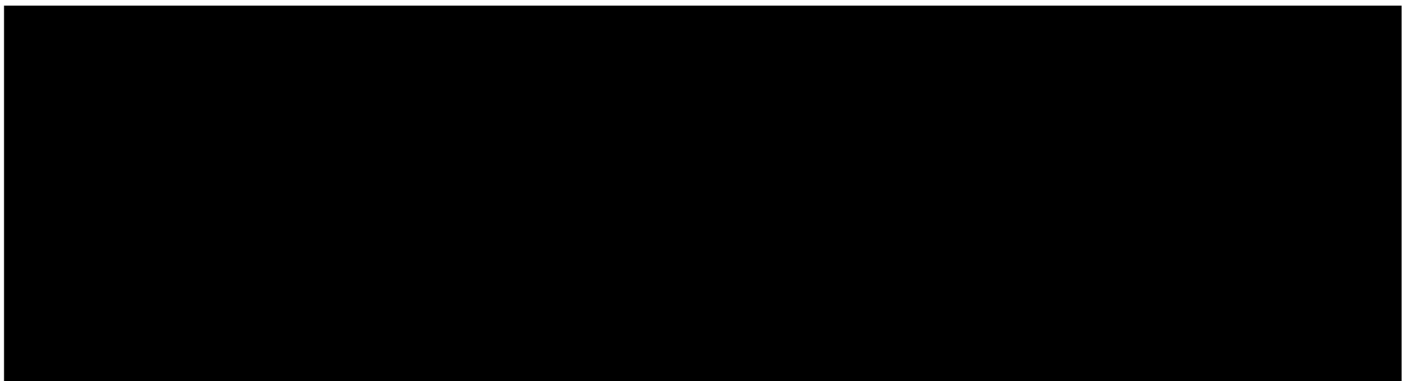
**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Split & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.



All the best,



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: angelica@danweitzman.net  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

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---

**From:** Potter, Roberta  
**Sent:** Wednesday, March 06, 2019 7:26 PM  
**To:** Angelica Rodriguez; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** Re: Change to call tim eon March 12th-

Ok

---

**From:** Angelica Rodriguez <angelica@danweitzman.net>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call tim eon March 12th-

Hey Roberta,

Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12. Just wanted to check in with you.



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: angelica@danweitzman.net  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

**From:** Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
**Sent:** Tuesday, March 5, 2019 11:26 AM  
**To:** Weitzman, Dan <dan@danweitzman.net>; Angelica Rodriguez <angelica@danweitzman.net>  
**Cc:** Aubrey Weber <aubrey@danweitzman.net>  
**Subject:** RE: Change to call tim eon March 12th-

Waiting to confirm with CRL about the lunch but I do have it held for him.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)



From: Weitzman, Dan [mailto:dan@danweitzman.net]

Sent: Tuesday, March 05, 2019 11:11 AM

To: Angelica Rodriguez <angelica@danweitzman.net>; Potter, Roberta <Roberta.Potter@insurance.ca.gov>

Cc: Aubrey Weber <aubrey@danweitzman.net>

Subject: RE: Change to call tim eon March 12th-

Cool

## Daniel C. Weitzman

*Daniel C. Weitzman, LLC*

1100 O Street, ste 200

Sacramento, CA 95814

916 444-1186-Phone

916 444-1187-Fax

[dan@danweitzman.net](mailto:dan@danweitzman.net)

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**Daniel C. Weitzman Consulting, LLC** 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186

*Please consider the environment before printing this email.*

---

From: Angelica Rodriguez <angelica@danweitzman.net>

Sent: Tuesday, March 5, 2019 10:58 AM

To: Weitzman, Dan <dan@danweitzman.net>; Potter, Roberta <Roberta.Potter@insurance.ca.gov>

Cc: Aubrey Weber <aubrey@danweitzman.net>

Subject: RE: Change to call tim eon March 12th-

Since 3/12 11am-12:00pm is open for Lara, can we book the Eric Serna lunch w/ Berkshire Hathaway during that time?

Here's the request I sent to you on 3/1:

**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.



Angelica Rodriguez

Client Relations Director

Daniel C. Weitzman Consulting, LLC

o. (916) 444-1186

e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)

a: 1100 O Street, Suite 200 | Sacramento, CA 95814

---

**From:** Lara.Schedule  
**Sent:** Tuesday, March 05, 2019 11:59 AM  
**To:** Potter, Roberta  
**Subject:** RE: Event Requests: Eric Serna

---

Indeed. Thx.

**From:** Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
**Sent:** Tuesday, March 5, 2019 11:24 AM  
**To:** Lara.Schedule <Lara.Schedule@insurance.ca.gov>  
**Subject:** FW: Event Requests: Eric Serna

Hi, could we run these through scheduling please? I have a hold for the one on the 12<sup>th</sup> already.

**From:** Angelica Rodriguez [mailto:[angelica@danweitzman.net](mailto:angelica@danweitzman.net)]  
**Sent:** Tuesday, March 05, 2019 11:11 AM  
**To:** Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
**Subject:** FW: Event Requests: Eric Serna



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

**From:** Angelica Rodriguez  
**Sent:** Friday, March 1, 2019 1:06 PM  
**To:** 'Potter, Roberta' <Roberta.Potter@insurance.ca.gov>; 'Michelle Maravich' <[maravichm@](mailto:maravichm@)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>; dan@danweitzman.net; Emily W. <[emily@danweitzman.net](mailto:emily@danweitzman.net)>  
**Subject:** Event Requests: Eric Serna

Roberta & Michelle,

Per Dan and Eric Serna's discussion this afternoon, please see below for the event request Eric would like to set up for Ricardo. Let me know if these work with Lara's schedule & we can go from there. Thanks!

**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.

All the best,



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

---

**From:** Potter, Roberta  
**Sent:** Thursday, March 07, 2019 8:50 AM  
**To:** Angelica Rodriguez;Weltzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** Re: Change to call tim eon March 12th-

Yes we are confirmed

---

**From:** Angelica Rodríguez <angelica@danweltzman.net>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weltzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call tim eon March 12th-

Hey Roberta,

Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12. Just wanted to check in with you.



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weltzman Consulting, LLC  
o. (916) 444-1186  
e: angelica@danweltzman.net  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

---

**From:** Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
**Sent:** Tuesday, March 5, 2019 11:26 AM  
**To:** Weltzman, Dan <dan@danweltzman.net>; Angelica Rodriguez <angelica@danweltzman.net>  
**Cc:** Aubrey Weber <aubrey@danweltzman.net>  
**Subject:** RE: Change to call tim eon March 12th-

Waiting to confirm with CRL about the lunch but I do have it held for him.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

## De Guzman, Debbie Lynne

---

**From:** Potter, Roberta  
**Sent:** Thursday, March 7, 2019 8:50 AM  
**To:** Angelica Rodriguez; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** Re: Change to call time on March 12th-

Yes we are confirmed

---

**From:** Angelica Rodriguez <angelica@danweitzman.net>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call time on March 12th-

Hey Roberta,

Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12. Just wanted to check in with you.



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Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: angelica@danweitzman.net  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

---

**From:** Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
**Sent:** Tuesday, March 5, 2019 11:26 AM  
**To:** Weitzman, Dan <dan@danweitzman.net>; Angelica Rodriguez <angelica@danweitzman.net>  
**Cc:** Aubrey Weber <aubrey@danweitzman.net>  
**Subject:** RE: Change to call time on March 12th-

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Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

---

**From:** Weitzman, Dan [<mailto:dan@danweitzman.net>]  
**Sent:** Tuesday, March 05, 2019 11:11 AM  
**To:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

Cool

## **Daniel C. Weitzman**

***Daniel C. Weitzman, LLC***

1100 O Street, ste 200  
Sacramento, CA 95814  
916 444-1186-Phone  
916 444-1187-Fax  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

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***Daniel C. Weitzman Consulting, LLC*** 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186  
*Please consider the environment before printing this email.*

---

**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Sent:** Tuesday, March 5, 2019 10:58 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

Since 3/12 11am-12:00pm is open for Lara, can we book the Eric Serna lunch w/ Berkshire Hathaway during that time?

Here's the request I sent to you on 3/1:

**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

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**From:** Angelica Rodriguez  
**Sent:** Tuesday, March 5, 2019 8:48 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call time on March 12th-

No, we can't do 11am-12 on 3/12. Dan has call time then and he's all booked up for 3/11.  
We can do 3pm-4pm or 4-5pm on 3/12.



Angelica Rodriguez  
Client Relations Director  
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o. (916) 444-1186  
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a: 1100 O Street, Suite 200 | Sacramento, CA 95814

---

**From:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>  
**Sent:** Monday, March 4, 2019 5:32 PM  
**To:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>; Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Subject:** Re: Change to call time on March 12th-

Ok. Angelica is in charge

Daniel C. Weitzman  
916 444-1186  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

Sent from my iPhone

On Mar 4, 2019, at 5:22 PM, Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)> wrote:

You sent an invite for 11-noon – he can do that on the 12<sup>th</sup>, I've accepted.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

---

**From:** Weitzman, Dan [<mailto:dan@danweitzman.net>]  
**Sent:** Monday, March 04, 2019 5:17 PM  
**To:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>; Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>;

Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

Can we fix and make work ?

**Daniel C. Weitzman**

*Daniel C. Weitzman, LLC*

1100 O Street, ste 200

Sacramento, CA 95814

916 444-1186-Phone

916 444-1187-Fax

[dan@danweitzman.net](mailto:dan@danweitzman.net)

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*Daniel C. Weitzman Consulting, LLC* 1100 O Street, ste 200 Sacramento, CA 95814 **Telephone: (916) 444-1186**

*Please consider the environment before printing this email.*

---

**From:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Sent:** Monday, March 4, 2019 4:34 PM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** Change to call tim eon March 12th-

Hello,

The Commissioner has a conflict on the 12<sup>th</sup> – could he come at 11am on March 12<sup>th</sup>? He's got a doctor's appointment we had to reschedule.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

---

**From:** Angelica Rodriguez [<mailto:angelica@danweitzman.net>] **On Behalf Of** Weitzman, Dan  
**Sent:** Wednesday, February 20, 2019 1:10 PM  
**To:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>; Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: 1:00PM-2:00PM - Ricardo Lara - Call Time

Dans booked all morning, any other day that week?



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA  
95814

-----Original Appointment-----

**From:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Sent:** Wednesday, February 20, 2019 1:08 PM  
**To:** Aubrey Weber; Angelica Rodriguez  
**Subject:** New Time Proposed: 1:00PM-2:00PM - Ricardo Lara - Call Time  
**When:** Wednesday, April 3, 2019 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** DCW LLC: 1100 O Street, Suite 200, Sacramento, CA 95814

CRL has a conflict we need to move to earlier in the day before noon

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---

**From:** Weitzman, Dan <dan@danweitzman.net>  
**Sent:** Wednesday, March 06, 2019 9:43 PM  
**To:** Potter, Roberta  
**Cc:** Angelica Rodriguez; Aubrey Weber  
**Subject:** Re: Change to call time on March 12th-

Can we set ?

Daniel C. Weitzman  
916 444-1186  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

Sent from my iPhone

On Mar 6, 2019, at 7:26 PM, Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)> wrote:

Ok

---

**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call time on March 12th-

Hey Roberta,

Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12. Just wanted to check in with you.

Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
- <image005.png> o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA  
95814

**From:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Sent:** Tuesday, March 5, 2019 11:26 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call time on March 12th-

Waiting to confirm with CRL about the lunch but I do have it held for him.

Best,

Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

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**From:** Weitzman, Dan [<mailto:dan@danweitzman.net>]  
**Sent:** Tuesday, March 05, 2019 11:11 AM  
**To:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call time on March 12th-

Cool

**Daniel C. Weitzman**

***Daniel C. Weitzman, LLC***

1100 O Street, ste 200  
Sacramento, CA 95814  
916 444-1186-Phone  
916 444-1187-Fax  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

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***Daniel C. Weitzman Consulting, LLC*** 1100 O Street, ste 200 Sacramento, CA 95814 **Telephone: (916) 444-1186**

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**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Sent:** Tuesday, March 5, 2019 10:58 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call time on March 12th-

Since 3/12 11am-12:00pm is open for Lara, can we book the Eric Serna lunch w/ Berkshire Hathaway during that time?

Here's the request I sent to you on 3/1:

**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.

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95814

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**From:** Angelica Rodriguez  
**Sent:** Tuesday, March 5, 2019 8:48 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

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We can do 3pm-4pm or 4-5pm on 3/12.

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95814

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**From:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>  
**Sent:** Monday, March 4, 2019 5:32 PM  
**To:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>; Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Subject:** Re: Change to call tim eon March 12th-

Ok. Angelica is in charge

Daniel C. Weitzman  
916 444-1186  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

Sent from my iPhone

On Mar 4, 2019, at 5:22 PM, Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)> wrote:

You sent an invite for 11-noon – he can do that on the 12<sup>th</sup>, I've accepted.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara

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---

---

**From:** Potter, Roberta  
**Sent:** Thursday, March 07, 2019 8:50 AM  
**To:** Angelica Rodriguez; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** Re: Change to call time on March 12th-

Yes we are confirmed

---

**From:** Angelica Rodriguez <angelica@danweitzman.net>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call time on March 12th-

Hey Roberta,

Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12. Just wanted to check in with you.



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Client Relations Director  
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**Cc:** Aubrey Weber <aubrey@danweitzman.net>  
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Roberta Potter  
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Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

---

**From:** Ricardo Lara <ricardolara [REDACTED]>  
**Sent:** Wednesday, March 06, 2019 10:25 PM  
**To:** Potter, Roberta  
**Subject:** Re: Change to call tim eon March 12th-

Sure

On Mar 7, 2019, at 12:45 AM, Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)> wrote:

Okay to confirm?

---

**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call tim eon March 12th-

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Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
— <image005.png> o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA  
95814

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**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
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300 Capitol Mall, Suite 1700  
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Fax: (916) 445-2043



[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

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**To:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

Cool

## **Daniel C. Weitzman**

***Daniel C. Weitzman, LLC***

1100 O Street, ste 200

Sacramento, CA 95814

916 444-1186-Phone

916 444-1187-Fax

[dan@danweitzman.net](mailto:dan@danweitzman.net)

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***Daniel C. Weitzman Consulting, LLC*** 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186

*Please consider the environment before printing this email.*

**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Sent:** Tuesday, March 5, 2019 10:58 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

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**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Split & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.



---

**From:** Weitzman, Dan <dan@danweitzman.net>  
**Sent:** Thursday, March 07, 2019 10:29 AM  
**To:** Potter, Roberta; Angelica Rodriguez  
**Cc:** Aubrey-Weber  
**Subject:** RE: Change to call tim eon March 12th-

Awesome

**Daniel C. Weitzman**

*Daniel C. Weitzman, LLC*

1100 O Street, ste 200

Sacramento, CA 95814

916 444-1186-Phone

916 444-1187-Fax

[dan@danweitzman.net](mailto:dan@danweitzman.net)

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*Daniel C. Weitzman Consulting, LLC* 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186

*Please consider the environment before printing this email.*

**From:** Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
**Sent:** Thursday, March 7, 2019 8:50 AM  
**To:** Angelica Rodriguez <angelica@danweitzman.net>; Weitzman, Dan <dan@danweitzman.net>  
**Cc:** Aubrey Weber <aubrey@danweitzman.net>  
**Subject:** Re: Change to call tim eon March 12th-

Yes we are confirmed

---

**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Sent:** Wednesday, March 6, 2019 4:24:26 PM  
**To:** Potter, Roberta; Weitzman, Dan  
**Cc:** Aubrey Weber  
**Subject:** RE: Change to call tim eon March 12th-

Hey Roberta,

Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12. Just wanted to check in with you.



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814

**From:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Sent:** Tuesday, March 5, 2019 11:26 AM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

Waiting to confirm with CRL about the lunch but I do have it held for him.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

**From:** Weitzman, Dan [<mailto:dan@danweitzman.net>]  
**Sent:** Tuesday, March 05, 2019 11:11 AM  
**To:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: Change to call tim eon March 12th-

Cool

## **Daniel C. Weitzman**

***Daniel C. Weitzman, LLC***

1100 O Street, ste 200  
Sacramento, CA 95814  
916 444-1186-Phone  
916 444-1187-Fax  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

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***Daniel C. Weitzman Consulting, LLC*** 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186  
*Please consider the environment before printing this email.*

**From:** Angelica Rodriguez <[angelica@danweitzman.net](mailto:angelica@danweitzman.net)>

**Sent:** Tuesday, March 5, 2019 10:58 AM

**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>

**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>

**Subject:** RE: Change to call tim eon March 12th-

Since 3/12 11am-12:00pm is open for Lara, can we book the Eric Serna lunch w/ Berkshire Hathaway during that time?

Here's the request I sent to you on 3/1:

**Lunch with Berkshire Hathaway**

**Date:** Tuesday, March 12, 2019

**Time:** 11:30AM

**Location:** Camden, Spit & Larder: 55 Capitol Mall #100, Sacramento, CA 95814

**Attendees:** IC Ricardo Lara, Dan Weitzman, Eric Serna, Jamie Sahara & Jeff Silver.



Angelica Rodriguez

Client Relations Director

Daniel C. Weitzman Consulting, LLC

o. (916) 444-1186

e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)

a: 1100 O Street, Suite 200 | Sacramento, CA 95814

**From:** Angelica Rodriguez

**Sent:** Tuesday, March 5, 2019 8:48 AM

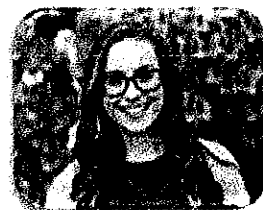
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>

**Cc:** Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>

**Subject:** RE: Change to call tim eon March 12th-

No, we can't do 11am-12 on 3/12. Dan has call time then and he's all booked up for 3/11.

We can do 3pm-4pm or 4-5pm on 3/12.



Angelica Rodriguez

Client Relations Director

Daniel C. Weitzman Consulting, LLC

o. (916) 444-1186

e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)

a: 1100 O Street, Suite 200 | Sacramento, CA 95814

**From:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>

**Sent:** Monday, March 4, 2019 5:32 PM

**To:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>

**From:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Sent:** Monday, March 4, 2019 4:34 PM  
**To:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>; Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** Change to call time on March 12th-

Hello,

The Commissioner has a conflict on the 12<sup>th</sup> – could he come at 11am on March 12<sup>th</sup>? He's got [REDACTED]  
[REDACTED] we had to reschedule.

Best,  
Roberta Potter  
Scheduling Director/Executive Office Operations Manager  
Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3622  
Fax: (916) 445-2043  
[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)

**From:** Angelica Rodriguez [<mailto:angelica@danweitzman.net>] On Behalf Of Weitzman, Dan  
**Sent:** Wednesday, February 20, 2019 1:10 PM  
**To:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>; Aubrey Weber <[aubrey@danweitzman.net](mailto:aubrey@danweitzman.net)>  
**Subject:** RE: 1:00PM-2:00PM - Ricardo Lara - Call Time

Dans booked all morning, any other day that week?

Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
— < (916) 444-1186  
e: [angelica@danweitzman.net](mailto:angelica@danweitzman.net)  
a: 1100 O Street, Suite 200 | Sacramento, CA  
95814

-----Original Appointment-----

**From:** Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
**Sent:** Wednesday, February 20, 2019 1:08 PM  
**To:** Aubrey Weber; Angelica Rodriguez  
**Subject:** New Time Proposed: 1:00PM-2:00PM - Ricardo Lara - Call Time  
**When:** Wednesday, April 3, 2019 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** DCW LLC: 1100 O Street, Suite 200, Sacramento, CA 95814

CRL has a conflict we need to move to earlier in the day before noon

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---

**From:** Angelica Rodriguez <angelica@danweitzman.net>  
**Sent:** Monday, March 11, 2019 3:18 PM  
**To:** Potter, Roberta; ricardolara@[REDACTED]  
**Cc:** Aubrey Weber; Weitzman, Dan; Emily Waskiewicz  
**Subject:** 3/12 - Lunch w/ Eric Serna  
**Attachments:** 3-12-2019 - MEMO - Lunch w Eric Serna + Berkshire Hathaway.docx

Hi All,

Please see attached memo for tomorrow's lunch with Eric Serna.  
Reservation is under Ricardo Lara.

If you need anything, just holler.



Angelica Rodriguez  
Client Relations Director  
Daniel C. Weitzman Consulting, LLC  
o. (916) 444-1186  
e: angelica@danweitzman.net  
a: 1100 O Street, Suite 200 | Sacramento, CA 95814





**DANIEL C. WEITZMAN  
CONSULTING**

**MEMO**

**To:** Insurance Commissioner Ricardo Lara  
**From:** Daniel C. Weitzman  
**Date:** Monday, March 11, 2019  
**Re:** Relationship Building Lunch with Eric Serna & Berkshire Hathaway

**11:30AM-12:30PM—Tuesday, March 12, 2019—Eric Serna & Berkshire Hathaway** will be joining you for a relationship building lunch in support of your *Ricardo Lara for Insurance Commissioner 2022 campaign* at **Camden, Spit & Larder** located at **555 Capitol Mall, #100, Sacramento, CA 95814.**

**Your contact will be Eric Serna: (505)-670-7055**

**Attendees:**

- 1. Insurance Commissioner Ricardo Lara**
- 2. Eric Serna**
- 3. Jamie Sahara, CEO, United Specialty Insurance Company**
- 4. Jeff Silver, Applied Underwriters**
- 5. Steve Menzies, CEO, Applied Underwriters**
- 6. Camille Alcala**
- 7. Dan Weitzman**

**Relationship Building to benefit  
Ricardo Lara for Insurance Commissioner 2022**  
*Please call Dan Weitzman with any questions at (916) 996-2227*

**Lor, Chao**

---

**Subject:** RE: California Insurance Company

**From:** Hirschhorn, Emma  
**Sent:** Tuesday, March 12, 2019 1:50 PM  
**To:** Lo, Michelle <[Michelle.Lo@insurance.ca.gov](mailto:Michelle.Lo@insurance.ca.gov)>; Sia, Bernadette <[Bernadette.Sia@insurance.ca.gov](mailto:Bernadette.Sia@insurance.ca.gov)>  
**Cc:** Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>  
**Subject:** FW: California Insurance Company

When I met with Jeff Silvers and Steve Menzies (together with Eric Serna), I specifically asked if both of you together with Jing Yi Chen should be invited to the meeting. They said there was no need since it was just a brief one.

Anyway, please scroll below for the highlights of what was discussed.

For this reason, I have referred Mr. Silvers to contact Legal.

I will keep you posted for further developments.

**From:** Hirschhorn, Emma  
**Sent:** Tuesday, March 12, 2019 1:34 PM  
**To:** Jeff Silver <[jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)>  
**Cc:** Eric Serna <[ESerna@NTGConsultants.com](mailto:ESerna@NTGConsultants.com)> <[ESerna@NTGConsultants.com](mailto:ESerna@NTGConsultants.com)>  
**Subject:** RE: California Insurance Company

Hi Jeff:

I recommend that you contact our Legal Division for the requirements of this Form A. The bureau chiefs in our Corporate Affairs Bureau are Carol Frair <[Carol.Frair@insurance.ca.gov](mailto:Carol.Frair@insurance.ca.gov)> and Valerie Sarfaty <[Valerie.Sarfaty@insurance.ca.gov](mailto:Valerie.Sarfaty@insurance.ca.gov)>.

Thank you.

Emma

**From:** Jeff Silver [mailto:[jeffreysilver@silver-law.net](mailto:jeffreysilver@silver-law.net)]  
**Sent:** Tuesday, March 12, 2019 10:55 AM  
**To:** Hirschhorn, Emma <[Emma.Hirschhorn@insurance.ca.gov](mailto:Emma.Hirschhorn@insurance.ca.gov)>



**Cc:** Eric Serna ([ESerna@NTGConsultants.com](mailto:ESerna@NTGConsultants.com)) <[ESerna@NTGConsultants.com](mailto:ESerna@NTGConsultants.com)>

**Subject:** RE: California Insurance Company

Emma:



The full name of United Insurance Company is United Insurance Company.

Let me know if you have any questions.

Jeff

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
402-393-1984

---

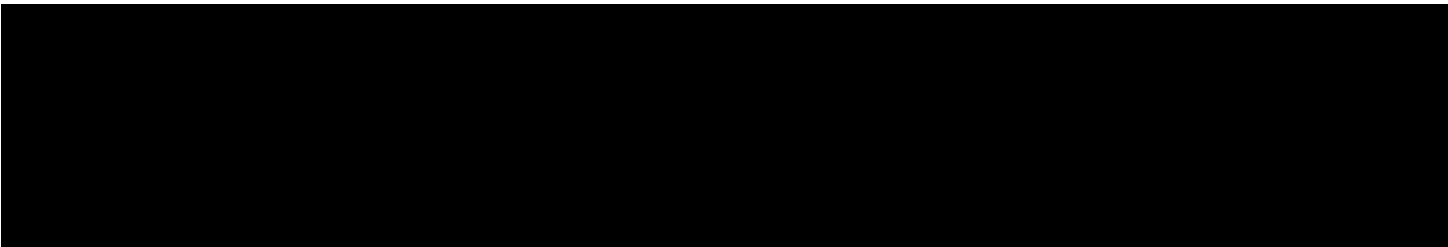
**From:** Hirschhorn, Emma [<mailto:Emma.Hirschhorn@insurance.ca.gov>]

**Sent:** Tuesday, March 12, 2019 12:11 PM

**To:** Jeff Silver

**Subject:** RE: California Insurance Company

Thank you for providing the information. I was trying to figure out which bureau in FAD will I be updating with the information that you provided and could you please provide the following information:



Please advise.

Thank you.

Emma

---

**From:** Jeff Silver [<mailto:jeffreysilver@silver-law.net>]

**Sent:** Tuesday, March 12, 2019 3:36 AM

**To:** Hirschhorn, Emma <[Emma.Hirschhorn@insurance.ca.gov](mailto:Emma.Hirschhorn@insurance.ca.gov)>

**Cc:** 'Eric Serna ([ESerna@NTGConsultants.com](mailto:ESerna@NTGConsultants.com))' <[ESerna@NTGConsultants.com](mailto:ESerna@NTGConsultants.com)>

**Subject:** California Insurance Company

Emma:

Just a quick note to thank you for taking the time to visit with Eric, Steve Menzies and me concerning the soon to be filed Form A for California Insurance Company.

We look forward to working with you and your staff to meet the September 30, 2019 deadline.

Enjoy your vacation.

Jeff Silver.

**Jeffrey A. Silver**  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Telephone: 402-393-1984  
Facsimile: 402-393-8558

De Guzman, Debbie Lynne

---

**Subject:** Exit Meeting- Applied Underwriters, Inc. Subgroup  
**Location:** Toll free: 1-877- [REDACTED] Access Code [REDACTED]  
**Start:** Thu 3/28/2019 11:00 AM  
**End:** Thu 3/28/2019 1:00 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Meeting Status:** Not yet responded  
**Organizer:** Han, Donovan  
**Required Attendees:** Jeff Silver, Bob Burch, Bello, Adeola  
**Optional Attendees:** Chen, Jing Yi, Sia, Bernadette, Havick, Ryan; daniel.mathis@iid.iowa.gov; Reiner, Eric; Vang, Ben; Bernard, Susan; Lo, Michelle

Hi Everyone,

I would like to schedule an exit meeting with the Applied Underwriters, Inc. management team to discuss the results of the Group Financial Examination as of December 31, 2017. The Agenda for this meeting and a Summary of Findings and Recommendations is attached.

Please forward this invite to anyone you think would need to attend.

Thanks,

Donavan Han, CFE

Senior Insurance Examiner- Specialist

California Department of Insurance

Field Examination Division

(415) 538-4066

[donavan.han@insurance.ca.gov](mailto:donavan.han@insurance.ca.gov)



**De Guzman, Debbie Lynne**

---

**Subject:** Exit Meeting- Applied Underwriters, Inc. Subgroup  
**Location:** Toll free: 1- [REDACTED] is Code: [REDACTED]  
**Start:** Thu 3/28/2019 11:00 AM  
**End:** Thu 3/28/2019 1:00 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Meeting Status:** Not yet responded  
**Organizer:** Han, Donovan  
**Required Attendees:** Han, Donovan; Jeff Silver; Bob Burch; Bello, Adeola  
**Optional Attendees:** Chen, Jing Yi; Sia, Bernadette; Havick, Ryan; daniel.mathis@lid.iowa.gov; Reiner, Eric; Vang, Ber; Bernard, Susan; Lo, Michelle; Lee, Jack; Chu, Kyo

Hi Everyone,

I would like to schedule an exit meeting with the Applied Underwriters, Inc. management team to discuss the results of the Group Financial Examination as of December 31, 2017. The Agenda for this meeting and a Summary of Findings and Recommendations is attached.

Please forward this invite to anyone you think would need to attend.

Thanks,

Donavan Han, CFE

Senior Insurance Examiner- Specialist

California Department of Insurance

Field Examination Division

(415) 538-4066

[donavan.han@insurance.ca.gov](mailto:donavan.han@insurance.ca.gov)



Commissioner Ricardo >

Stay

Thanks

Thu, Apr 25, 2:46 PM



Done

Will be at my desk in 5

Working to schedule lunch  
with Lena Gonzales and  
Steve Menzies on May 6th  
in LA that's the only time  
you have in the next few  
weeks

Ok

Lor, Chao

---

**From:** Jamie Sahara <jsahara@rivpartners.com>  
**Sent:** Thursday, April 25, 2019 2:49 PM  
**To:** Potter, Roberta  
**Subject:** Re: Scheduling

Hi Roberta

Yes it is. I'll call you in 5 min.

Sent from my iPhone

> On Apr 25, 2019, at 5:48 PM, Potter, Roberta <Roberta.Potter@insurance.ca.gov> wrote:

>

> Hi Jamie, please give me a call I don't have a point of reference for this. Is this to schedule with Commissioner Lara?

>

>

>

> Best,

> Roberta Potter

> Scheduling Director/Executive Office Operations Manager Insurance

> Commissioner Ricardo Lara

> 300 Capitol Mall, Suite 1700

> Sacramento, CA 95814

> Phone: (916) 492-3622

> Fax: (916) 445-2043

> Roberta.Potter@insurance.ca.gov

>

>

>

> -----Original Message-----

> From: Jamie Sahara [mailto:jsahara@rivpartners.com]

> Sent: Thursday, April 25, 2019 2:48 PM

> To: Potter, Roberta <Roberta.Potter@insurance.ca.gov>

> Subject: Scheduling

>

> Hello Roberta

>

> I'm contacting you to arrange a meeting / lunch with Steve Menzies. Feel free to work directly with me to schedule this.

>

> Best

>

> Jamie Sahara

>



Lor, Chao

---

From: Potter, Roberta  
Sent: Friday, April 26, 2019 1:43 PM  
Subject: Fw: Scheduling

From: Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>  
Sent: Friday, April 26, 2019 1:42 PM  
To: Potter, Roberta  
Subject: Re: Scheduling

I can confirm Lunch on May 6th in Los Angeles for Steve Menzies and Jamie Sahara.

Sent from my iPhone

> On Apr 25, 2019, at 5:48 PM, Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)> wrote:  
>  
> Hi Jamie, please give me a call I don't have a point of reference for this. Is this to schedule with Commissioner Lara?  
>  
>  
> Best,  
> Roberta Potter  
> Scheduling Director/Executive Office Operations Manager  
> Insurance Commissioner Ricardo Lara  
> 300 Capitol Mall, Suite 1700  
> Sacramento, CA 95814  
> Phone: (916) 492-3622  
> Fax: (916) 445-2043  
> [Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)  
>  
>  
>  
> -----Original Message-----  
> From: Jamie Sahara [<mailto:jsahara@rivpartners.com>]  
> Sent: Thursday, April 25, 2019 2:48 PM  
> To: Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)>  
> Subject: Scheduling  
>  
> Hello Roberta  
>  
> I'm contacting you to arrange a meeting / lunch with Steve Menzies. Feel free to work directly with me to schedule this.  
>  
> Best  
>  
> Jamie Sahara  
>

**De Guzman, Debbie Lynne**

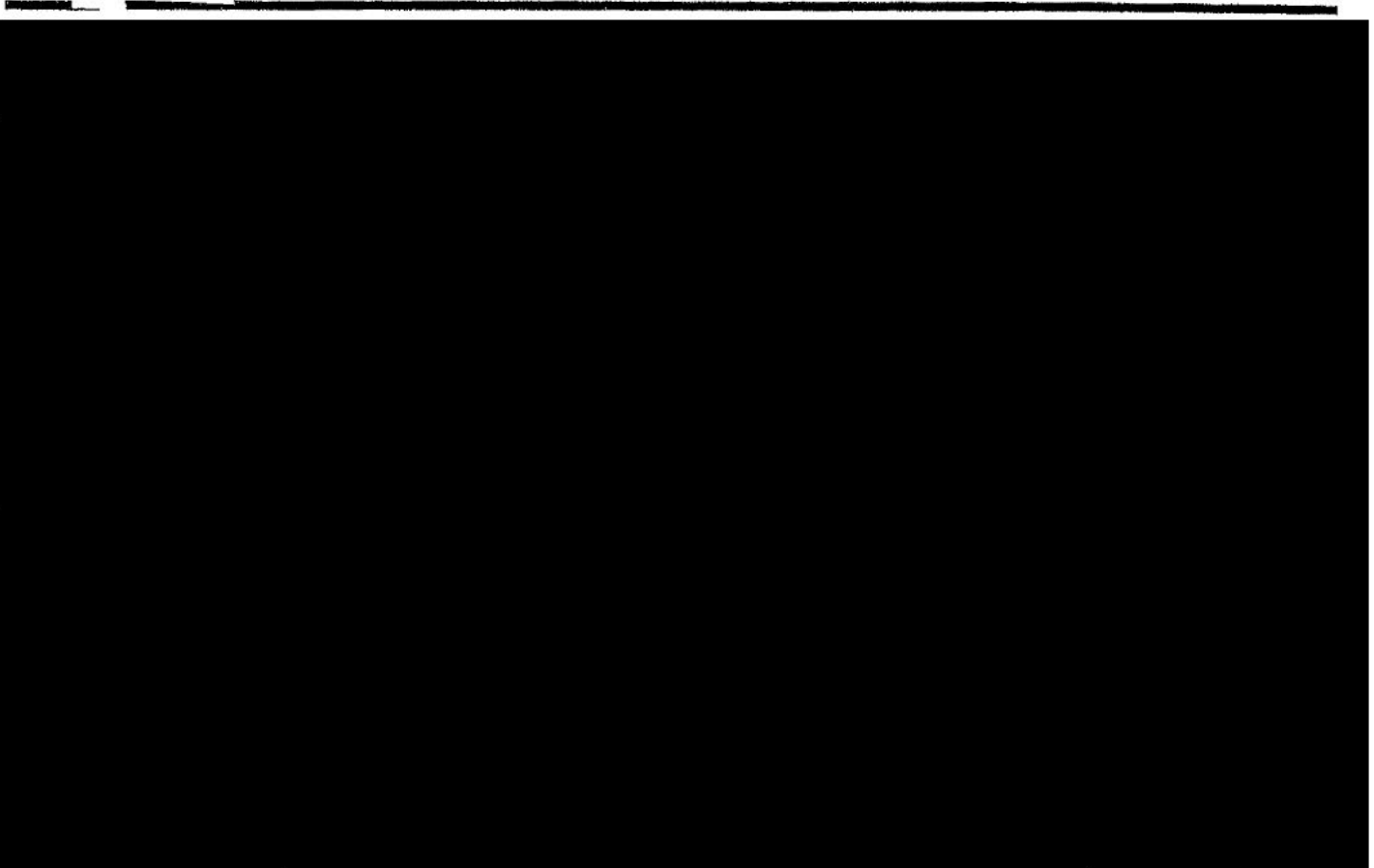
---

**From:** Jamie Sahara <jsahara@rivpartners.com>  
**Sent:** Friday, April 26, 2019 1:42 PM  
**To:** Potter, Roberta  
**Subject:** Re: Scheduling

I can confirm Lunch on May 6th in Los Angeles for Steve Menzies and Jamie Sahara.

Sent from my iPhone

> On Apr 25, 2019, at 5:48 PM, Potter, Roberta <Roberta.Potter@insurance.ca.gov> wrote:  
>  
> Hi Jamie, please give me a call I don't have a point of reference for this. Is this to schedule with  
Commissioner Lara?  
>  
>  
>  
> Best,  
> Roberta Potter  
> Scheduling Director/Executive Office Operations Manager Insurance  
> Commissioner Ricardo Lara  
> 300 Capitol Mall, Suite 1700  
> Sacramento, CA 95814  
> Phone: (916) 492-3622  
> Fax: (916) 445-2043  
> Roberta.Potter@insurance.ca.gov  
>  
>  
>  
> -----Original Message-----  
> From: Jamie Sahara [mailto:jsahara@rivpartners.com]  
> Sent: Thursday, April 25, 2019 2:48 PM  
> To: Potter, Roberta <Roberta.Potter@insurance.ca.gov>  
> Subject: Scheduling  
>  
> Hello Roberta  
>  
> I'm contacting you to arrange a meeting / lunch with Steve Menzies. Feel free to work directly with me to  
schedule this.  
>  
> Best  
>  
> Jamie Sahara  
>



---

From: Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>

Sent: Monday, April 29, 2019 6:19:30 PM

To: Potter, Roberta

Subject: Re: Lunch Confirmation

Great!

Sure. Leave the location with me and we will come up with a spot. Thanks so much!

Sent from my iPhone

On Apr 29, 2019, at 9:03 PM, Potter, Roberta <[Roberta.Potter@insurance.ca.gov](mailto:Roberta.Potter@insurance.ca.gov)> wrote:

Yes we are confirmed I'm out for the next couple days, would you like to suggest a location for lunch?

Thank you for your patience

---

From: Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>

Sent: Monday, April 29, 2019 5:47:05 PM

To: Potter, Roberta

Subject: Lunch Confirmation

Hi Roberta

Were you able to confirm lunch on May 6th?

**De Guzman, Debbie Lynne**

---

**From:** Weitzman, Dan <dan@danweitzman.net>  
**Sent:** Tuesday, April 30, 2019 6:39 PM  
**To:** Potter, Roberta; Lizarraga, Angela  
**Subject:** Accepted: Lunch w/ Lena Gonzales & Steve Menzies

---

**From:** Weitzman, Dan <dan@danweitzman.net>  
**Sent:** Wednesday, May 01, 2019 9:35 AM  
**To:** Green, David  
**Subject:** RE: lunch between CRL and Lena

Lets get figured out

**Daniel C. Weitzman**

*Daniel C. Weitzman, LLC*

1100 O Street, ste 200

Sacramento, CA 95814

916 444-1186-Phone

916 444-1187-Fax

[dan@danweitzman.net](mailto:dan@danweitzman.net)

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*Daniel C. Weitzman Consulting, LLC* 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186

*Please consider the environment before printing this email.*

---

**From:** Green, David <David.Green@insurance.ca.gov>  
**Sent:** Tuesday, April 30, 2019 9:52 PM  
**To:** Weitzman, Dan <dan@danweitzman.net>  
**Subject:** Re: lunch between CRL and Lena

Sounds good. Talk to you tomorrow.

-David

Sent from my iPhone

On Apr 30, 2019, at 7:57 PM, Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)> wrote:

Got this .. David -let's chat soon

Daniel C. Weitzman

916 444-1186

[dan@danweitzman.net](mailto:dan@danweitzman.net)

Sent from my iPhone

On Apr 30, 2019, at 5:56 PM, Green, David <[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)> wrote:

Hello Jamie,

This is David Green (special assistant for Insurance Commissioner Lara), and on the scheduling team for him. I wanted to confirm the lunch with Lena and Dan Weitzman from noon-2pm. What location?

Thank you,  
David

**David Green**

*Special Assistant to California Insurance Commissioner Ricardo Lara*  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3682  
Cell: (916) 606-8328  
David [Green@insurance.ca.gov](mailto:Green@insurance.ca.gov)

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---

**From:** Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>  
**Sent:** Wednesday, May 01, 2019 10:12 AM  
**To:** Green, David  
**Cc:** Weitzman, Dan  
**Subject:** Re: lunch between CRL and Lena

Hi David

Thank you for helping us. We would like to schedule two meetings with the Commissioner:

1. Formal policy discussion with the Commissioner to discuss The California Insurance Company.
2. Political meeting with the Commissioner, Lena Gonzales, and Dan Weitzman.

Happy to have a quick chat if you think that would be more efficient.

Jamie Sahara  
(415) [REDACTED]

On Apr 30, 2019, at 8:56 PM, Green, David <[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)> wrote:

Hello Jamie,

This is David Green (special assistant for Insurance Commissioner Lara), and on the scheduling team for him. I wanted to confirm the lunch with Lena and Dan Weitzman from noon-2pm. What location?

Thank you,  
David

**David Green**  
Special Assistant to California Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3682  
Cell: (916) 606-8328  
[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)

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---

**From:** Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>  
**Sent:** Wednesday, May 01, 2019 10:20 AM  
**To:** Green, David  
**Cc:** Weitzman, Dan  
**Subject:** Re: lunch between CRL and Lena

Yes perfect. (415) [REDACTED]

On May 1, 2019, at 1:16 PM, Green, David <[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)> wrote:

Perfect. May I call you @ 11am?

David- 916 [REDACTED]

---

**From:** Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>  
**Sent:** Wednesday, May 1, 2019 10:12 AM  
**To:** Green, David <[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)>  
**Cc:** Weitzman, Dan <[dan@danweitzman.net](mailto:dan@danweitzman.net)>  
**Subject:** Re: lunch between CRL and Lena

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**David Green**  
*Special Assistant to California Insurance Commissioner Ricardo Lara*  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814

Phone: (916) 492-3682  
Cell: (916) 606-8328  
David [Green@insurance.ca.gov](mailto:Green@insurance.ca.gov)

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---

**From:** Weitzman, Dan <dan@danweitzman.net>  
**Sent:** Wednesday, May 01, 2019 11:17 AM  
**To:** Green, David; Jamie Sahara  
**Subject:** RE: lunch between CRL and Lena

Thanks u David

**Daniel C. Weitzman**

*Daniel C. Weitzman, LLC*

1100 O Street, ste 200  
Sacramento, CA 95814  
916 444-1186-Phone  
916 444-1187-Fax  
[dan@danweitzman.net](mailto:dan@danweitzman.net)

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*Daniel C. Weitzman Consulting, LLC* 1100 O Street, ste 200 Sacramento, CA 95814 Telephone: (916) 444-1186  
*Please consider the environment before printing this email.*

---

**From:** Green, David <David.Green@insurance.ca.gov>  
**Sent:** Wednesday, May 1, 2019 10:16 AM  
**To:** Jamie Sahara <jsahara@rivpartners.com>  
**Cc:** Weitzman, Dan <dan@danweitzman.net>  
**Subject:** RE: lunch between CRL and Lena

Perfect. May I call you @ 11am?

David- 916 [REDACTED]

---

**From:** Jamie Sahara <jsahara@rivpartners.com>  
**Sent:** Wednesday, May 1, 2019 10:12 AM  
**To:** Green, David <David.Green@insurance.ca.gov>  
**Cc:** Weitzman, Dan <dan@danweitzman.net>  
**Subject:** Re: lunch between CRL and Lena

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Thank you,  
David

**David Green**

Special Assistant to California Insurance Commissioner Ricardo Lara  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3682  
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---

**From:** Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)>  
**Sent:** Wednesday, May 01, 2019 2:18 PM  
**To:** Green, David  
**Cc:** Weitzman, Dan  
**Subject:** Re: lunch between CRL and Lena

David

Steve Menzies made a 12:00 pm lunch reservation at The NoMad restaurant located at: 649 S Olive St, Los Angeles, CA, United States, 90014

Sent from my iPhone

On Apr 30, 2019, at 8:56 PM, Green, David <[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)> wrote:

Hello Jamie,

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David

**David Green**

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300 Capitol Mall, Suite 1700  
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Phone: (916) 492-3682  
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---

**From:** Green, David  
**Sent:** Wednesday, May 01, 2019 2:31 PM  
**To:** Jamie Sahara  
**Cc:** Weitzman, Dan  
**Subject:** Re: lunch between CRL and Lena

Perfect! Thank you.

Sent from my iPhone

On May 1, 2019, at 2:18 PM, Jamie Sahara <[jsahara@rivpartners.com](mailto:jsahara@rivpartners.com)> wrote:

David

Steve Menzies made a 12:00 pm lunch reservation at The NoMad restaurant located at: 649 S Olive St, Los Angeles, CA, United States, 90014

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300 Capitol Mall, Suite 1700  
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**De Guzman, Debbie Lynne**

---

**From:** Jamie Sahara <jsahara@rivpartners.com>  
**Sent:** Wednesday, May 1, 2019 2:33 PM  
**To:** Potter, Roberta; Lizarraga, Angela  
**Subject:** Accepted: Lunch w/ only Steve Menzies & Jamie Sahara

**De Guzman, Debbie Lynne**

---

**Subject:** Lunch w/ only Steve Menzies & Jamie Sahara  
**Location:** NoMad restaurant 649 S Olive St, Los Angeles, CA, United States, 90014  
  
**Start:** Mon 5/6/2019 12:00 PM  
**End:** Mon 5/6/2019 2:00 PM  
**Show Time As:** Tentative  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Commissioner Ricardo Lara  
**Required Attendees:** Potter, Roberta; Lizarraga, Angela; Jamie Sahara; Hayes-Bautista, Catalina

Contact: Jamie Sahara 415 [REDACTED]



## De Guzman, Debbie Lynne

---

**Subject:** Canceled: Lunch w/ only Steve Menzies  
**Location:** LA Location TBD

**Start:** Mon 5/6/2019 12:00 PM  
**End:** Mon 5/6/2019 2:00 PM  
**Show Time As:** Free

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Commissioner Ricardo Lara  
**Required Attendees:** Potter, Roberta; Lizarraga, Angela; Jamie Sahara

**Contact:** Jamie Sahara 415 [REDACTED]

## **De Guzman, Debbie Lynne**

---

**Subject:** Lunch w/ only Steve Menzies & Jamie Sahara  
**Location:** LA Location TBD  
  
**Start:** Mon 5/6/2019 12:00 PM  
**End:** Mon 5/6/2019 2:00 PM  
**Show Time As:** Tentative  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Commissioner Ricardo Lara  
**Required Attendees:** Potter, Roberta; Lizarraga, Angela; Jamie Sahara

## **De Guzman, Debbie Lynne**

---

**Subject:** Lunch w/ Lena Gonzales & Steve Menzies  
**Location:** LA Location TBD  
  
**Start:** Mon 5/6/2019 12:00 PM  
**End:** Mon 5/6/2019 2:00 PM  
**Show Time As:** Tentative  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Commissioner Ricardo Lara  
**Required Attendees:** Potter, Roberta; Lizarraga, Angela; Weitzman, Dan

**De Guzman, Debbie Lynne**

---

**Subject:** Lunch w/ only Steve Menzies & Jamie Sahara  
**Location:** NoMad restaurant 649 S Olive St, Los Angeles, CA, United States, 90014  
**Start:** Mon 5/6/2019 12:00 PM  
**End:** Mon 5/6/2019 2:00 PM  
**Recurrence:** (none)  
**Meeting Status:** Meeting organizer  
**Organizer:** Commissioner Ricardo Lara  
**Required Attendees:** Commissioner Ricardo Lara; Potter, Roberta; Lizarraga, Angela; Jamie Sahara; Hayes-Bautista, Catalina

Contact: Jamie Sahara 415 [REDACTED]

**De Guzman, Debbie Lynne**

---

**Subject:** Lunch w/ only Steve Menzies & Jamie Sahara  
**Location:** NoMad restaurant 649 S Olive St, Los Angeles, CA, United States, 90014  
**Start:** Mon 5/6/2019 12:00 PM  
**End:** Mon 5/6/2019 2:00 PM  
**Recurrence:** (none)  
**Meeting Status:** Meeting organizer  
**Organizer:** Commissioner Ricardo Lara  
**Required Attendees:** Potter, Roberta; Lizarraga, Angela; Jamie Sahara; Hayes-Bautista, Catalina  
  
**Contact:** Jamie Sahara 415 [REDACTED]

## **EXHIBIT 19**

Need help with insurance? Call us:  
Call 800-927-4357 (HELP)  
Se Habla Español

## Berkshire Hathaway subsidiary's bait and switch marketing tactics halted by regulator agreement

News: 2017 Press Release

For Release: June 8, 2017

Media Calls Only: 916-492-3566

Email Inquiries: [cdipress@insurance.ca.gov](mailto:cdipress@insurance.ca.gov)

### **Berkshire Hathaway subsidiary's bait and switch marketing tactics halted by regulator agreement**

Insurance Commissioner secures numerous concessions from insurer to protect California businesses from high-risk, deregulated workers' compensation product

**SACRAMENTO, Calif.** — After a year of legal wrangling, Insurance Commissioner Dave Jones announced today that the California Department of Insurance has reached a settlement agreement with Berkshire Hathaway subsidiaries to stop the bait and switch marketing tactics used to sell a workers' compensation insurance product, which led to numerous complaints from employers caught up in the costly and complicated policies.

"This is a significant victory in protecting California businesses from sophisticated bait and switch marketing tactics," said Insurance Commissioner Dave Jones. "We have gone to the limit of our authority over workers' compensation insurance products in winning concessions that eliminate oppressive contract terms, such as the insurer requiring arbitration in the British Virgin Islands. The revised product terms include lower rates, improved disclosures, and limiting sale of the product only to companies that can absorb the substantial risks."

In May 2016, in response to a complaint by a small business owner and after a hearing by an administrative law judge, the commissioner determined California Insurance Company and Applied Underwriters, both subsidiaries of Berkshire Hathaway, were selling a workers' compensation product with illegal side agreements that modified the obligations of the parties under the policy.

Such agreements, known as Reinsurance Participation Agreements or RPAs, require department review and approval—the Berkshire companies used the agreements without first obtaining the department's approval.

For example, the RPA did not disclose basic premium information, levied hefty penalties for policy cancellation, failed to disclose required binding arbitration outside the U.S., and obfuscated the methodology for calculating premiums, deposits, or other payments due.

Workers' compensation insurance was partially deregulated by the legislature in the 1990s—as a result, the insurance commissioner has only limited authority over rates and product features.

The department concluded Applied Underwriters was trying to avoid regulatory oversight, as noted in their U.S. patent application where the company described how its patent purports to evade regulatory oversight and ostensibly allows the company to sell a complicated type of policy to smaller businesses, which most states prohibit.

Even the revised products are not appropriate for businesses unable to adequately evaluate the pricing, obligations, and risks of such a complex product.

The department advises any employer considering such a complex product to consult an expert with legal and actuarial expertise in workers' compensation products.

###

**Media Notes:**

Commissioner's regulatory authority over workers' compensation rates is limited to the following:

- The rates must be sufficient to make sure the companies remain solvent,
- The rates cannot tend to create a monopoly in the market, and
- They cannot be unfairly discriminatory.

Workers' compensation insurers are required to file their policy forms with the department; however, the commissioner has very limited authority over product features.

This case is connected to the Shasta Linen case. Below is information on that case and the related issues:

- California Insurance Company ("CIC"), Applied Underwriters Captive Reinsurance Assurance Company ("AUCRA") and Applied Underwriters ("AU") are subsidiaries of Berkshire Hathaway. Both CIC and AUCRA are indirect subsidiaries of AU. CIC is a workers' compensation insurer, and AUCRA is a workers' compensation reinsurer for CIC. AU is not an insurer, but it offers insurance programs through affiliated insurance companies.
- Shasta Linen is a privately-held, family-owned California corporation in the linen rental business.
- Applied Underwriters promotes the EquityComp program as a loss-sensitive, profit-sharing plan. It consists of a guaranteed-cost workers' compensation insurance policy issued by CIC and a "side" agreement, known as the Reinsurance Participation Agreement ("RPA"), that is sold as a profit-sharing plan issued by AUCRA.
- AU filed a U.S. patent application for the EquityComp Program, known as a "Reinsurance Participation Plan," in which AU described its patent as a retrospective rating plan, which by law was required to be approved by the commissioner.
- In the Shasta Linen case, Shasta Linen challenged the validity of the EquityComp insurance program, including the unfiled RPA. CIC asserted that it was not required to file the RPA on the basis that it did not affect the underlying workers' compensation insurance policy. An administrative law judge heard the case and issued a proposed decision against AUCRA and CIC. The commissioner adopted the decision and held that the RPA modified the underlying workers' compensation insurance policy sold to Shasta Linen and it should have been filed as required by law. He also found that CIC and AUCRA unlawfully failed to file the rate associated with the RPA.

#### **Shasta Linen - Issues:**

- AU did not provide Shasta Linen with a copy of the RPA until after the inception of the program. Once provided, the RPA obfuscated key details by failing to disclose portions of the formulas it used to calculate rates and other costs.
- AU used its discretion to assess charges and retain large sums of money for indeterminate periods of time. There was inadequate transparency regarding AUCRA's methodology for calculating amounts of premiums, deposits, and other payments due.

#### **Benefits of Settlement**

- The RPA was an unfiled product but the insurers conceded that it falls under the commissioner's oversight and jurisdiction and has to be filed with the Department of Insurance.
- The settlement includes a dismissal of the writ petition filed by the insurers in the Shasta Linen case, and the commissioner's administrative decision in the Shasta Linen case will continue to stand as a precedent decision. This serves as a warning to other insurers that fail to file with the commissioner, for approval prior to use, any modifications to an employer's workers' compensation policy, and those that charge unfiled rates.
- The settlement includes new disclosures that will provide policyholders with key details regarding the product.
- The settlement effectively constitutes an acknowledgement that side agreements that modify the obligations of the parties to an insurance policy must be filed consistent with longstanding insurance



law. This requirement was clarified in department regulations which went into effect on April 1, 2016, which included a provision that ancillary agreements, such as the RPA in this matter, must be filed and approved before they may be used by insurers.

- The settlement effectively constitutes an acknowledgement that rates and supplementary rate information must be filed with the department consistent with longstanding insurance law.

Informational page containing important documents relating to this case can be found [here](#).

---

Led by Insurance Commissioner Ricardo Lara, the California Department of Insurance is the consumer protection agency for the nation's largest insurance marketplace and safeguards all of the state's consumers by fairly regulating the insurance industry. Under the Commissioner's direction, the Department uses its authority to protect Californians from insurance rates that are excessive, inadequate, or unfairly discriminatory, oversee insurer solvency to pay claims, set standards for agents and broker licensing, perform market conduct reviews of insurance companies, resolve consumer complaints, and investigate and prosecute insurance fraud. Consumers are urged to call 1-800-927-4357 with any questions or contact us at [www.insurance.ca.gov](http://www.insurance.ca.gov) via webform or online chat. Non-media inquiries should be directed to the Consumer Hotline at 800-927-4357. Teletypewriter (TTY), please dial 800-482-4833.

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## **EXHIBIT 20**

1 DEPARTMENT OF INSURANCE  
EXECUTIVE OFFICE  
2 300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
3 Tel. (916) 492-3500 Fax (916) 445-5280  
4  
5  
6  
7

8 **BEFORE THE INSURANCE COMMISSIONER**  
9 **OF THE STATE OF CALIFORNIA**  
10

11 In the Matter of the Appeal of  
12 **RDR BUILDERS, INC., a California**  
13 **corporation, DOS REIS, RONALD, and**  
14 **BARBIERI, MARK, d/b/a/ RDR**  
15 **BUILDERS, LP; and RDR**  
16 **PRODUCTION BUILDERS, INC., a**  
17 **California corporation**

18 Appellants,

19 From the Decision of the

20 **CALIFORNIA INSURANCE COMPANY**  
21 **and APPLIED UNDERWRITERS**  
22 **CAPTIVE RISK ASSURANCE**  
23 **COMPANY, INC.**

24 Respondents.  
25

File AHB-WCA-17-52

**ORDER OF STAY OF DECISION AND**  
**INVITATION TO BRIEF**  
**RECONSIDERATION**

26 The Commissioner issued his Order adopting the proposed decision in this matter on May  
27 13, 2019 ("Order"). On May 17, 2019, the Commissioner mailed his Order to the parties and to  
28 the Workers' Compensation Insurance Rating Bureau.

Upon further review, on his own motion, the Commissioner hereby stays the effective date  
of his Order. The purpose of the stay is to permit the parties to consider the Order, and page 37,  
footnote 203 in particular, in light of the precedent decision *In the Matter of the Appeal of Shasta*  
*Linen Supply, Inc.* (Cal. Ins. Comm'r, Jun 20, 2016, AHB-WCA-14-31).

1 Pursuant to the provisions of California Insurance Code section 11737(f), as well as  
2 California Code of Regulations, Title 10, sections 2509.71 through 2509.74, IT IS SO  
3 ORDERED that the effective date of the Commissioner's Order in the above-entitled matter is  
4 hereby STAYED to Monday, July 22, 2019. If either party contends that reconsideration of the  
5 Order is appropriate, that party shall file its petition for reconsideration by Monday, July 1. In  
6 accordance with California Code of Regulations, Title 10, sections 2509.72, any response to a  
7 petition for reconsideration shall be filed by no later than Tuesday, July 16.

8 The stay of the Order in this matter to Monday, July 22, 2019 shall become effective  
9 immediately.

10  
11 DATED: June 21, 2019

RICARDO LARA  
Insurance Commissioner

12  
13 By: 

14 BRYANT W. HENLEY  
15 Deputy Commissioner & Special Counsel  
16  
17  
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28

1       **NOTICE OF TIME LIMITS FOR RECONSIDERATION & JUDICIAL REVIEW**  
2       **In the matter of the Appeal of RDR BUILDERS, INC., a California corporation, DOS**  
3       **REIS, RONALD, and BARBIERI, MARK, d/b/a/ RDR BUILDERS, LP; and RDR**  
4       **PRODUCTION BUILDERS, INC., a California corporation**  
5       **Case No. AHB-WCA-17-52**

6       Petitions for reconsideration may be made pursuant to California Code of Regulations,  
7 Title 10, sections 2509.72 and 2509.73. Although not required, a response to a petition for  
8 reconsideration may be made pursuant to California Code of Regulations, Title 10, section  
9 2509.74. To be considered, a petition for reconsideration must be made timely, and shall be  
10 based solely upon, and shall set forth specifically, the grounds upon which the decision of the  
11 Commissioner allegedly is contrary to law or is erroneous. A petition for reconsideration shall  
12 not refer to, or introduce, any evidence which was not part of the record of the evidentiary  
13 hearing. Any such evidence nonetheless provided shall be accorded no weight. Copies of  
14 documents received in evidence or already part of the records shall be referenced and attached as  
15 exhibits. A Petition for Reconsideration must be served on all parties and should be directed to:

16               Bryant Henley  
17               Deputy Commissioner & Special Counsel  
18               California Department of Insurance – Executive Office  
19               300 Capitol Mall, 17<sup>th</sup> Floor  
20               Sacramento, California 95814

21       Judicial review of the Insurance Commissioner's Decision may be had pursuant to  
22 California Code of Regulations, Title 10, section 2509.76, by filing a petition for a writ of  
23 mandate against the Insurance Commissioner or the Department of Insurance, in accordance with  
24 the provisions of section 1094.5 of the California Code of Civil Procedure. The right to petition  
25 shall not be affected by the failure to seek reconsideration before the Commissioner. A petition  
26 for a writ of mandamus (writ petition) shall be filed with the Court, and served on the Insurance  
27 Commissioner as follows:

28               Agent for Service of Process  
              Government Law Bureau  
              California Department of Insurance  
              300 Capitol Mall, 17<sup>th</sup> Floor  
              Sacramento, California 95814

1 Since the Administrative Hearing Bureau is a division of the Department of Insurance,  
2 and not a separate legal entity, the writ petition should *not* name the Administrative Hearing  
3 Bureau or the Administrative Law Judge who presided over the matter as respondents. However,  
4 a courtesy copy of any writ petition should be delivered to the Administrative Hearing Bureau of  
5 the California Department of Insurance as follows:

6 Department of Insurance  
7 Administrative Hearing Bureau  
8 45 Fremont Street, 22<sup>nd</sup> Floor  
San Francisco, California 94105

9 A request to the Commissioner or the Hearing Officer for a copy of the administrative  
10 record for a writ petition pursuant to California Code of Regulations, Title 10, section 2509.76,  
11 subdivision (d) should be made to:

12 Agent for Service of Process  
13 Government Law Bureau  
14 California Department of Insurance  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, California 95814

15 The request should include the Matter name and Case Number specified above.  
16  
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24  
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## DECLARATION OF SERVICE BY MAIL

Case Name/No.: In the Matter of the Appeal of:  
RDR BUILDERS, INC. , a California corporation, DOS REIS, RONALD,  
and BARBIERI, MARK, d/b/a/ RDR BUILDERS, LP; and RDR  
PRODUCTION BUILDERS, INC., a California corporation  
File No. AHB-WCA-17-52

I, CANDACE GOODALE, declare that:

I am employed in the County of Sacramento, California. I am over the age of 18 years and not a party to this action. My business address is State of California, Department of Insurance, Executive Office, 300 Capitol Mall, Suite 1700, Sacramento, California, 95814.

I am readily familiar with the business practices of the Sacramento Office of the California Department of Insurance for collection and processing of correspondence for mailing with the United States Postal Service. Said ordinary business practice is that correspondence is deposited with the United States Postal Service that same day in Sacramento, California.

☒ On June 21, 2019 following ordinary business practices, I caused a true and correct copy of the following document(s):

### **ORDER OF STAY OF DECISION AND INVITATION TO BRIEF RECONSIDERATION**

to be sent via e-mail and also placed for collection and mailing at the office of the California Department of Insurance at 300 Capitol Mall, Sacramento, California, 95814 with proper postage prepaid, in a sealed envelope(s) addressed as follows:

(SEE ATTACHED SERVICE LIST)

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Sacramento, California, on June 21, 2019.

  
CANDACE GOODALE

**PARTY SERVICE LIST**  
**RDR BUILDERS, INC.**  
**FILE NO.: AHB-WCA-17-52**

Larry J. Lichtenegger, Esq.,  
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6  
7

8 **BEFORE THE INSURANCE COMMISSIONER**  
9 **OF THE STATE OF CALIFORNIA**  
10

11 In the Matter of the Appeal of:

12 **VAN DE POL ENTERPRISES, INC.;**  
13 **FUEL DELIVERY SERVICES, INC.,**

14 Appellants.

15 From the Decision of:

16 **CALIFORNIA INSURANCE**  
17 **COMPANY; APPLIED**  
18 **UNDERWRITERS CAPTIVE RISK**  
19 **ASSURANCE COMPANY**

20 Respondents.

File No. AHB-WCA-17-42

**NOTICE OF NON-ADOPTION OF  
PROPOSED DECISION; and ORDER OF  
REFERRAL**

(Title 10 Cal. Code Regs., section 2509.69,  
subds. (d) & (e).)

21 This matter came for hearing before Clarke de Maigret, Administrative Law Judge  
22 (hereafter "ALJ") of the Administrative Hearing Bureau. The ALJ closed the record on June 3,  
23 2019, signed his Proposed Decision on June 6, 2019, and recommended its adoption as the  
24 Decision of the Commissioner. On June 10, 2019, the Commissioner received the attached  
25 Proposed Decision.

26 On page 20 of the Proposed Decision, the ALJ finds in part "...[t]he rates set forth in the  
27 guaranteed cost policies comport with Respondents' rate filings under Insurance Code section  
28 11735." On page 36 of the Proposed Decision, the ALJ finds "...there has been no allegation in

1 this appeal that any portion of the guaranteed cost policies is unlawful.” On page 36, footnote  
2 196, the ALJ expressly “...makes no finding as to whether the guaranteed cost policies are valid  
3 or enforceable...”

4 On page 27, the ALJ notes that Insurance Code section 11737, subdivision (f) “grants the  
5 Commissioner broad authority to award remedies in workers’ compensation appeals...[and]  
6 authorizes him to ‘affirm, modify, or reverse’ an insurer’s action concerning the application of its  
7 rating system. The statute contains no language restricting remedies the Commissioner may  
8 order.” The ALJ also notes on page 28 that “...remedies under subdivision (f) may be  
9 retrospective.”

10 Now, therefore, pursuant to the provisions of California Code of Regulations section  
11 2509.69(d), the Insurance Commissioner chooses not to adopt the attached proposed decision as  
12 his decision in the above-entitled matter. By operation of this Order, this matter is referred back  
13 to ALJ de Maigret, to take additional evidence on the following:

- 14
- 15 1. The Proposed Decision includes findings that the rates set forth in the guaranteed  
16 cost policies comport with Respondents’ rate filings under Insurance Code section  
17 11735, and that there has been no allegation in this appeal that any portion of the  
18 guaranteed cost policies is unlawful. Given the above, does the precedent decision  
19 *In the Matter of the Appeal of Shasta Linen Supply, Inc.* (Cal. Ins. Comm’r, Jun.  
20 20, 2016, AHB-WCA-14-31) compel the conclusion that Appellants are obligated  
21 to pay the full guaranteed cost policy premium?
  - 22 2. If payment of the full guaranteed cost policy premium is not required, what  
23 remedies may the Commissioner implement under his broad authority to award  
24 remedies in workers’ compensation appeals in order to properly ‘affirm, modify,  
25 or reverse’ Respondents’ action in this case?

26 //

27 //

28 //

- 1                   3. Is there any other guidance on the question of available administrative remedies  
2                   that the parties or the Commissioner should expressly seek from a court of law that  
3                   may review the Commissioner's ultimate decision in this case?  
4

5                   It is so ordered.  
6  
7

8                   DATED: June 27, 2019.

RICARDO LARA  
Insurance Commissioner

9  
10                   By: 

11                   BRYANT W. HENLEY  
12                   Deputy Commissioner & Special Counsel  
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8 **BEFORE THE INSURANCE COMMISSIONER**  
9 **OF THE STATE OF CALIFORNIA**  
10

11 In the Matter of the Appeal of:

12 **STEVE WILLS TRUCKING AND**  
13 **LOGGING, LLC,**

14 Appellant.

15 From the Decision of the

16 **CALIFORNIA INSURANCE**  
17 **COMPANY; APPLIED**  
18 **UNDERWRITERS CAPTIVE RISK**  
19 **ASSURANCE COMPANY, INC.; and**  
20 **APPLIED UNDERWRITERS, INC.,**

21 Respondents.

File No. AHB-WCA-17-44

**NOTICE OF NON-ADOPTION OF**  
**PROPOSED DECISION; and ORDER OF**  
**REFERRAL**

(Title 10 Cal. Code Regs., section 2509.69,  
subds. (d) & (e).)

22 This matter came for hearing before John H. Larsen, Administrative Law Judge (hereafter  
23 “ALJ”) of the Administrative Hearing Bureau. The ALJ closed the record on April 3, 2019,  
24 signed his Proposed Decision on May 2, 2019, and recommended its adoption as the Decision of  
25 the Commissioner. On May 9, 2019, the Commissioner received the attached Proposed Decision.

26 On pages 36-37 of the Proposed Decision, the ALJ finds in part “...there has been no  
27 allegation in this appeal that any portion of the guaranteed cost policies is  
28 unlawful...Accordingly, the RPA is severable from the guaranteed cost policies.”

1 On page 39, the ALJ recounts Respondents' contention that the remedy of reformation is  
2 exclusively reserved for the courts. The ALJ then states "[t]he ALJ does not find the  
3 Commissioner's jurisdiction to be so limited....the Legislature has not specified remedies for  
4 violations of section 11737, subdivision (f). Nor has the Legislature specified remedies for  
5 violations of section 11735. Although additional remedies are available in this matter, the ALJ  
6 declines to fully exercise jurisdiction over them because the parties contractual remedies are  
7 better adjudicated and enforced in the courts...Respondents argue Appellant should be obligated  
8 to pay the difference between the total annual premium...and what Appellant paid...the ALJ does  
9 not order the payment of funds from Appellant to Respondents." Additionally, the ALJ's  
10 Proposed Decision references on page 39 "other remedies available in a court of law, not  
11 adjudicated in this tribunal."

12 Now, therefore, pursuant to the provisions of California Code of Regulations section  
13 2509.69(d), the Insurance Commissioner chooses not to adopt the attached proposed decision as  
14 his decision in the above-entitled matter. By operation of this Order, this matter is referred back  
15 to ALJ Larsen, to take additional evidence on the following:

- 16  
17 1. Are there any portions of the guaranteed cost policies in this matter that are  
18 unlawful?
- 19 2. Does the precedent decision *In the Matter of the Appeal of Shasta Linen Supply,*  
20 *Inc.* (Cal. Ins. Comm'r, Jun. 20, 2016, AHB-WCA-14-31) compel the conclusion  
21 that Appellant is obligated to pay the full guaranteed cost policy premium?
- 22 3. If payment of the full guaranteed cost policy premium is not required, what are the  
23 "additional remedies available in this matter" that the ALJ references on page 39  
24 of the attached Proposed Decision?
- 25 4. If the "additional remedies available in this matter" are not sufficient to properly  
26 "affirm, modify or reverse" the action of the insurer within the meaning of  
27 Insurance Code section 11737, subdivision (f), how are those additional remedies  
28 insufficient?

1  
2 5. Is there any other guidance on the question of available administrative remedies  
3 that the parties or the Commissioner should expressly seek from a court of law that  
4 may review the Commissioner's ultimate decision in this case?  
5

6 It is so ordered.  
7  
8

9 DATED: June 27, 2019.

RICARDO LARA  
Insurance Commissioner

10  
11 By: 

12 BRYANT W. HENLEY  
13 Deputy Commissioner & Special Counsel  
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## **EXHIBIT 21**



EDITORIALS

# Insurance commissioner's campaign cash scandal raises troubling questions

BY THE SACRAMENTO BEE EDITORIAL BOARD

JULY 10, 2019 01:42 PM



The California Fair Political Practices Commission is charged with enforcing the state's laws on campaign finance, conflicts of interest, lobbying and governmental ethics. The five-member board currently has one vacancy. BY [NIK WESSON](#)

**Listen to this article now**

04:20

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Shady and suspicious. These two words describe how Insurance Commissioner Ricardo Lara's political operation looks in the wake of San Diego Union-Tribune reporter Jeff McDonald's [investigation](#) of his fundraising practices.



The Union-Tribune found that Lara has secretly accepted tens of thousands of dollars from people with links to the insurance industry. He did this despite making a public pledge to reject financial contributions from the companies he's charged with regulating.

Here's where it gets a bit too slick: Instead of taking the money directly from insurance industry executives, Lara in some cases received large checks from their relatives. The apparent structuring of these contributions to hide the true origins of the money raises serious ethical questions for Lara to answer.

OPINION

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### CLAIM OFFER

- Theresa DeBarbrie, an administrative coordinator at a nursery school in New York City, wrote a \$15,500 check to Lara. "DeBarbrie is married to Carl DeBarbrie, a principal at Remco Insurance Agency in Hempstead, N.Y. Carl DeBarbrie confirmed in a telephone interview that his firm does business in California, and he was aware of the donation from his wife," according to the Union-Tribune.
- Darlene Graber, a Texas homemaker, wrote a \$7,800 check to Lara. "Public records show Darlene Graber shares an address in the Austin suburb of Leander, Texas with Larry Graber, a senior executive at Independence Holding Co., a conglomerate that owns and operates several insurance companies," according to the Union-Tribune.
- Another \$31,000 came from Stephen and Carol Acunto, also of New York.

Acunto has served as a spokesman for Applied Underwriters, according to the Union-Tribune, and the company is seeking Lara's approval on a proposed sale. Acunto did not respond to the newspaper's questions about his contributions to Lara.

When initially confronted about the contributions, Lara attempted to downplay the issue and keep the cash he had promised not to accept. "He issued a statement saying he hoped voters would evaluate his performance as the California Department of Insurance commissioner, a position that oversees more than \$310 billion in homeowner, workers' compensation and other policies every year," the Union-Tribune said.

Now, he's changed his tune. Lara has pledged to [return the money](#) – more than \$50,000 in total – and reform his campaign practices. Among the changes Lara says he'll implement is to appoint a campaign treasurer. Apparently, Lara has been filling the role himself on his own campaign. This unusual arrangement puts California's insurance commissioner squarely at the center of his own campaign cash scandal, since it's the finance director's job to vet contributions.

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This raises troubling questions. For instance, how did these insurance interests all decide on the strategy of funneling their contributions to Lara through their wives' checking accounts? Did Lara know they were doing this? Was this a purposeful attempt to evade transparency and accountability? Whose idea was it?

In an emailed statement, Lara promised to do better.

“I pledged to not accept insurance money during my campaign, and it is a pledge I intend to keep,” he wrote. “I appreciate the San Diego Union-Tribune bringing this to my attention. With California having the nation’s largest insurance industry, it is clear that appointing myself as treasurer was insufficient to properly vet all contributions. As a result, I will be appointing a treasurer to review all contributions for ties to the insurance industry, return any taken in error, and ensure that I fulfill my pledge.”

It’s a positive step, but questions linger. When a politician gets caught breaking his promises via sneaky methods, it erodes public trust. Lara claims it was just a mistake, but financial scandals carry the scent of corruption.

There’s a good reason why California insurance commissioners don’t take contributions from the companies they regulate. State Insurance Commissioner [Chuck Quackenbush](#)’s political career imploded in 2000 after he was caught taking millions in campaign contributions in order to resolve complaints against insurance companies.

Lara must do more than return the ill-begotten cash. He must come clean about how those checks got written in the first place, admit the error of judgment and commit to steering clear of such trickery in the future.



California Insurance Commissioner Ricardo Lara, a former state senator, pictured at the State Capitol in 2018. ANDREW SENG [ASENG@SACBEE.COM](mailto:ASENG@SACBEE.COM)



**California Launches New Policy For Cars Used Less Than 49 Miles/Day**

[Comparisons.org](https://www.comparisons.org)



OPINION

## Editorial: Troubling behavior from California's Insurance Commissioner Ricardo Lara



Insurance Commissioner Ricardo Lara promised not to accept campaign donations from the insurance industry. But then he took the donations anyway. He has said it was a mistake. (Rich Pedroncelli / Associated Press)

By THE TIMES EDITORIAL BOARD

JULY 11, 2019 3:05 AM PT



It is not illegal for California's insurance commissioner to accept campaign donations from insurance company executives and lobbyists. But it's unseemly enough that most people running for the post have refused such donations to avoid raising suspicions about industry influence. The insurance commissioner's job, after all, is to regulate the \$310-billion industry, keeping insurance available and affordable by overseeing the companies' rates and practices.

One notable violator of this unwritten rule was Insurance Commissioner Chuck Quackenbush, a Republican who not only accepted donations and gifts from the industry, but did so with gusto. During his six years in office, Quackenbush collected \$8 million in campaign donations from insurance companies, as well as industry-financed trips to London, Beijing and other places, before slinking out of the job in disgrace in 2000 after a whistleblower accused him of using the job for personal gain.

And now there's another: Current Insurance Commissioner Ricardo Lara received more than \$53,000 in campaign donations for his 2022 reelection from people linked to an insurance company with business pending before the commissioner, according to [a San Diego Union-Tribune investigation](#).

*Lara says he gave that money back. But then, after he took office, his reelection campaign collected insurance industry contributions.*

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Lara, a Democrat, promised not to take money from the industry during his tough campaign against Steve Poizner, a former Republican insurance commissioner



running as an independent. It was a wise move considering that the last Democrat to lose a race for insurance commissioner was former Lt. Gov. Cruz Bustamante, whom Poizner defeated in 2006. Bustamante had received campaign help from the insurance companies. Poizner had not, and furthermore, showed himself to be a champion of the public's interest while on the job.

Lara beat Poizner in November even though Lara violated his own pledge not to take insurance industry contributions during the campaign. Lara says he gave that money back. But then, after he took office, his reelection campaign collected insurance industry contributions, something Lara acknowledged only after being called out.

This week Lara said it was just a mistake attributable to insufficient campaign controls, and promised once again to return the money. But that's not good enough. He must explain how these donations were made and what he knew about them. It's very difficult to believe that Lara, who was acting as his own campaign treasurer, didn't know the provenance of the contributions, given that they represented most of the donations to his campaign fund.

### **[Enter the Fray: First takes on the news of the minute »](#)**

The issue raised by Lara's actions is part and parcel of a bigger debate in society about the corrosive effect that campaign donations from special interests can have on policymaking and on the public's faith in its elected officials. Obviously, we don't want legislators or regulators to be bought by or beholden to donors. On the other hand, restricting donations from executives and corporations raises 1st Amendment issues, even when they have a financial interest in the outcome of the campaign. The constitutional limits have left reformers struggling to keep outsiders from trying to buy off elected officials and to maintain public confidence in government.

The appearance of undue influence is a problem that afflicts every elected position to a degree. But what makes the state insurance commissioner's position different from,

say, secretary of state or a state senator is that it is a single-industry regulator created by a citizen's initiative in 1988: Proposition 103. The ballot measure grew out of a frustration with the skyrocketing rates for auto and health insurance and the sense that the state's appointed insurance commissioners were too cozy with insurance companies to adequately regulate them.

At the time of the Quackenbush scandal, some state lawmakers sought to restrict industry campaign donations to the insurance commissioner. A bill by then-state Sen. Jackie Speier, a Democrat who is now a congresswoman, would have limited donations from companies that have regulatory proceedings before the commissioner to just \$250 within a 12-month period. The bill never passed, but it was a good idea then and still is. If Lara wants to redeem himself, he would be wise to advocate for similar limits. That would make it harder for him to accidentally keep violating his own pledge.

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OPINION

EDITORIALS



## **EXHIBIT 22**

September 3, 2019

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Anthony E. Wright, Executive Director  
Health Access  
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Sacramento, CA 95814

Dear advocates,

I have dedicated my entire professional life to the cause of public service, guided by a steadfast belief in government for the people, equality for all, and injustice for none. I am proud of the record we have built together to provide a brighter, safer, healthier and fairer future for millions of Californians.

I believe effective public service demands constant adherence to the highest ethical standards. But during my campaign and first six months in office, my campaign operation scheduled meetings and solicited campaign contributions that did not fall in line with commitments I made to refuse contributions from the insurance industry. I take full responsibility for that and am deeply sorry.

Upon learning of these issues, I ordered an immediate return of insurance industry-connected contributions and an internal review of our vetting procedures. I also terminated my longtime contractual relationship with the fundraising personnel involved.

Even though no laws or rules were broken – and these interactions did not affect nor influence my official actions in any way – I must hold myself to a higher standard. I can and will do better. These failures are not consistent with my personal values nor my long career in public service.

I am therefore adopting the following reforms, effective immediately:

- I am implementing rigorous vetting protocols and am retaining experts to develop new processes for the screening and reporting of all outside political activity – to ensure greater transparency and no direct connection to the insurance industry or Department-regulated entities – consistent with best practices.

- I am placing a strict moratorium on all fundraising activity for my re-election campaign until at least the end of this calendar year, while these new processes are being implemented.
- I am requesting that Department attorneys develop new publicly-available protocols for scheduling and conducting meetings with external stakeholders, especially Department-regulated entities.
- I am ordering regular public release of my official calendar of meetings with external stakeholders.

As I look ahead, it is clear to me that California consumers have significant challenges from the rising toll of wildfires and climate change. In recent weeks, I have met with hundreds of those affected by insurance non-renewals across the state due to wildfire risk, witnessing first-hand people's desperation when they cannot obtain and keep affordable insurance. I am working with state and local policymakers to protect communities from a downward spiral of falling home values and declining property taxes that support local services. And California is now the first state to work with the United Nations on a roadmap to climate sustainable insurance.

I am more committed than ever to defending California's consumers – the people who I have fought for during my entire career. I will work with you to fight unlawful insurance schemes, protect Proposition 103 and consumer privacy, help survivors of devastating wildfires with their insurance claims and non-renewals, and defend the Affordable Care Act to make sure all Californians have fair access to affordable health care.

I look forward to the work ahead, and renew my commitment to hold myself to the highest ethical standards as your state Insurance Commissioner.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricardo Lara", with a stylized, cursive script.

**Ricardo Lara**  
Insurance Commissioner

## **EXHIBIT 23**

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



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February 3, 2021

Via email only

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RE: Consumer Watchdog v. Ricardo Lara, et al.  
Superior Court of California, County of Los Angeles, Case No. 20STCP00664

**SETTLEMENT DISCUSSIONS PRIVILEGED AND PROTECTED UNDER  
EVIDENCE CODE SECTION CODE 1152**

Dear Mr. Flanagan, Mr. Powell and Ms. Aviles:

This letter responds to your settlement demand dated January 25, 2021. Consumer Watchdog's settlement demand appears to expand, rather than compromise, the scope of relief sought in the writ petition and complaint. We provide the follow response and counterproposal to the terms of your January 25, 2021 letter.

**1. Declaration Under Oath**

As part of a settlement between the parties, the Department will agree to provide a declaration documenting its searches and verifying that all responsive documents have been identified and either produced under the terms of the settlement agreement or withheld by the Department as required by law. In exchange, Consumer Watchdog agrees not to challenge how Department staff conducted the searches.

**2. Conduct New Searches and Produce Any Additional Documents**

You demand that the Department re-do its prior search and also that the search “include, but not be limited to,” identifying records to and from 13 new individuals and entities and that it encompass all private and professional email addresses. The Department adequately searched for records in response to Consumer Watchdog’s two Public Records Act (PRA) requests, and will not re-do its search. Nor is it realistic to expect the Department to conduct an expansive new search. For these reasons, the Department rejects this demand.

You also demand that the Department search for and produce any records related to the seven meetings listed on pages 2 and 3 of your letter and/or to confirm under oath that no such records exist. The Department will agree to conduct a reasonable search for the calendar entries for any such meetings, and provide any records related to those meetings that are not otherwise exempt from disclosure. In exchange, Consumer Watchdog must agree not to challenge the Department’s determination as to which records, if any, are exempt from disclosure. If the Department is unable to locate any responsive records, it will confirm under oath that following a reasonable search, no records were found.

Additionally, you ask the Department to confirm under oath whether personal email addresses and phone numbers (including texts) were searched and, if not, to conduct such searches. The Department has no legal right (or ability) to search the private email addresses of its staff and/or the email servers of third parties. The Department will only agree to confirm that staff were asked to search their personal devices, which would include email addresses and phone numbers. Public employees are presumed to have performed their duties correctly, including in this case.

Lastly, you ask the Department to confirm under oath that the searches completed to date (and the additional searches to be conducted) were fully carried out in accordance with the two PRA requests, and that all responsive records were produced. As noted, the Department will agree to provide a declaration documenting its searches and verifying that all responsive documents were identified and either produced or withheld as required by law.

**3. Withheld and Redacted Records Responsive to PRA-2019-00555**

You demand that the Department produce the redacted and withheld records listed on page 5 of your October 20, 2020 letter. As previously explained, the material redacted at Bates-stamp nos. 5, 10, 38 and 42 is non-responsive to the PRA request. The material redacted from nos. 31-32 is either non-responsive or contains information related to the Form A Application concerning California Insurance Company (CIC), and the attachments withheld from nos. 35 and 37 concern CIC’s Market Conduct Examination. The Department is prohibited by law from disclosing this information. (Gov. Code, § 6254, subds. (d)(k); Ins. Code, §§ 735.5, 12919; Evid. Code, § 1040.)

We recognize that under certain circumstances, the Commissioner may disclose records otherwise privileged under Insurance Code section 735.5 when he deems it appropriate, or under

section 12919 when not against the public interest. However, such circumstances do not exist here. The Department has reviewed the records at issue in this case and none of them go to what you describe as “the heart of the pay-to-play scandal.”

**4. Withheld and Redacted Records Responsive to PRA-2019-00697**

You demand that the Department produce all the records it withheld in response to this request. For the same reasons outlined above, the Department will not disclose these records.

**5. Reasonable Attorney’s Fees**

Consumer Watchdog demands that the Department pay its reasonable attorney’s fees, but will not provide the amount until after the parties have reached agreement on the other settlement terms. The Department will consider as part of a potential settlement the payment of attorney’s fees, but the amount must be negotiated and agreed upon as part of the settlement itself.

**6. Dismissal of the Writ Petition and Complaint With Prejudice**

Although not mentioned in your letter, any settlement agreement must state that the writ petition and complaint will be dismissed with prejudice, and that the dismissal must occur at or near the date of execution.

**7. Agreement Regarding Records Related to PRA Requests**

As part of a settlement between the parties, the Department has agreed to provide a declaration, conduct a search for the identified calendar entries, and consider Consumer Watchdog’s attorney’s fees. In exchange, Consumer Watchdog must also agree that it will not seek any further records associated with its two PRA requests, including those in any way related to the alleged “pay-to-play scandal” mentioned above.

Please provide a response to this letter by February 10, 2021. In addition, please let me know if you would like to discuss any of the Department’s counterproposals.

Sincerely,



DEBBIE J. VOROUS  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

## **EXHIBIT 24**



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8 *Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and*  
9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12  
13  
14 **CONSUMER WATCHDOG, a non-profit**  
15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
19 **the Insurance Commissioner of the State of**  
20 **California; CALIFORNIA DEPARTMENT**  
21 **OF INSURANCE; and DOES 1-50,**

22 Respondents and Defendants.

Case No. 20STCP00664

**RESPONDENTS' OPPOSITION TO  
PETITIONER'S MOTION TO COMPEL  
FURTHER RESPONSES TO SPECIAL  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

Date: May 12, 2021  
Time: 9:30 a.m.  
Dept: 86  
Judge: Hon. Mitchell L. Beckloff  
Hearing Date: October 29, 2021  
Action Filed: February 27, 2020

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## INTRODUCTION

This case presents the sole issue of whether Ricardo Lara, in his official capacity as the Insurance Commissioner of the State of California, and the California Department of Insurance (collectively referred to as the “Department”) legitimately redacted and withheld records from disclosure under the PRA. At issue in this motion is Petitioner Consumer Watchdog’s motion to compel further responses to its first set of special interrogatories and requests for production. Consumer Watchdog has not met its burden to show that this discovery is proper.

Discovery in a PRA proceeding is limited. While in some cases “discovery may be necessary to test the agency’s assertion that it does not have an obligation to disclose the records at issue,” this case is not one of them. (*City of Los Angeles v. Superior Court* (2017) 9 Cal.App.5th 272, 289 (*City of Los Angeles*.) The Department has taken the position that the records Consumer Watchdog seeks in this proceeding are absolutely protected from disclosure, and therefore the issue for the court will involve a question of law based on undisputed facts. Consumer Watchdog’s argument to the contrary lacks merit.

Consumer Watchdog improperly uses confidential information it obtained during settlement negotiations with the Department to contend the Department’s record search was inadequate and to claim an entitlement on that basis to discovery concerning the Department’s record searches. But this information shows no such thing. Moreover, Consumer Watchdog does not challenge the Department’s search for records in its writ petition. As to Consumer Watchdog’s discovery concerning the records the Department withheld from disclosure, that discovery is improper because Consumer Watchdog is not using the discovery to test the Department’s duty to disclose, but to obtain documents and information to which it is not entitled. Consumer Watchdog’s arguments concerning its alleged allegations of wrongdoing on the part of the Commissioner have nothing to do with whether the Department has a duty to disclose, and are therefore irrelevant. Consumer Watchdog’s claims that discovery related to the Commissioner’s calendar and communications regarding the PRA requests are necessary to resolve the issues in this case are not supportable, and fail to provide a basis to obtain discovery in a PRA proceeding.

The court should deny Consumer Watchdog’s motion to compel.

## STATEMENT OF FACTS

### I. THE PRA REQUESTS AT ISSUE

There are two PRA requests at issue: 1) a June 4, 2019 request, as revised on July 23, 2019 (the “Revised July 23, 2019 PRA request”), and 2) a July 19, 2019 Request (the “July 19, 2019 PRA request”). (Petn., ¶¶ 22, fn. 4, 29, 33.)

The Revised July 23, 2019 PRA request sought appointment calendars and similar records relating to meetings or phone calls between the Commissioner or his representatives and 13 named individuals, including Steven M. Menzies and Jeffrey A. Silver. (Petn., Ex. 7.) The request also sought “records of Conferences between Insurance Commissioner Lara and any individuals employed by or representing” four insurers, including Applied Underwriters and California Insurance Company (CIC). (Petn., Ex. 7, p. 2.) The Department responded to this request, and produced all non-exempt records to Consumer Watchdog on August 31, 2019, and again on September 4, 2019. (Decl. of Debbie De Guzman Supp. Mot. for Prot. Order filed March 17, 2021 (De Guzman Decl.), ¶ 16; Index of Exhibits Supp. Mot. for Prot. Order filed March 17, 2021 (“Dept’s Index”), Exs. F, pp. 62-65 & G, pp. 67-68; Petn., Ex. 18.) The Department redacted information from several emails that related to a Form A Application and associated information submitted to the Department by CIC and, from a calendar entry, attachments for an exit meeting between Department staff and CIC associated with a multi-state Examination by California of CIC for the period covering January 1, 2014, through December 31, 2017. (Dept’s Index, Ex. A, pp. 05-06; Decl. of Chao Lor in Supp. of Mot. for Protective Order filed March 17, 2021 (“Lor Decl.”), ¶ 6.)

The July 19, 2019 PRA request sought emails or any other communications between Commissioner Lara or his representatives and the same individuals and entities as identified in the Revised July 23, 2019 PRA request. (Petn., Ex. 9.) The Department responded to this request, and produced non-exempt records to Consumer Watchdog on September 16, 2019. (De Guzman Decl., ¶ 17; Petn., Ex. 10.) The Department withheld approximately 100 records related to the Form A Application, the multi-state Examination, an Annual Review of CIC by the Department

1 that occurred between January and March of 2019, and the declaration of a dividend by CIC.  
2 (Dept's Index, Ex. A, pp. 04-06; Lor Decl., ¶ 6.)

3 The Department produced all responsive calendar entries involving Commissioner Lara,  
4 and did not withhold any related records from disclosure. (Dept's Index, Ex. A, pp. 16-17  
5 [Commissioner Lara's calendar entries were not accompanied by any "documents, files, or  
6 notes"].) Consumer Watchdog claims the Department delayed to produce records for three-  
7 months because it was scrubbing information from them. (Powell Decl., ¶ 2.) There was no  
8 "three-month" delay, and Consumer Watchdog's accusation is not only objectionable, it is false.  
9 (Obj. to Evid., No. 2; De Guzman Decl., ¶¶ 10-17, 24.)

## 10 **II. THE COMMISSIONER'S MASTER CALENDAR**

11 Although Consumer Watchdog expressly limits the scope of its writ petition to the two  
12 PRA requests, its motion is premised, in part, on the Department's publication of the  
13 Commissioner's Master Calendar. (Petr., ¶¶ 22, fn. 4, 29, 33; CWD Br., p. 4:18-23.)

14 On September 3, 2019, Commissioner Lara sent a letter to several advocates outlining  
15 actions he was taking, including that he was "ordering regular public release of [his] official  
16 calendar of meetings with external stakeholders." (De Guzman Decl., ¶ 19; Dept's Index, Ex. H,  
17 pp. 70-71.) In response to multiple requests from members of the public for the Commissioner's  
18 calendar and the Commissioner's September 3, 2019 letter, the Department created what the  
19 parties in this action have referred to as the "Master Calendar," which consists of a compilation of  
20 the Commissioner's external meetings with stakeholders. (De Guzman Decl., ¶ 20.)

21 On September 5, 2019, counsel for Consumer Watchdog asked the Department to provide it  
22 with a copy of the Master Calendar, which the Department did on September 13, 2019. (De  
23 Guzman Decl., ¶ 21; Index, Ex. I, pp. 73-76; Petr., Ex. 8, p. 1.) The Department did not produce  
24 records related to the meetings listed on the Master Calendar because it did not consider  
25 Consumer Watchdog's request for that calendar related to its two PRA requests. (De Guzman  
26 Decl., ¶ 21; CWD Br., p. 4:18-22.)

27 ///

28 ///



1     **III. SUMMARY OF CONSUMER WATCHDOG’S WRIT PETITION AND COMPLAINT**

2     Consumer Watchdog seeks a writ of mandate commanding the Department produce copies  
3     of “all non-privileged, non-exempted public records,” that the Department withheld in response to  
4     its two PRA requests including Commissioner Lara’s calendar in its native format. (Prayer for  
5     Relief, ¶ 1.) Consumer Watchdog further requests that the court declare that the withheld records  
6     must be disclosed to it. (*Id.* ¶ 2.) Lastly, Consumer Watchdog seeks its attorney’s fees and costs.  
7     (*Id.* ¶ 3.) Consumer Watchdog does not challenge the adequacy of the Department’s record search  
8     in its writ petition. (See, generally, Petn., ¶¶ 1-65.)

9     **IV. SUMMARY OF DISCOVERY DISPUTE AND SETTLEMENT MATERIALS**

10    Consumer Watchdog served its first set of written discovery on the Department on March  
11    13, 2020. (Decl. of Debbie Vorous Supp. Opp’n to Mot. to Compel (Vorous Decl.), ¶ 3.) The  
12    parties met and conferred on the Department’s responses and objections to  
13    Consumer Watchdog’s first set of written discovery between June and July 2020. (*Id.* ¶ 4.)  
14    Consumer Watchdog served the Department with a Person Most Knowledgeable (PMK)  
15    deposition notice on October 20, 2020. (*Ibid.*) The Department objected to the notice. (*Ibid.*) On  
16    December 8, 2020, the parties stipulated that Consumer Watchdog’s motion to compel and the  
17    Department’s motion for a protective order should be heard together, and obtained a May 12,  
18    2021 hearing date. (*Id.* ¶ 5.)

19    In the meantime, on December 4, 2020, the Department forwarded to Consumer Watchdog  
20    a letter inquiring whether Consumer Watchdog was interested in settling this action. (Vorous  
21    Decl., ¶ 6.) On December 11, 2020, Consumer Watchdog requested the Department provide it  
22    with additional information on the Department’s search for records, including search terms, and  
23    on the records withheld by the Department in response to Consumer Watchdog’s July 19, 2019  
24    PRA request. (*Ibid.*) The Department provided materials regarding its record searches, including  
25    the search terms used, and a list of the withheld records to Consumer Watchdog on January 13,  
26    2021, “for settlement purposes only.” (Vorous Decl., ¶ 7; Powell Decl., Ex. 11.) The list of  
27    withheld records sets forth the date and time of each withheld record, the type of record (e.g.,  
28    email), and the author and recipient(s) of the record. (Vorous Decl., ¶ 7; Powell Decl., Ex. 11.)



1 On February 11, 2021, Consumer Watchdog’s counsel served an additional PMK  
2 deposition notice on the Department and a deposition notice for the Commissioner’s scheduler  
3 and Department employee Roberta Potter. (Vorous Decl., ¶ 8.) Counsel also offered not to pursue  
4 the instant motion to compel if the Department would agree to allow Consumer Watchdog to use  
5 the materials regarding its record searches and the list of withheld records that the Department  
6 provided to its counsel on January 13, 2021, as the Department’s further responses to its written  
7 discovery, but would not agree to withdraw its three deposition notices. (*Id.* ¶ 9.) The Department  
8 declined. (*Ibid.*) Nonetheless, Consumer Watchdog has now disclosed the materials in support of  
9 the instant motion. (Powell Decl., ¶ 16, Ex. 11; Objs. to Evid., No. 21 & Obj. to Ex. 11.)

## 10 ARGUMENT

### 11 I. DISCOVERY IN A PRA PROCEEDING IS LIMITED

12 Consumer Watchdog argues that discovery in a PRA proceeding is the same as in any other  
13 civil proceeding. (CWD Br., p. 6:18.) It is not. Discovery in a PRA proceeding is more limited  
14 than in other types of civil actions because the underlying case revolves around the narrow issue  
15 of whether a public agency has an obligation to disclose the records the petitioner has requested.  
16 (*City of Los Angeles, supra*, 9 Cal.App.5th at pp. 289-290.) While “many CPRA cases are likely  
17 to involve questions of law based on undisputed facts (including, for example, whether a  
18 particular type of record is subject to a disclosure exemption), other cases will require the court to  
19 make factual findings based on conflicting evidence.” (*Id.* at p. 289.) “In some such cases,  
20 discovery may be necessary to test the agency’s assertion that it does not have an obligation to  
21 disclose the records at issue.” (*Ibid.*)

22 When a party seeks to compel discovery, the “trial court must determine whether the  
23 discovery sought is necessary to resolve whether the agency has a duty to disclose, and to  
24 additionally consider whether the request is justified given the need for an expeditious  
25 resolution.” (*City of Los Angeles, supra*, 9 Cal.App.5th at p. 289.) Further, the court “has  
26 discretion to consider whether the petitioner has made an adequate showing that the discovery is  
27 likely to aid in the resolution of the *particular issues* presented in the hearing.” (*Id.* at p. 290,  
28 emphasis added; compare *Anti-Defamation League of B’Nai B’rith v. Superior Court* (1998) 67

1 Cal.App.4th 1072, 1095 [in a civil action, discovery is not limited to the actual issues framed by  
2 pleading, there need only be a reasonable prospect that it might lead to discovery of admissible  
3 evidence]; CWD Br., 7:1-2.)

4 The court may also look to federal case law addressing the use of discovery in cases arising  
5 under the Freedom of Information Act (5 U.S.C. § 552 et seq. [FOIA]). (*City of Los Angeles*,  
6 *supra*, 9 Cal.App.5th at pp. 289-290.) Discovery is the exception, not the rule, in FOIA cases.  
7 (*Lane v. Department of the Interior* (9th Cir. 2008) 523 F.3d 1128, 1134.)

8 **II. DISCOVERY SHOULD BE DENIED BECAUSE THE PRA PROCEEDING INVOLVES AN**  
9 **ISSUE OF LAW BASED ON UNDISPUTED FACTS**

10 The Department is charged with regulating the business of insurance through, among other  
11 things, multi-state examinations or annual reviews, restricting the acquisition or control of  
12 domestic insurers, and receipt of notice of a declaration of dividends. (Ins. Code, §§ 730, 1215.2,  
13 1215.4, subd. (f).) The Department has taken the position that the information contained in or  
14 related to the redacted and/or withheld records at issue in this proceeding concern such regulation,  
15 and that the information is confidential and absolutely protected from disclosure under  
16 Government Code section 6254, subdivision (d). (Lor Decl., ¶ 6; Index, Ex. A, pp. 03-07; *State*  
17 *Farm Mutual Automobile Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029, 1044 [Gov. Code, §  
18 6254, subd. (d), is a “specific statutory exemption[] from disclosure”]; Gov. Code, § 6254, subd.  
19 (d) [exempting, among other items, records “contained in or related to” examinations conducted  
20 by state agencies, applications filed by insurers, and any information received in confidence by  
21 the agency].)<sup>1</sup>

22 There is no conflicting evidence that the records at issue here are other than what the  
23 Department states they are—records concerning the examination and annual review of CIC, Form  
24 A Application, and dividend declaration. The issue for the court will therefore be whether these  
25 records properly fall within the scope of Government Code section 6254, subdivision (d), or any

26  
27 <sup>1</sup> The Department also asserts that the records at issue are exempt from disclosure under  
28 Insurance Code sections 735.5, 1215.8, 12919 and Evidence Code section 1040, subdivision (b),  
which are made applicable to the PRA through Government Code section 6254, subdivision (k).  
(Lor Decl., ¶ 6; Index Ex. A, pp. 03-07.)

1 other statutory exemption. (*City of Los Angeles, supra*, 9 Cal.App.5th at p. 289.) This is a  
2 question of law. Accordingly, discovery should not be allowed.

### 3 **III. THE COURT SHOULD DENY CONSUMER WATCHDOG’S MOTION TO COMPEL**

4 Even if the court disagrees with the Department’s position that no discovery is appropriate  
5 because the only issue is legal in nature, the court should deny Consumer Watchdog’s motion to  
6 compel for the reasons set forth below and in the Department’s opposition to Consumer  
7 Watchdog’s separate statement.

#### 8 **A. The Department provided adequate responses to special interrogatory nos. 9 10-11, and no further discovery is necessary to resolve whether the 10 Department has a duty to disclose**

11 Special interrogatory no. 10 asks the Department to identify everything it did to search for  
12 records responsive to Consumer Watchdog’s PRA requests. (Powell Decl., Ex. 4, p. 1) The  
13 Department responded by describing what the Department did to search for records. (*Id.*, Ex. 4,  
14 pp. 11-12.) Its response is adequate.

15 Even though Consumer Watchdog failed to identify any specific deficiency with respect to  
16 special interrogatory no. 10, it now seeks to compel further discovery. (Powell Decl., Ex. 6, pp. 4-  
17 5.) It claims that the Department’s response is inadequate because the Department did not identify  
18 the “search terms” used. (CWD Br., p. 8:6-8.) Because Consumer Watchdog does not challenge  
19 the Department’s search for records in its writ petition, this discovery is irrelevant and should be  
20 denied for this reason alone.

21 The cases upon which Consumer Watchdog relies to argue the Department’s response is  
22 inadequate do not establish that in a PRA action an agency must provide search terms in response  
23 to a discovery request. (CWD Br., p. 8, citing *Brady Ctr. To Prevent Gun Violence v. U.S. Dep’t  
24 of Justice* (D.D.C. 2019) 410 F.Supp.3d 225, 231-232 [on agency’s motion for summary  
25 judgment in FOIA action where adequacy of search was in question, agency must submit affidavit  
26 setting forth search terms and type of search performed to meet burden of proof]; *Protect Our  
27 Defenders v. Dep’t of Defense* (D. Conn. 2019) 401 F.Supp.3d 259, 273 [same]; *Abramyan v.  
28 U.S. Dep’t of Homeland Security* (D.D.C. 2013) 6 F.Supp.3d 57, 62-63 [same].)

1 Consumer Watchdog does not contend that a further response to special interrogatory no.  
2 10 is necessary to test the Department's assertions that it has no duty to disclose. Instead,  
3 Consumer Watchdog claims that the information the Department provided to it during  
4 confidential settlement discussions on January 13, 2021, shows that the Department's search was  
5 inadequate. (CWD Br., pp. 3:25-27, 4:15-17, 8:6-8, 8;18-20.) Based on this claim, Consumer  
6 Watchdog argues that further discovery is proper. (CWD Br., p. 7:9.)<sup>2</sup> It is not.

7 The confidential information that the Department provided to Consumer Watchdog did not  
8 show that the Department's searches were inadequate. Rather, the information (search terms)  
9 provided shows that the Department's searches included all 13 of the individuals identified by  
10 Consumer Watchdog as well as the four named entities. (Powell Decl., Ex. 11.) The scope of an  
11 agency's search is limited by the request. (Gov. Code, § 6253 [requestor must describe  
12 "identifiable records or records"].) Public employees are presumed to have performed their duties  
13 correctly. (Evid. Code, § 664; see De Guzman Decl., ¶¶ 10-15, 23 [describing Department's  
14 search based on parameters identified in PRA requests].)

15 Consumer Watchdog claims that the Department should have included in its search  
16 protocols individuals Eric Serna and Fabian Nunez because they were responsive to its request  
17 that the Department search for records of "Conferences between Insurance Commissioner Lara  
18 and any individuals employed by or representing Applied Underwriters." (CWD Br., pp. 3:9-15,  
19 8:18-26; Powell Decl., Exs. 1 & 2; see Objs. to Evid., Nos. 10, 22.) In response to Consumer  
20 Watchdog's PRA requests, the Department produced a memorandum for a March 11, 2019  
21 Relationship Building Lunch with Eric Serna & Berkshire Hathaway, which contains a reference  
22 to Mr. Silver and Mr. Menzies who are specifically identified in Consumer Watchdog's PRA  
23 requests. (CWD Br., p. 4:1-7, citing Petn. Ex. 18, Bates 00030.) Consumer Watchdog claims that  
24 because this memorandum references Berkshire Hathaway and Berkshire Hathaway is the "owner  
25 of Applied," Department staff should have been on notice that "Eric Serna [allegedly] represented

26  
27 <sup>2</sup> Consumer Watchdog contends that its disclosure of this confidential information is  
28 permissible because it is not using the information for purposes of liability. (CWD Br., p. 1, fn.  
2.) Its brief, however, establishes that it is doing just that. (See, e.g., CWD Br., p. 3:24-27; see  
Objs to Evid., No. 21 & Obj. to Powell Ex. 11.)

1 Applied.” (CWD Br., pp. 4:1-9, 8:18-21.) Not so. If it was so obvious that Berkshire Hathaway  
2 owned Applied and that Mr. Serna allegedly represented Applied, it would be presumed that  
3 Consumer Watchdog would have identified both Berkshire Hathaway and Mr. Serna in its PRA  
4 requests so that staff could include them in its search protocol, but it did not. An “agency is not  
5 required to speculate about potential leads.” (*Kowalczyk v. Dept. of Justice* (D.C. Cir. 1996) 73  
6 F.3d 386, 389.) Nor would it have been reasonable for staff to do so in this case. (De Guzman  
7 Decl., ¶¶ 10-15, 23.)

8 Consumer Watchdog claims the Department also should have included Mr. Nunez in its  
9 search terms because he was employed by Applied to lobby the Department, and allegedly met or  
10 had phone calls with the Commissioner or his staff in February 2019. (CWD Br., p. 8:21-24.) But  
11 this claim is based on an unrelated lawsuit filed in January 2021 that brought Mr. Nunez to  
12 Consumer Watchdog’s attention, which is inadmissible and should be disregarded. (CWD Br., p.  
13 4:24; Powell Decl., ¶ 19; see Objs. to Evid., No. 22 & Objs. to RJN Ex. D & E.)

14 As to special interrogatory no. 11, Consumer Watchdog asks the Department to identify  
15 everything it did to review the records responsive to the PRA requests. (Powell Decl., ¶ Ex. 4, p.  
16 12.) The Department responded by describing what it did to review the records responsive to the  
17 PRA requests. (*Id.*, Ex. 4, pp. 12-13.) Again, Consumer Watchdog fails to identify any  
18 deficiencies with respect to this interrogatory, yet seeks to compel a further response. (Powell  
19 Decl., Ex. 6, pp. 4-5.) Here, Consumer Watchdog’s request should be denied because it presents  
20 no basis on which to compel a further response. In its separate statement, Consumer Watchdog  
21 argues it is entitled to discover how the Department determined that the withheld records are  
22 confidential or exempt from disclosure. (See Dept’s Opp’n to CWD Sep. Stmt., p. 32.) But  
23 Consumer Watchdog is not entitled to discover the underlying thought processes or legal analyses  
24 of Department lawyers in making a determination that a record is privileged and protected under  
25 the law. (Evid. Code, §§ 952-955, 1040; Code Civ. Proc., § 2018.030.)

26 As to both interrogatory nos. 10 and 11, Consumer Watchdog argues that the Department’s  
27 objections to its discovery are negated because the information the Department provided to  
28 Consumer Watchdog during settlement negotiations “complied” with its discovery requests.



(CWD Br., pp. 7:14-16, 8:14-17.) That is incorrect, and the Department's confidential materials provide no basis to order further discovery here.

**B. Consumer Watchdog is not entitled to further responses to special interrogatories nos. 1-5 because it improperly seeks the content of the withheld records, and the Department provided adequate responses**

Special interrogatory no. 1 asks the Department to "describe with specificity" each withheld record. This request demands that the Department disclose the very information that it seeks to protect. After the Department has "specifically described" the contents of each withheld record, Consumer Watchdog then asks the Department to list all privileges and exemptions the Department contends are applicable to each record (no. 2), list "all facts on which" the Department bases its contentions (no. 3), identify the author of each record (no. 4), and identify any person outside the Department to whom the record has been disclosed (no. 5). (Powell Decl., Ex. 4, pp. 2-8.)

Consumer Watchdog cannot use discovery to obtain the content of the redacted and/or withheld records to indirectly accomplish the objective of its PRA action. (*Los Angeles Police Dept. v. Superior Court* (1977) 65 Cal.App.3d 661, 668-669; *Lane v. Dept. of the Interior*, *supra*, 523 F.3d at p. 1135 [denying discovery in FOIA where plaintiffs' requests consisted of precisely what defendants claimed was exempt from disclosure]; see *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 790, as modified on denial of reh'g (Aug. 25, 2020) [the process required to justify nondisclosure "cannot require an agency to disclose the very information it seeks to protect"].)

Accordingly, the Department interpreted this discovery in a manner that would not disclose the content of the withheld records, and provided adequate responses that identified the records it withheld in response to Consumer Watchdog's July 19, 2019 PRA request by number and type of record (no. 1), listed the privileges and exemptions that it contends are applicable to those records (no. 2), described the factual basis for their withholding (no. 3), identified the authors of the withheld records (no. 4), and 5) informed Consumer Watchdog that none of the withheld records had been produced to any person outside the Department, but that certain records related to the

1 multi-state examination of CIC were shared with the Iowa and Texas Departments of Insurance  
2 (no. 5). (Powell Decl., Ex. 4, pp. 2-8.)

3 To get around the argument that it cannot obtain the content of the withheld records through  
4 discovery, Watchdog argues that it is entitled to a privilege log of the withheld records. (CWD  
5 Br., p. 9:2-5.) But because such a log would disclose the same privileged and protected  
6 information discussed above, Consumer Watchdog is not entitled to one in this PRA proceeding.  
7 (*Labor and Workforce Development Agency v. Superior Court* (2018) 19 Cal.App.5th 12, 36  
8 [ordering trial court to vacate order requiring agency to produce index identifying the author,  
9 recipient, general subject matter, and nature of exemption claimed for withholding records under  
10 PRA]; CWD Br., p. 9:2-4.)

11 In *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, the Supreme Court recognized that a  
12 court may order a list (not privilege log) of withheld records “when a petition to compel  
13 disclosure has been filed, the agency claims the records are protected by an exemption, and the  
14 records are being transmitted to the court for in camera review to evaluate the claim.” (26 Cal.4th  
15 at pp. 1072-1073.) But even the limited circumstances identified in *Haynie* do not exist here—no  
16 records are being transmitted to the court for an in camera review.

17 Consumer Watchdog mischaracterizes the case of *State Bd. of Equalization v. Superior*  
18 *Court* (1992) 10 Cal.App.4th 1177. (CWD Br., pp. 9:27-10:7.) Following hearing on the writ  
19 petition, the court ordered the Board to prepare a list of the documents withheld at requestor’s  
20 expense to permit requestor to narrow its request, not to specifically describe the documents. (10  
21 Cal.App.4th at pp. 1191-1192.) It also relies on Code of Civil Procedure section 2031.240,  
22 subdivision (c)(1), to support its argument, but that section applies to a document demand, not a  
23 special interrogatory. (*Hernandez v. Superior Court* (2003) 112 Cal.App.4th 285, 293 [privilege  
24 log not necessary in response to interrogatory question]; CWD Br., p. 10:28.) Likewise, the case  
25 of *Catalina Island Yacht Club v. Superior Court* (2015) 242 Cal.App.4th 1116, which also  
26 concerns a document request, is inapposite. (242 Cal.App.4th at p. 1130; CWD Br., 10:22-28.)

27 ///

28 ///

**C. The Department's reliance on Government Code section 6254, subdivision (d), does not change the result described in Section B above**

Consumer Watchdog states that the Department is improperly refusing to provide factual support for withholding the records at issue in this proceeding on the ground that the records are absolutely protected from disclosure under Government Code section 6254, subdivision (d). (CWD Br., p. 11:1-11, citing Powell Decl., ¶¶ 7, 10 & 15.) Based on this statement, it then sets forth multiple arguments as to why section 6254, subdivision (d), allegedly not does provide a basis for the Department to refuse to provide this information. (CWD Br., pp. 11:12-14:6.)

But Consumer Watchdog mischaracterizes the Department's response and its objections to the discovery. (See Powell Decl., ¶ 7, Ex. 4, pp. 2-8, ¶ 10, Ex. 7, pp. 3-4, ¶ 15, Ex. 10, p. 2.) As explained above and as reflected in the Department's discovery responses and correspondence, the Department objected to the discovery on the grounds, among others, that it is an improper attempt by Consumer Watchdog to seek the content of the withheld records, seeks information not necessary to resolve the issue of whether the Department has a duty to disclose, and violates the Civil Discovery Act. (*Ibid.*)

None of Consumer Watchdog's arguments with respect to Government Code section 6254, subdivision (d), change the result that Consumer Watchdog cannot seek the content of the withheld records through a privilege log. First, Consumer Watchdog argues that if all the Department was obligated to do was provide a generalized claim that the documents are exempt under section 6254, subdivision (d), discovery would be virtually impossible to obtain. (CWD Br., p. 11:12-21.) But, again, the Department objected to Consumer Watchdog's discovery on the ground that it was seeking the content of the records withheld under subdivision (d), which it cannot do.

Second, Consumer Watchdog argues that because the withheld records relate to alleged wrongdoing on the part of the Commissioner, and therefore cannot be exempt, its discovery is appropriate. (CWD Br., pp. 10:8-21, 13:14-22.) But such allegations have nothing to do with whether the Department has a duty to disclose the redacted and withheld records, and they are therefore irrelevant to the issue now before the court. (*City of Los Angeles, supra*, 9 Cal.App.5th



1 at p. 289; Objs to Evid. Nos. 3, 10, 14, 15, 19, 20, 22; Objs. to RJN Exs. C-E.) Consumer  
2 Watchdog has no credible basis to argue that the withheld records are other than what the  
3 Department states they are. (CWD Br., p. 2:11-12.)

4 Third, Consumer Watchdog claims that because the Department has not met its burden to  
5 show that the withheld records are exempt, its discovery is proper. (CWD Br., pp. 12:17-23, 13:1-  
6 5.) In California, an adequate basis for withholding records may be established by an agency  
7 through affidavits, a *Vaughn* Index, in camera review, or a combination of these methods  
8 (*American Civil Liberties Union of Northern California v. Superior Court* (2011) 202  
9 Cal.App.4th 55, 83; *Golden Door Properties, LLC v. Superior Court*, *supra*, 53 Cal.App.5th at p.  
10 790.) [discussing what declaration should contain when submitted to support exemption claim].)

11 Fourth, Consumer Watchdog claims that because Government Code section 6254,  
12 subdivision (d) applies only to “trade secrets,” the Department cannot rely on it as a basis to claim  
13 the records are exempt from disclosure. (CWD Br., p. 13:5-12.) But this claim flies directly in the  
14 face of the plain language of the statute, and lacks merit. (See Dept’s Objs. to RJN Exs. A & B.)

15 Lastly, Consumer Watchdog contends the Department’s list of withheld records establishes  
16 that the Department can provide the same information without disclosing the content of the  
17 withheld records. (CWD Br., p. 13:23-26.) Not so. The Department’s list does not “specifically  
18 describe” each withheld record and then list “all facts on which” the Department contends each  
19 record is exempt from disclosure, which is what Consumer Watchdog seeks through its discovery.  
20 On the other hand, Consumer Watchdog’s offer to accept the Department’s list and not file the  
21 instant motion is an admission that the discovery provided is adequate and that no further  
22 information is necessary to resolve whether the Department has a duty to disclose. (Powell Decl.,  
23 ¶¶ 16-18.)

24 **D. The Department’s response to special interrogatory no. 12 is adequate, and**  
25 **the discovery is not necessary to resolve whether the Department has a**  
26 **duty to disclose**

26 Special interrogatory no. 12 asks the Department to identify and describe the system,  
27 protocol, or procedures used to maintain the Commissioner’s calendar or agenda in the ordinary  
28 course of business. The Department responded to this interrogatory and provided what Consumer

1 Watchdog asked for: the system used by the Department to schedule and maintain the  
2 Commissioner's calendar (Microsoft Outlook Calendar) and the procedures it used to maintain  
3 his calendar. (Powell Decl., Ex. 4, pp. 13-14, Ex. 7, p. 5.) No further response is warranted.

4 Consumer Watchdog claims that a further response will shed light on whether the  
5 Department's search for responsive records was adequate. (CWD Br., p. 14:18-19.) But this  
6 interrogatory is not seeking information as to how the Department conducted its search, nor does  
7 the petition allege the search was inadequate. Further, the Department has already informed  
8 Consumer Watchdog that it disclosed all of the records that were located involving the  
9 Commissioner. (Powell Decl., Ex. 4, pp. 15-17; Lor Decl., ¶ 4.)

10 Consumer Watchdog's states that there is a basis for its claim of alleged inadequacy  
11 because there are meetings identified in the Master Calendar where no corresponding records  
12 were identified or produced. (CWD Br., p. 14:12-15) But, as explained, the Master Calendar is  
13 not responsive to Consumer Watchdog's PRA requests. (De Guzman Decl., ¶ 21; Objs. to Evid.,  
14 Nos. 8, 13-18.)

15 **E. The discovery sought through request for production nos. 3, 10-11 and**  
16 **special interrogatory no. 6 is not necessary to resolve whether the**  
17 **Department has a duty to disclose**

18 Consumer Watchdog states that request for production nos. 3, 10-11 and special  
19 interrogatory no. 6 seek communications that respondents had with individuals regarding the PRA  
20 requests. (CWD Br., p. 15:2-3.) While request 3 asks the Department to produce all  
21 communications concerning the PRA requests and special interrogatory no. 6 asks it to identify  
22 such communications, request nos. 10 and 11 do not relate to such communications. (Powell  
23 Decl., Ex. 3, pp. 6-7.) For this reason alone, the Department's objections to request nos. 10 and 11  
24 should be sustained and the motion to compel denied. Further, discovery of Department  
25 communications discussing how to respond to public requests for information concerning the  
26 Commissioner's calendar (no. 10) and/or his internal or external communications with other  
27 persons (no. 11) is not necessary to resolve whether the Department has a duty to disclose the  
28 record at issue here, and is therefore irrelevant. (*Ibid.*; see Dept's Opp'n to CWD Sep. Stmt., pp.  
12-33.)

Discovery should also be denied as to request no. 3 and interrogatory no. 6. Discovery regarding communications that the Department had with individuals regarding the PRA is not necessary to test the Department's assertion that it has no duty to disclose. Consumer Watchdog claims that internal communications will shed light on the Department's record searches, but that is not what the discovery is seeking. (CWD Br., p. 15:8-10.) It also speculates that the discovery may identify witnesses. (CWD Br., p. 15:10.) That reason does not warrant discovery either.

Consumer Watchdog claims that external communications will allow it to determine whether any individuals pressured the Department to withhold records in violation of Government Code section 6253.3. (CWD Br., p. 15:10-13.) The Department has already confirmed in response to Consumer Watchdog's request for production no. 13 that it has no documents "instructing or advising any employee of the [Department] to not respond to a request made pursuant to the California Public Records Act from January 7, 2019 to the present." (Powell Decl., Ex. 5, pp. 13-14.) No discovery of these communications is warranted either.

## CONCLUSION

For the foregoing reasons, the Department respectfully requests the court deny Consumer Watchdog's motion to compel.

Dated: April 14, 2021

Respectfully Submitted,

MATTHEW RODRIQUEZ  
Acting Attorney General of California  
MOLLY K. MOSLEY  
Supervising Deputy Attorney General

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## **EXHIBIT 25**

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*Commissioner of the State of California, and*  
9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12  
13  
14 **CONSUMER WATCHDOG, a non-profit**  
15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
19 **the Insurance Commissioner of the State of**  
20 **California; CALIFORNIA DEPARTMENT**  
**OF INSURANCE; and DOES 1-50,**

21 Respondent and Defendant.  
22

Case No. 20STCP00664

**DECLARATION OF DEBBIE DE**  
**GUZMAN IN SUPPORT OF**  
**RESPONDENTS' MOTION FOR**  
**PROTECTIVE ORDER AND/OR TO**  
**QUASH DEPOSITION NOTICES**

Date: May 12, 2021  
Time: 9:30 a.m.  
Dept: 86  
Judge: Hon. Mitchell L. Beckloff  
Hearing Date: October 29, 2021  
Action Filed: February 27, 2020

23 I, Debbie De Guzman, declare as follows:

24 1. I have worked for the California Department of Insurance (the Department) since  
25 October of 2017. My current position is a Senior Legal Analyst within the Legal Branch,  
26 Government Law Bureau (GLB). In this position, I am authorized by the Insurance Commissioner  
27 of the State of California to serve as a custodian of records for the Department. As a custodian of  
28 records, I am authorized to certify business records for the Department and to respond to requests

1 for records submitted to the Department, including requests made under the California Public  
2 Records Act (PRA).

3 2. I make this declaration in support of Respondents' Motion for Protective Order and/or  
4 to Quash Deposition Notices. The following information is true and correct and based on my  
5 personal knowledge and/or upon my review and examination of records kept by the Department  
6 in the ordinary course of business practice; and, if called to do so, I could and would testify  
7 competently to it.

8 3. As noted, one of my duties and responsibilities within the GLB is to process  
9 subpoenas and requests sent to the Department under the PRA. In this role, I work with  
10 Information Technology (IT) staff to collect electronically stored information on Department  
11 staff's work emails and devices using search terms. I also work with Department staff (Executive  
12 staff and other Department staff) to conduct searches of their own records and personal devices  
13 that IT staff is unable to perform.

14 4. The Department is an agency with numerous offices throughout the State of  
15 California, including three main headquarters offices in Los Angeles, Sacramento and Oakland,  
16 as well as regional offices in Benicia, Commerce, Fresno, Morgan Hill, Orange, Rancho  
17 Cucamonga, Sacramento, San Diego, and Valencia.

18 5. In addition to the electronic and paper records in the Department's possession at its  
19 various office locations, the Department also stores archival boxes of records at off-site facilities  
20 that are maintained by the Department of General Services.

21 6. I am informed and believe that the Department employs close to 1,400 employees and  
22 regulates more than 1,400 insurance companies. Additionally, the Department licenses more than  
23 425,000 insurance agents, brokers, adjusters and business entities. I am informed and believe that,  
24 on an annual basis, the Department receives more than 170,000 consumer assistance calls, and  
25 investigates more than 37,000 consumer complaints.

26 7. In my role, I work with a team comprised of three lawyers, three paralegals and one  
27 legal secretary. This team works with the Department to collect records in response to virtually all  
28 subpoenas to the Department and requests submitted to it under the PRA.

1           8.     In 2019 alone, I am informed and believe that my team received and responded to  
2 1,184 PRA requests. This amounts to an average of 98 PRA requests per month.

3           9.     Additionally, in 2019 alone, I am informed and believe that my team handled 176  
4 subpoenas, or an average of 14 subpoenas per month.

5           10.    On June 4, 2019, GLB received a public record request from Consumer Watchdog  
6 seeking various records, including “All appointment schedules, calendars, meeting logs, phone  
7 call logs, mobile phone records, and other records relating to such meetings or phone calls  
8 (‘Conferences’) between Insurance Commissioner Lara and any individuals who are employed by  
9 or represent the interests of one or more insurance companies or the insurance industry.”  
10 (Verified Petition for Writ of Mandate and Complaint for Declaratory Relief (hereafter, “Petn.”),  
11 Ex. 2, p. 1.) GLB identified this request as “PRA-2019-00555.” I was one of the GLB custodian  
12 of records assigned to respond to this matter.

13           11.    Upon receipt of Consumer Watchdog’s PRA-2019-00555 request, GLB determined  
14 that the request, as written, was overbroad and that it would be unduly burdensome for staff to  
15 search for responsive records. GLB asked Consumer Watchdog to narrow its request to a  
16 particular time-frame, and to identify the names of the individuals and insurance companies that  
17 may have met with the Commissioner. On July 23, 2019, Consumer Watchdog agreed to narrow  
18 the time-frame of the PRA-2019-00555 request to January 7, 2019, to the present, i.e., July 23,  
19 2019, and to “specifically identif[y] the individuals and insurance companies for which  
20 responsive records are sought” (hereafter, “Revised July 23, 2019 PRA request”). (Petn., Ex. 7,  
21 pp. 1 & 3.)

22           12.    As modified, the Revised July 23, 2019 PRA request sought records with respect to  
23 the following 17 individuals and insurance companies: “Steven M. Menzies, Jeffrey A. Silver,  
24 Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M.  
25 McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R.  
26 Graber” and “individuals employed by or representing Applied Underwriters, California  
27 Insurance Company (‘CIC’), Constitution Insurance Company, or Independence Holding  
28



1 Company ('IHC').” (Petn., Ex. 7, p. 2.) Consumer Watchdog requested the “records in an  
2 electronic format such as a Portable Document Format ('PDF').” (Petn., Ex. 2, p. 2.)

3 13. On July 19, 2019, Consumer Watchdog sent a parallel request seeking emails or any  
4 other communications between Commissioner Lara or his representatives and the same  
5 specifically identified individuals and insurance companies as those set forth above in paragraph  
6 12. GLB identified this request as “PRA-2019-00697.” I was assigned as one of the custodian of  
7 records for this matter as well. Again, Consumer Watchdog requested the “records in an  
8 electronic format such as a Portable Document Format ('PDF').” (Petn., Ex. 9, p. 2.)

9 14. To respond to Consumer Watchdog’s Revised July 23, 2019 PRA request and its July  
10 19, 2019 PRA request, I forwarded a copy of the requests to Department staff in various branches  
11 or offices most likely to have responsive records or have access to records based on the subject  
12 matter of the requests. I also worked with Information Technology (IT) staff to conduct a search  
13 of all electronically stored information (ESI) that may be responsive to the requests. To do this, I  
14 provided IT staff with a list of Department staff names in various branches or offices, including  
15 Commissioner Lara’s and his Scheduling Director Roberta Potter’s names, and a list of ESI  
16 search terms to use when conducting the search. As is the Department’s business practice, I used  
17 the list of individuals and insurance companies provided by Consumer Watchdog, or some  
18 derivative thereof, to create a list of search terms.

19 15. In response to the various searches conducted by Department staff and IT staff,  
20 myself and an in-house attorney reviewed each and every record for responsiveness and  
21 confidentiality. Due to the broad scope of Consumer Watchdog’s two PRA requests, GLB  
22 received and reviewed approximately 8,000 plus records, but ultimately determined that most of  
23 the records were not responsive to the requests.

24 16. Following review of the records, I produced a CD containing all disclosable records  
25 in response to the Revised July 23, 2019 PRA request (“PRA-2019-00555”) to Consumer  
26 Watchdog on August 31, 2019, by U.S. mail. Attached as Exhibit F to Respondent’s Index of  
27 Exhibits in Support of Motion for Protective Order and/or to Quash Deposition Notices  
28 (“Respondents’ Index of Exhibits”) is a true and correct copy of my August 31, 2019 letter to



1 Consumer Watchdog. In addition, at Consumer Watchdog's request, the GLB forwarded an  
2 electronic pdf copy of the records to Consumer Watchdog on September 4, 2019. A true and  
3 correct copy of an email from Legal Analyst Vanessa Vera to Mr. Flanagan forwarding the  
4 records is attached as Exhibit G to Respondent's Index of Exhibits. GLB bates-stamped the  
5 records it produced in response to the Revised July 23, 2019 PRA request as "PRA-2019-00555  
6 Req. 1 #000001-000060." (Petr., Ex. 18.)

7 17. On September 16, 2019, I forwarded an electronic pdf copy of all the disclosable  
8 records in response to the July 19, 2019 RPA request ("PRA-2019-00697") to Consumer  
9 Watchdog. (Petr., Ex. 10.) GLB bates-stamped these records as "PRA-2019-00697 GLB000001-  
10 000052". (Petr., Ex. 10.)

11 18. It is the Department's business practice to produce responsive records on a CD and/or  
12 in an electronic format, such as a PDF. Except for circumstances where information may have  
13 been received by the Department in a format such as an excel spreadsheet, the Department does  
14 not produce records in native format. I have been informed by IT staff that the Department does  
15 not produce records in "native" format with metadata intact because doing so would jeopardize or  
16 compromise the security and integrity of the original records and/or the proprietary software in  
17 which it is maintained.

18 19. On September 3, 2019, Commissioner Lara wrote a letter to several advocates  
19 representing United Policyholders, Public Advocates, and Health Access. A true and correct copy  
20 of the Commissioner's letter is attached as Exhibit H to Respondents' Index of Exhibits. In this  
21 letter, the Commissioner states that, effective immediately, he is "ordering regular public release  
22 of [his] official calendar of meetings with external stakeholders."

23 20. In response to multiple requests from members of the public for the Commissioner's  
24 calendar and the Commissioner's September 3, 2019 letter, GLB (including myself and an in-  
25 house attorney) created what the parties in this action have referred to as the "Master Calendar,"  
26 which was derived from the Commissioner's calendar/appointment records on Microsoft Outlook  
27 from January 7, 2019, through August 31, 2019.

1           21. On September 5, 2019, Consumer Watchdog's counsel forwarded a copy of the  
2 Commissioner's September 3, 2019 letter to GLB, and asked GLB to send a copy of the calendar  
3 referenced in the Commissioner's letter to Consumer Watchdog. A true and correct copy of  
4 counsel's September 5 email request is attached as Exhibit I to Respondents' Index of Exhibits. I  
5 provided a copy of the Master Calendar to Consumer Watchdog on September 13, 2019. This the  
6 same calendar that the Department provided to every other member of the public who requested  
7 it. Although my cover letter to Consumer Watchdog's counsel references PRA-2019-00555, the  
8 production of the calendar was "in reply to [counsel's] email request received on September 5,  
9 2019." (Petn., Ex. 8, p. 1.) GLB considered counsel's request separate and apart from its PRA  
10 request. Had GLB considered the email request as related to this PRA request, it would have  
11 produced records relating to the calendar entries and it did not do so.

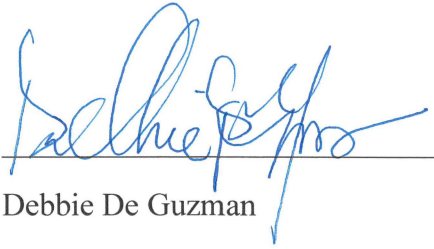
12           22. It is my understanding that on October 20, 2020, Consumer Watchdog served a  
13 deposition notice on the Department asking it to produce a person most knowledgeable (PMK) to  
14 testify as to the external email systems used by the Commissioner, the Department, and its  
15 employees from January 1, 2019, to the present (matter no. 4) and as to the "policies and practices  
16 of CDI employees with respect to the saving and storage of electronic data relating to CDI"  
17 (matter no. 5). (See Index of Exhibits, Ex. C.) The Department has close to 1400 employees, and  
18 it would be oppressive, burdensome and expensive for GLB to canvass all employees spread  
19 throughout the state to try and determine what external email system each and every employee  
20 has used since January 1, 2019, and/or to try and ascertain from the employees their own specific  
21 policies and practices with respect to how they save and store electronic data relating to  
22 Department matters. It is my understanding that the Department has no way to reasonably obtain  
23 this information, whether electronically (via IT staff) or otherwise. Even if GLB could obtain this  
24 information from its employees, it would be extremely difficult and unrealistic for me to review  
25 all of it, catalog and/or summarize it, and then be able to prepare for and testify as to the  
26 information.

27           23. It is also my understanding that on February 11, 2021, Consumer Watchdog served a  
28 second deposition notice on the Department asking it to produce a PMK to testify as to

1 “communications or documents” relating to meetings for the time period January 7, 2019 to July  
2 23, 2019 between Commissioner Lara or any Department personnel and various named  
3 individuals and insurance companies. (See Respondent’s Index of Exhibits, Ex. D [referred to as  
4 “Second PMK notice”].) The individuals and entities listed in the Second PMK notice include 13  
5 individuals and entities beyond those 17 “specifically” identified by Consumer Watchdog in its  
6 Revised July 23, 2019 PRA request and July 19, 2019 PRA request. Because these additional  
7 individuals and entities were not specifically identified by Consumer Watchdog in its two PRA  
8 requests, the list of IES search terms used to respond to its requests did not include them. GLB  
9 receives and processes approximately 90-100 PRA requests per month, which is why it is critical  
10 that we work with requestors to narrow and focus their requests for records to enable the  
11 Department to reasonably locate and produce responsive records, which is exactly what occurred  
12 here.

13 24. Should the Department be required to produce a witness to testify as the Second PMK  
14 notice, GLB would be required to conduct a new search for “documents and communications”  
15 related to meetings that occurred between the Commissioner or any Department personnel and the  
16 additional 13 named individuals and entities. Conducting this new search would again require  
17 Department staff as well as IT staff to search for responsive records that could also exceed 8,000  
18 plus located records, which are mostly not responsive. GLB staff and in-house attorneys would  
19 then have to review each and every record to determine whether they involve a meeting and, if so,  
20 contain confidential information. Only then would any non-privileged or protected records be  
21 made available to a Department witness who would then have to review the documents to prepare  
22 for a deposition. The time spent by the GLB alone to respond to this new search would be not  
23 only burdensome but expensive encompassing several months and approximately 500 or more  
24 hours of staff time. GLB staff and IT staff spent approximately 500 hours combined on the  
25 Revised July 23, 2019 PRA request and the July 19, 2019 request.  
26  
27  
28

1 I declare under penalty of perjury of the laws of the State of California that the foregoing is  
2 true and correct. Executed this 17th day of March, 2021, at Sacramento, California.

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Debbie De Guzman

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## **EXHIBIT 26**

**DEPARTMENT 86 LAW AND MOTION RULINGS**

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**Case Number:** 20STCP00664   **Hearing Date:** May 12, 2021   **Dept:** 86

**CONSUMER WATCHDOG v. CALIFORNIA DEPARTMENT OF INSURANCE**

Case Number: 20STCP00664

Hearing Date: May 12, 2021

**[Tentative]   ORDER GRANTING RESPONDENT’S MOTION FOR PROTECTIVE ORDER AND/OR TO QUASH  
PETITIONER’S DEPOSITION NOTICES**

**ORDER GRANTING IN PART AND DENYING IN PART PETITIONER’S MOTION TO COMPEL  
FURTHER RESPONSES TO SPECIAL INTERROGATORIES AND REQUESTS FOR PRODUCTION  
OF DOCUMENTS**

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Respondent, California Department of Insurance (the Department), moves for the issuance of a protective order and/or to quash deposition notices served by Petitioner, Consumer Watchdog. Through the notices Petitioner seeks to depose the Department’s persons most knowledgeable about certain subjects. Petitioner opposes the motion.

Petitioner moves for an order compelling the Department to provide further responses to its request for production of documents and special interrogatories. The Department opposes the motion.

Relief on each motion is granted. The court is not requiring the Department to produce any document it contends is exempt from disclosure. To the extent the Department contends the discovery sought requires such disclosure, to be clear, the court is making no such order.

Respondent’s objections to Exhibits A through C in Petitioner’s request for judicial notice (RJN) are sustained. The court overrules Respondent’s objections to Exhibits D-E and takes judicial notice of the existence and filing of Exhibits D-E only.

The Department’s evidentiary objections (motion) are sustained as follows: Objections 2, 10, 14, 20, 21 and 22. The objection to Exhibit 11 is sustained. The remaining objections (motion) are overruled.

The Department’s evidentiary objections (reply) are sustained as follows: Objections 7 and 8 are sustained. The remaining objections are overruled.

**APPLICABLE LAW – *Protective Order/Quash:***

“[A]ny party may obtain discovery [through the deposition of a party or a non-party] regarding any matter,

not privileged, that is relevant to the subject matter involved in the pending action.” (Code Civ. Proc. §§ 2017.010, 2025.010.)

Code of Civil Procedure section 2025.480, subdivision (a) provides:

“[i]f a deponent fails to answer any question or to produce any document, electronically stored information, or tangible thing under the deponent's control that is specified in the deposition notice or a deposition subpoena, the party seeking discovery may move the court for an order compelling that answer or production.”

Code of Civil Procedure section 2025.480, subdivision (b) provides that a motion to compel further answers or production of documents from a deponent “shall be made no later than 60 days after the completion of the record of the deposition.”

Conversely, “a party may also move for an order staying the taking of the deposition and quashing the deposition notice.” (Code Civ. Proc. § 2025.410, subd. (c).)

Similarly, “[b]efore, during, or after a deposition, any party, any deponent, or any other affected natural person or organization may promptly move for a protective order.” (Code Civ. Proc. § 2025.410, subd. (a).) “The court, for good cause shown, may make any order that justice requires to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense.” (*Id.* at subd. (b).)

#### **APPLICABLE LAW – *Compel Further*:**

A discovery response may be inadequate because it is evasive or incomplete; contains an incomplete statement of compliance; an inadequate, incomplete, or evasive representation of inability to comply; or meritless or overly general objections to a demand.

If a demanding party believes the responding party responded inadequately, the demanding party may move for an order compelling further response. (Code Civ. Proc. §§ 2031.310, subd. (a), 2030.300.)

#### **ANALYSIS**

This action concerns two requests under California’s Public Records Act (CPRA): (1) a June 4, 2019 request as revised on July 23, 2019 (the Revised July 23, 2019 CPRA Request); and 2) a July 19, 2019 Request (the July 19, 2019 CPRA Request). (Pet., ¶¶ 22, 29, 33.)

Through the Revised July 23, 2019 CPRA Request Petitioner seeks appointment calendars and similar records relating to meetings or phone calls between Commissioner Ricardo Lara or his representatives and individuals and entities from January 7, 2019 to the present. (Pet., Ex. 7.)

In response to the CPRA request, the Department produced non-exempt records to Petitioner on August 31, 2019 and again on September 4, 2019 (by CD format and PDF format respectively), which included calendar entries of meetings involving the Commissioner. (De Guzman Decl., ¶¶ 16, 18; Dept.’s Index of

Exhibits in Supp. of Mot. for Protective Order and/or to Quash Depo. Notices (Index), Exs. F, pp. 62-65, G, pp. 67-68; Pet., Ex. 18.) The Department included several records relating to the Commissioner's meetings with the individuals and/or entities identified in the requests, including from Ms. Roberta Potter. (Pet., Ex. 18.)

The July 19, 2019 CPRA sought emails or any other communications between Commissioner Lara or his representatives and the same individuals and entities as identified in the Revised July 23, 2019 CPRA request. (Pet., Ex. 9.) The Department responded to the request and produced non-exempt records to Petitioner on September 16, 2019 in a PDF format. (De Guzman Decl., ¶¶ 17, 18; Pet., Ex. 10.)

In response to the July 19, 2019 CPRA request, the Department withheld approximately 100 records. The records withheld relate to the Form A application, the multi-state examination, an annual review of the California Insurance Company (CIC) by the Department that occurred between January and March of 2019, and the declaration of a dividend by CIC. (Index, Ex. A, pp. 04-06; Lor Decl., ¶ 6.)

The Department<sup>[1]</sup> claims that the information contained in or related to the records at issue here are subject to insurance regulation, and that the information is confidential and absolutely protected from disclosure under Government Code section 6254, subdivision (d). (*State Farm Mutual Automobile Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029, 1044 [Gov. Code § 6254, subd. (d), is a “specific statutory exemption[] from disclosure”]; Gov. Code § 6254, subd. (d) [exempting, among other items, records “contained in or related” to examinations conducted by state agencies, applications filed by insurers, and any information received in confidence by the agency].) The Department also asserts the records at issue are exempt from disclosure under Insurance Code sections 735.5, 1215.8, 12919 and Evidence Code section 1040, subdivision (b), which are made applicable to the CPRA through Government Code section 6254, subdivision (k).

Petitioner initiated its action on February 18, 2020. Petitioner seeks a writ of mandate commanding the Department to produce copies of “all non-privileged, non exempted public records,” the Department withheld in response to its two CPRA requests including Commissioner Lara's calendar in its native format. (Pet., Prayer for Relief, ¶ 1.)

In the lawsuit Petitioner specifically alleged the Department had not produced a number of responsive, disclosable records and should be required to search for and produce them. (See Pet., ¶ 9 [“the production was grossly inadequate and failed to uphold [Respondents’] duties under the PRA”]; Pet., ¶ 10 [“Based on the records that were turned over . . . it appears that many additional communications between Commissioner Lara and insurance company representatives have been withheld”]; Pet., ¶ 46 [“The records . . . produced, when viewed in conjunction with other publicly available information, give rise to a number of concerning issues that bolster Consumer Watchdog’s assertions that the withheld documents and records are of significant public interest”]; Pet., ¶ 51 [Respondent produced no responsive emails and only a single text message from Commissioner Lara]; Pet., ¶ 61 [alleging Respondents have a duty “to promptly search for and produce all nonprivileged, non-exempted public records requested” in the CPRA Requests].)

As a preliminary matter, while discovery is available in actions brought under the CPRA, “the right to discovery nonetheless ‘remains subject to the trial court’s authority to manage [and limit] discovery’ as



required. [Citations.]” (*City of Los Angeles v. Superior Court* (2017) 9 Cal.App.5th 272, 288, 291.) The “narrow issue” to resolved in a CPRA case is “whether a public agency has an obligation to disclose the records that the petitioner has requested.” (*Id.* at 285.)

While “many CPRA cases are likely to involve questions of law based on undisputed facts (including, for example, whether a particular type of record is subject to a disclosure exemption), other cases will require the court to make factual findings based on conflicting evidence.” (*Id.* at 289.) “In some such cases, discovery may be necessary to test the agency’s assertion that it does not have an obligation to disclose the records at issue.” (*Ibid.*) When a party seeks to compel discovery, the “trial court must determine whether the discovery sought is necessary to resolve whether the agency has a duty to disclose, and to additionally consider whether the request is justified given the need for an expeditious resolution.” (*Ibid.*)

The court also “has discretion to consider whether the petitioner has made an adequate showing that the discovery is likely to aid in the resolution of the particular issues presented in the hearing.” (*Id.* at 290.)

Accordingly, the issue before the court on these discovery motions—in terms of relevance—is whether the discovery sought by Petitioner will aid in determining whether the Respondent legitimately redacted and/or withheld records from disclosure under the CPRA.

#### **Motion for a Protective Order:**

The Department’s motion for protective order addresses three deposition notices:

(1) Petitioner’s Notice of Deposition of Persons Most Knowledgeable served on October 20, 2020 (First PMK Notice), (2) Notice of Deposition of Persons Most Knowledgeable served on February 11, 2021 (Second PMK Notice), and (3) Notice of Deposition of Roberta Potter<sup>[2]</sup> served on February 11, 2021 (Third PMK Notice).

Given the court’s authority to manage discovery considering the narrow issues involved in a CPRA case, the court finds a protective order is warranted here.

The court finds the discussion in *Liberty Mutual Ins. Co. v. Superior Court* (1992) 10 Cal.App.4th 1282 instructive here even though the case focuses upon “apex” depositions. Petitioner’s decision to seek the depositions of the Department personnel—even of a PMK—before less intrusive discovery has been conducted raises a “tremendous potential for discovery abuse and harassment.” (*Liberty Mutual Ins. Co. v. Superior Court, supra*, 10 Cal.App.4th at 1287.)

Further, the court briefly address the substance of the PMK Notices.

The First PMK Notice requests the Department produce a PMK to testify about 13 matters: the Department’s response to Consumer Watchdog’s written discovery (No. 1); the Department’s practices and policies relating to CPRA requests (Nos. 2, 3); internal and external email systems (No. 4) and paper and electronic document systems used by the Department and its employees (No. 5); the Department’s records search (No. 6); the Department’s external communications concerning the two CPRA requests (No. 7); how the Department maintains and keeps the Commissioner’s calendar (No. 8); the Master Calendar (Nos. 9, 10); the Department’s response to the CPRA requests (Nos. 11, 12); and the

Department's internal communication relating to the CPRA requests (No. 13). (Index, Ex. C, pp. 39-45.)

The Second PMK Notice requests the Department produce a PMK to testify about 4 matters: "communications and documents" related to meetings between Commissioner Lara (Nos. 1, 3) or any Department personnel (Nos. 2, 4) and 30 individuals and entities identified by Petitioner, 17 of whom are also identified by Petitioner in its two CPRA requests.

Petitioner directed the Third PMK Notice to Roberta Potter. (Index, Ex. E.)

The court notes many of the deposition topics may be resolved or clarified by less intrusive and less burdensome discovery means, including the document demands and interrogatories at issue in Petitioner's motion to compel further. Nearly all of the topics are or can be the subject to written discovery. The necessity of the depositions at this point in the litigation is not entirely clear based on other outstanding discovery. Additionally, some of the topics appear not necessary to resolve the issue of whether Respondent has an obligation to disclose certain documents.

The court finds the deposition notices are premature. The court finds quashing the notices without prejudice to renewed notices to the extent necessary based on written discovery responses is appropriate. Thus, while the court does not permit the depositions to go forward at this time, depositions of person most knowledgeable may be appropriate after Respondent has made a fulsome response to other less intrusive discovery.

### **Motion to Compel Further Responses:**

[The court requests the Department verify the total number of documents it withheld is as described in the Declaration of Chao Lor. It appears the universe of withheld documents consists of "attachments from an exit meeting between Department personnel and CIC concerning [the multi-state examination]" plus 66 other documents related to the examination, two records related to the annual examination of CIC, 30 records related to CIC Form A, and four records related to CIC's dividend declaration.]

Petitioner seeks to compel further responses to Request for Production of Documents (Set One) Nos. 3, 10, 11 and Special Interrogatories (Set One) Nos. 1-6, 10-12.

#### *1. Request for Production of Documents (RFP): [\[3\]](#)*

**RFP No. 3:** ALL COMMUNICATIONS between YOU and any PERSON CONCERNING the PRA REQUESTS.

This request is relevant and sufficiently unambiguous for Respondent to provide a response. The court agrees the Department's objections appear to be boilerplate. To the extent the Department contends these objections apply such that no documents can be produced, the court is inclined to require a privilege log be prepared containing adequate information to justify the Department's use of the privilege. Moreover, the court disagrees with the Department's position it does not have to state whether it has any responsive documents for the request. The Department has raised objections presumably based on

documents it has—if it has no responsive documents than the Department’s objections to production would be disingenuous. That is, to raise an attorney-client privilege objection when no such documents exist would be entirely meritless leading to a waste of judicial resources to resolve a non-existent dispute.

The court orders a further response to this demand.

**RFP NO. 10:** ALL CDI COMMUNICATIONS from January 7, 2019 to the present discussing how to respond to requests for information CONCERNING Ricardo Lara’s agenda or calendar.

Petitioner argues this request is relevant as to whether the Department undertook an adequate search for responsive documents because it explains how the Department processed Petitioner’s CPRA request. In response the Department argues Petitioner does not challenge the Department’s search for records in its writ petition, so this discovery is irrelevant and should be disallowed. (See generally, Pet., ¶¶ 1- 65.) Even if such a challenge was not specifically raised by the Petitioner, the court nonetheless finds the discovery request falls within the scope of relevant CPRA discovery and is therefore relevant. The discovery relates to the manner in which the agency processed its CPRA request.

Petitioner also asserts Request No. 10 is relevant because it “may” identify “critical witnesses within the Department.” While the Department suggests that such discovery is not relevant because—as stated in response to Request No. 13—no witnesses instructed or advised the Department on how to respond to the CPRA, the Department cannot conclude—and expect Petitioner to accept—it has not been influenced and therefore no documents related to this request are relevant.

The court orders a further response to this demand.

**RFP No. 11:** All CDI COMMUNICATIONS from January 7, 2019 to the present discussing how to respond to requests for information CONCERNING Ricardo Lara’s internal or external communications with other PERSONS.

The court finds the demand overbroad as it does not specifically pertain to Petitioner’s CPRA requests. Thus, a response to the request would likely include irrelevant information.

### *1. Special Interrogatories:*

**Interrogatory No. 1:** IDENTIFY ALL records identified by YOU as responsive to the PRA REQUESTS.

**Interrogatory No. 2:** For each record listed in response to Interrogatory No. 1 that YOU contend is not a public record subject to disclosure, is exempt from disclosure, or may be redacted, list ALL privileges or California Public Records Act exemptions which YOU contend are applicable to the record.

**Interrogatory No. 3:** For each record listed in response to Interrogatory No. 2, list all facts on which YOU base YOUR contention.

**Interrogatory No. 4:** For each record listed in response to Interrogatory No. 2, IDENTIFY the author of the record.

**Interrogatory No. 5:** For each record listed in response to Interrogatory No. 2, IDENTIFY any PERSON outside of CDI to whom that record has been disclosed.

In addition to objecting to the interrogatories, the Department responded that it did not locate any responsive documents that were not public records, although some records were either exempt from disclosure, privileged, or subject to redaction. The Department then continued by identifying the documents withheld and the things redacted.

Petitioner argues Special Interrogatories Nos. 1-5 seek to identify the legal and factual basis for withholding or redacting records responsive to Petitioner's CPRA requests, as well as other information about the records. That is, these interrogatories seek information equivalent to what would be provided in a privilege log.

The Department argues these interrogatories are outside the scope of permissible CPRA discovery. Moreover, the Department notes that there are limits to what may be disclosed in an index. (See *Labor & Workforce Development Agency v. Superior Court* (2018) 19 Cal.App.5th 12, 17 [explaining in CPRA case trial court erred "in requiring disclosure of matters protected by the deliberative process and attorney work product privileges"].)

The court finds the Department failed to provide an adequate response to these interrogatories. Moreover, these interrogatories do not seek information that would necessarily violate any of the protections within the privileges or exemptions. Responses and/or redactions could be crafted to avoid any disclosure of privileged information.

Petitioner is entitled to discovery to determine whether the Department's assertion of privileges and exemptions is proper. The information sought will assist Petitioner in preparing the case for trial and addresses whether Respondent properly withheld documents or made redactions.

The court orders a further response to this interrogatory.

**Interrogatory No. 6:** IDENTIFY ALL COMMUNICATIONS between YOU and any PERSON REGARDING the PRA REQUESTS.

The Department argues this interrogatory does not seek CPRA relevant information, is overbroad, and subject to privilege and exemptions. The court finds this information is relevant to the CPRA petition as it is tied directly to Petitioner's CPRA requests. To the extent the Department believes privilege and exemptions apply, the Department shall identify the communications that are subject to these protections.

The court orders a further response to this demand.

**Interrogatory No. 10:** IDENTIFY everything that YOU did to search for records responsive to the PRA REQUESTS.

**Interrogatory No. 11:** IDENTIFY everything that YOU did to review records responsive to the PRA REQUESTS.

These interrogatories request the Department describe everything it did to "search for" and "review

records responsive to” the CPRA Requests.

In response to the interrogatories, the Department stated:

“Upon receipt of Petitioner’s PRA Requests and after working with Petitioner to narrow some of the requests, legal analysts in the Government Law Bureau forwarded a copy of the requests to Department staff in various branches or offices most likely to have responsive records or have access to responsive records based on the subject matters of the requests. Department staff were asked to conduct a search of their records and forward all responsive records to the legal analysts for review. A legal analyst also worked with the Department’s Information Technology (“IT”) office to conduct a search of all electronically stored information (“ESI”) that may be responsive to the requests. The legal analyst provided IT staff with a list of department staff names in various branches or offices and a list of ESI search terms to use when conducting the searches.”

Petitioner argues the department was required to provide the search terms used—which was critical to Petitioner’s case. Based on these omissions, the court finds a further response by the Department to be warranted. The information provided is not “everything” done to search. The information will assist Petitioner in understanding the nature of the Department’s search in the context of Petitioner’s CPRA requests.

**Interrogatory No. 12:** IDENTIFY and describe the system, protocol, or procedures used by YOU to maintain Commissioner Ricardo Lara’s agenda or calendar in the ordinary course of business.

The Department response to the interrogatory provides a general overview of how matters are placed and maintained on Commissioner Lara’s official calendar.

Petitioner argues “[i]nformation about how Respondents determined which calendar entries to summarize in the ‘master calendar’ is relevant to determining whether Respondents have identified all responsive records. Additional information about the ‘protocol or procedures’ Respondents employ to track and record items in calendars will shed light on whether the search for responsive records was adequate both in terms of search terms used and the search protocol.” (Sep. Statement)

The court finds the Department’s response adequate. Petitioner’s good cause justification exceeds the scope of the interrogatory as drafted. Petitioner’s request for a further response is denied.

## **CONCLUSION**

The motion for protective order is granted. The notices are quashed. Renewal of any deposition notices shall be after written discovery is sufficiently completed such that the necessity of such depositions is apparent.

The motion to compel further is granted in part. Further responses shall be provided within 21 days.

**IT IS SO ORDERED.**

May 12, 2020

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Hon. Mitchell Beckloff  
Judge of the Superior Court

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[1] The Department is charged with regulating the business of insurance through, among other things, multi-state or annual examinations, restricting the acquisition or control of domestic insurers, and receipt of notice of a declaration of dividends. (Ins. Code, §§ 730, 1215.2, 1215.4, subd. (f).)

[2] Petitioner argues that testimony from Scheduling Director Roberta Potter is necessary to establish Respondents' search for responsive records was inadequate, that meetings not yet identified occurred, and that records relating to meetings which have been identified were not disclosed.

[3] The discovery's references to "CDI" refers to the Department.

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## **EXHIBIT 27**





## **EXHIBIT 28**

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*Attorneys for Respondents and Defendants Ricardo*  
8 *Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and the*  
9 *California Department of Insurance*

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

14 **CONSUMER WATCHDOG, a non-profit**  
15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
19 **the Insurance Commissioner of the State of**  
20 **California; CALIFORNIA DEPARTMENT**  
**OF INSURANCE; and DOES 1-50,**

21 Respondent and Defendant.  
22

Case No. 20STCP00664

**RESPONDENTS' OBJECTIONS AND**  
**FURTHER RESPONSES TO**  
**PETITIONER'S SPECIAL**  
**INTERROGATORIES, SET ONE**

*Assigned for all purposes to the Hon. Mitchell*  
*L. Beckloff, Dept. 86*

Action Filed: February 27, 2020  
Writ Hearing Date: November 12, 2021

23 PROPOUNDING PARTY: PETITIONER CONSUMER WATCHDOG

24 RESPONDING PARTY: RESPONDENTS RICARDO LARA, in his official capacity as the  
Insurance Commissioner of the State of California; and the  
25 CALIFORNIA DEPARTMENT OF INSURANCE

26 SET NO.: ONE  
27  
28

1 Pursuant to the court's May 12, 2021 order, Respondents Ricardo Lara, in his official  
2 capacity as Insurance Commissioner of the State of California, and the California Department of  
3 Insurance (collectively, "the Department"), provide the following further responses and  
4 objections to Petitioner Consumer Watchdog's Special Interrogatories, Set One, nos. 1-6, & 10-  
5 11 as follows.

6 The information provided in these responses is true and correct, according to the  
7 Department's best knowledge at this time, but it is subject to future correction for omissions,  
8 errors or mistakes. The Department reserves the right to provide subsequently discovered  
9 information or to amend, modify, or otherwise change the responses, in accordance with  
10 applicable discovery rules. The responses are based on records and information presently  
11 available to the Department.

12 **INTERROGATORY NO. 1:**

13 IDENTIFY ALL records identified by YOU as responsive to the PRA REQUESTS.

14 **RESPONSE TO INTERROGATORY NO. 1:**

15 The Department objects to the definition of the term "IDENTIFY" on the ground it is vague  
16 and ambiguous and overbroad and unduly burdensome. The Department objects to this  
17 interrogatory on the ground that the California Public Records Act ("CPRA") does not require  
18 that the Department catalog each responsive document located in response to Petitioner's PRA  
19 REQUESTS, and to do so would be unduly burdensome and expensive. The Department objects  
20 to this interrogatory on the ground that asking the Department to "IDENTIFY" all the records that  
21 it identified as responsive to Petitioner's PRA Requests, but withheld from disclosure, is an  
22 improper attempt to indirectly accomplish the objective of its CPRA Writ Petition; i.e., to reveal  
23 the substance of the Department's confidential records. The Department objects to this  
24 interrogatory on the ground that a list of the records previously disclosed by the Department is  
25 obtainable from some other source that is more convenient, less burdensome, and less expensive.  
26 The Department refers Petitioner to Code of Civil Procedure section 2030.230, and refers  
27 Petitioner to the records disclosed by the Department, which records are already in Petitioner's  
28 possession and equally available to Petitioner. The Department objects to this interrogatory on the

1 ground it seeks information that is not relevant to the subject matter involved in the pending  
2 action or reasonably calculated to lead to the discovery of admissible evidence. Specifically, the  
3 discovery sought is not necessary to resolve the issue of whether the Department has an  
4 obligation to disclose the withheld and/or redacted records that are the subject of this CPRA  
5 proceeding.

6 Without waiving the above objections, the Department responds as follows. In response to  
7 Petitioner's June 4, 2019 PRA Request, as modified on July 23, 2019 (hereafter, "July 23, 2019  
8 Revised Request"), the Department identified as responsive the records that it produced to  
9 Petitioner on September 4, 2019, and bated stamped as PRA-2019-000-00555 Req. #000001-  
10 000060. (See Petn., Ex. 18.)

11 In response to Petitioner's July 19, 2019 PRA Request, the Department identified as  
12 responsive the records produced to Petitioner on September 16, 2019, and bated stamped as  
13 GLB000001-000052. (See Petn., Ex. 10.) The Department also identified as responsive to  
14 Petitioner's July 19, 2019 PRA Request additional emails and other communications, and  
15 estimates that it withheld from disclosure no more than 100 such records, which relate to 1) an  
16 Annual Review of California Insurance Company by the Department that occurred between  
17 January and March of 2019 (hereafter, "Annual Review of CIC", 2) a multi-state Market Conduct  
18 Examination by California, with Iowa and Texas participating, of California Insurance Company  
19 for the period covering January 1, 2014, through December 31, 2017 (hereafter, "Market Conduct  
20 Examination of CIC"), and 3) an application (Form A Information Statement) and associated  
21 information submitted to the Department concerning California Insurance Company (hereafter,  
22 "Form A Application").

23 **FURTHER RESPONSE TO INTERROGATORY NO. 1:**

24 The Department incorporates the above objections to interrogatory no. 1 as though set forth  
25 in full herein.

26 Without waiving the above objections, the Department states as follows. Consistent with  
27 the court's discussion with the parties during the hearing on Petitioner's motion to compel and the  
28 court's May 12, 2021 order thereon, the Department has listed in the attached Exhibit A the

1 number and types of records withheld by the Department in response to Petitioner's July 19, 2019  
2 PRA request.

3 The Department amends its prior response to interrogatory no. 1 as to Petitioner's July 19,  
4 2019 PRA request to state that it withheld from disclosure 102 records that relate to 1) Form A  
5 Application (30 records), 2) Annual Review of CIC (two records), 3) multi-state examination of  
6 CIC (66 records), and 4) declaration of dividend by CIC (four records).

7 **INTERROGATORY NO. 2:**

8 For each record listed in response to Interrogatory No. 1 that YOU contend is not a public  
9 record subject to disclosure, is exempt from disclosure, or may be redacted, list ALL privileges or  
10 California Public Records Act exemptions which YOU contend are applicable to the record.

11 **RESPONSE TO INTERROGATORY NO. 2:**

12 The Department objects to this interrogatory on the ground that it violates Code of Civil  
13 Procedure section 2030.060, subdivision (f), which states that an interrogatory shall contain no  
14 subparts, or a compound, conjunctive, or disjunctive question. The Department objects to this  
15 interrogatory on the ground that it improperly implies that the Department is obligated to prepare  
16 a list that "IDENTIFIES" the withheld and redacted records. The CPRA does not require that the  
17 Department catalog each responsive document located in response to Petitioner's PRA  
18 REQUESTS, and to do so would be unduly burdensome and expensive. Further, asking the  
19 Department to "IDENTIFY" all the records that it identified as responsive to Petitioner's PRA  
20 Requests, but withheld from disclosure, is an improper attempt to indirectly accomplish the  
21 objective of its CPRA Writ Petition; i.e., to reveal the substance of the Department's confidential  
22 records. The Department objects to this interrogatory on the ground it seeks information that is  
23 not relevant to the subject matter involved in the pending action or reasonably calculated to lead  
24 to the discovery of admissible evidence. Specifically, the discovery sought is not necessary to  
25 resolve the issue of whether the Department has an obligation to disclose the withheld and/or  
26 redacted records that are the subject of this CPRA proceeding.

27 Without waiving the above objections, the Department responds as follows. In response to  
28 the PRA REQUESTS, the Department did not locate any responsive documents that were not



1 public records, although some records were either exempt from disclosure, privileged, or subject  
2 to redaction.

3 With respect to the records disclosed by the Department in response to Petitioner's July 23,  
4 2019 Revised Request (PRA-2019-00555 Req. #000001-000060 (hereafter, "Req. #1-60)), the  
5 Department redacted information from certain calendar entries or associated email records as  
6 non-responsive, personal or confidential, or privileged. Specifically, the Department redacted  
7 information from pages 5, 10 [duplicate], 31, 38, and 42 as nonresponsive, and redacted personal  
8 and/or confidential email addresses and/or phone numbers from pages 5, 9 [duplicate], 22, 27, 29,  
9 34, 36 [duplicate], 47-48, 50-51 [duplicate], 55, 56, 59, and 60 under Civil Code section 1798.24.  
10 In addition, a portion of the information redacted from the email at page 31, the information  
11 redacted from the emails at page 32, and the withheld attachments on pages 35 and 37 [duplicate],  
12 are privileged and exempted from disclosure under Insurance Code sections 735.5 and 12919,  
13 Government Code sections 6254, subdivisions (d) and (k), and 6255, and Evidence Code section  
14 1040, subdivision (b), as information related to the Market Conduct Examination of CIC and soon  
15 to be filed Form A Application.

16 With respect to the records disclosed by the Department in response to Petitioner's July 19,  
17 2019 PRA Request (GLB000001-0000052), the Department redacted a confidential telephone  
18 conference number from pages 000001 and 000005 [duplicate].) The additional emails and other  
19 communications withheld by the Department are privileged and exempted from disclosure under  
20 Insurance Code sections 735.5, subdivision (c), and 12919, Government Code sections 6254,  
21 subdivisions (d) and (k), and 6255, and Evidence Code section 1040, subdivision (b), as  
22 information related to the Annual Review and Market Conduct Examination of CIC and the Form  
23 A Application.

24 **FURTHER RESPONSE TO INTERROGATORY NO. 2:**

25 The Department incorporates the above objections to interrogatory no. 2 as though set forth  
26 in full herein.

27 Without waiving the above objections, the Department states as follows. Consistent with  
28 the court's discussion with the parties during the hearing on Petitioner's motion to compel and the

1 court's May 12, 2021 order thereon, the Department has listed in the attached Exhibit A the  
2 number and types of records withheld by the Department in response to Petitioner's July 19, 2019  
3 PRA Request and, for each withheld record, listed the privileges and exemptions it contends are  
4 applicable to the record.

5 The Department provides a further response with respect to Petitioner's July 23, 2019  
6 Revised Request as follows. A portion of the information redacted from the email at page 31, and  
7 the information redacted from the emails at page 32, are privileged and exempted from disclosure  
8 under Government Code section 6254, subdivisions (d)(1), (4) & (k), Insurance Code section  
9 12919, and Evidence Code section 1040, subdivision (b)(2). The withheld attachments on pages  
10 35 and 37 [duplicate], are privileged and exempted from disclosure under Government Code  
11 section 6254, subdivisions (d)(2), (4) & (k), Insurance Code section 735.5, and Evidence Code  
12 section 1040, subdivision (b)(1).

13 **INTERROGATORY NO. 3:**

14 For each record listed in response to Interrogatory No. 2, list all facts on which YOU base  
15 YOUR contention.

16 **RESPONSE TO INTERROGATORY NO. 3:**

17 The Department objects to this interrogatory to the extent it is cumulative and duplicative  
18 of Interrogatory Nos. 1 and 2. The Department objects to this interrogatory on the ground that it  
19 improperly implies that the Department is obligated to prepare a list that "IDENTIFIES" the  
20 withheld and redacted records. The CPRA does not require that the Department catalog each  
21 responsive document located in response to Petitioner's PRA REQUESTS, and to do so would be  
22 unduly burdensome and expensive. The Department objects to this interrogatory on the ground  
23 that to "list all facts on which" the Department has withheld and/or redacted each responsive  
24 email or other communication is an improper attempt by Petitioner to indirectly accomplish the  
25 objective of its CPRA Writ Petition; i.e., to reveal the substance of the Department's confidential  
26 records. The Department objects to this interrogatory on the ground it seeks information that is  
27 not relevant to the subject matter involved in the pending action or reasonably calculated to lead  
28 to the discovery of admissible evidence. Specifically, the discovery sought is not necessary to

1 resolve the issue of whether the Department has an obligation to disclose the withheld and/or  
2 redacted records that are the subject of this CPRA proceeding.

3 Without waiving the above objections, the Department responds as follows. The  
4 Department is mandated by Civil Code section 1798.24 to redact personal or other identifying  
5 information from records disclosed to the public. The confidential information withheld and/or  
6 redacted from the Department's response to Petitioner's July 23, 2019 Revised Request and the  
7 records withheld from disclosure in response to Petitioner's July 19, 2019 PRA Request, all fall  
8 within the framework of the Department's Annual Review of CIC, Market Conduct Examination  
9 of CIC, and the Form A Application. In addition, all three fall within the Department's authority  
10 to regulate the business of insurance in California. (See Ins. Code, §§ 730, 900 & 1215.2.) The  
11 Department contends that these records of emails and/or other communications obtained by,  
12 produced by or disclosed to the Department are expressly and absolutely protected from  
13 disclosure by Insurance Code sections 735.5 and 12919, Government Code section 6254,  
14 subdivisions (d), and (k), and Evidence Code section 1040, subdivision (b)(1). The records are  
15 further exempted from disclosure under Government Code section 6255 and Evidence Code  
16 section 1040, subdivision (b)(2).

17 **FURTHER RESPONSE TO INTERROGATORY NO. 3:**

18 The Department incorporates the above objections to interrogatory no. 3 as though set forth  
19 in full herein.

20 Without waiving the above objections, the Department states as follows. Consistent with  
21 the court's discussion with the parties during the hearing on Petitioner's motion to compel and the  
22 court's May 12, 2021 order and ruling that the Department is not obligated to disclose the  
23 privileged and exempted content of the withheld records, the Department has listed in Exhibit A  
24 attached hereto each record withheld by the Department in response to Petitioner's July 19, 2019  
25 PRA Request, the privileges and exemptions claimed for each withheld record, and the type of  
26 record and reason it contends each record is exempt from disclosure.

27 Also, the Department provides a further response to interrogatory no. 3 as to Petitioner's  
28 Revised July 23, 2019 PRA Request and July 19, 2019 PRA Request as follows.



1        Petitioner's July 19, 2019 PRA Request

2        The Department is charged with regulating the business of insurance through, among other  
3 things, restricting the acquisition or control of domestic insurers, examining the business and  
4 affairs of insurers, and receiving notice of the declaration of dividends. (Ins. Code, §§ 730,  
5 1215.2, 1215.4, subd. (f).)

6        Under Insurance Code section 1215.2, the Department is charged with reviewing and  
7 authorizing the acquisition of control of domestic insurers. In 2019, CIC submitted a Form A  
8 Application and other confidential information to the Department in connection with the  
9 application and proposed sale of CIC. Following review of each record located in response to  
10 Petitioner's July 19, 2019 PRA Request, the Government Law Bureau (GLB) determined that all  
11 of the 30 records identified in Exhibit A as related to this application contained information  
12 critical to its review of the application and proposed sale of CIC and/or that related to its review  
13 and that the information provided to the Department by CIC concerning its application was  
14 received in confidence by the Department. Further, that all the records were exempt from  
15 disclosure based on the general exemption from disclosure for applications found in Government  
16 Code section 6254, subdivisions (d)(1) and (4). Government Code section 6254, subdivision  
17 (d)(1) provides that records contained in or related to applications filed with the Department, such  
18 as the Form Application here, are exempt from disclosure. Subdivision (d)(4) provides that  
19 records contained in or related to information received in confidence by the Department are  
20 exempt from disclosure. Under Insurance Code section 12919, communications to the  
21 Commissioner or any person in his office in respect to any fact concerning the holder of, or  
22 applicant for, any certificate or license issued under the Insurance Code are made to him in his  
23 official confidence within the meaning of Evidence Code section 1040. Insurance Code section  
24 12919 and Evidence Code section 1040 are made applicable to the California Public Records Act  
25 by virtue of Government Code section 6254, subdivision (k).

26        Under Insurance Code section 730, the Commissioner, whenever he or she deems necessary  
27 or under other certain specific circumstances, shall examine the business and affairs of an insurer.  
28 To that end, between January and March 2019, the Department conducted an annual examination

1 of CIC for the year 2018. As part of the examination, CIC produced internal documents and other  
2 information to the Department in response to the examiner's request. Following review of each  
3 record located in response to Petitioner's July 19, 2019 PRA Request, the GLB determined that  
4 the two records identified in Exhibit A as related to the annual examination of CIC were records  
5 contained in or related to the Department's examination and that the information provided to the  
6 Department by CIC concerning the examination was received in confidence by the Department.  
7 Further, that the records were exempt from disclosure based on the general exemptions from  
8 disclosure for examination records found in Government Code section 6254, subdivisions (d)(2)  
9 and (4). Subdivision (d)(2) provides that records contained in or related to an examination,  
10 operating, or condition reports prepared by, on behalf of, or for the use of, the Department (such  
11 as the annual examination here) are exempt from disclosure. In addition, the GLB determined that  
12 the records were exempt under Insurance Code section 735.5 and Evidence Code section 1040,  
13 subdivision (b)(1). Insurance Code section 735.5, subdivision (c), provides that all working  
14 papers, recorded information, documents, and copies thereof produced by, obtained by, or  
15 disclosed to the Commissioner or any person in the course of an examination shall be given  
16 confidential treatment and shall not be made public except to the extent provided in subdivision  
17 (a) or (b). Evidence Code section 1040, subdivision (b)(1) provides that the Department has the  
18 privilege to refuse to disclose official information when the disclosure is forbidden by a statute in  
19 this state, such as Insurance Code section 735.5 here.

20 In addition to the annual examination of CIC, the Department initiated a multi-state  
21 examination of CIC in 2018 for the period ending January 1, 2014, through December 31, 2017,  
22 which was concluded in 2019. Under Insurance Code section 730, subdivision (b), the  
23 commissioner may conduct an examination of an insurer admitted in this state as often as the  
24 commissioner deems appropriate but not less frequently than once every five years. As part of the  
25 multi-state examination of CIC at issue here, CIC produced confidential internal documents and  
26 other information in response to the examiner's requests and in some cases, information was  
27 shared with Iowa and Texas as provided for in Insurance Code section 735.5, subdivision (b).  
28 Both the Iowa and Texas Departments of Insurance have agreed to hold information discovered

1 or developed during the course of a multi-state examination confidential. Following review of  
2 each record located in response to Petitioner's July 19, 2019 PRA Request, the GLB determined  
3 that all of the 66 records identified in Exhibit A as related to the multi-state examination of CIC  
4 contained information that was critical to its examination and/or related to the examination and  
5 that the information provided to the Department by CIC during the course of the examination was  
6 received in confidence by the Department. Further, like with the annual examination, GLB  
7 determined that all the records were exempt from disclosure based on the general exemptions  
8 from disclosure found in Government Code section 6254, subdivisions (d)(2) and (4) and under  
9 Insurance Code section 735.5 and Evidence Code section 1040, subdivision (b)(1).

10 In 2019, CIC declared an ordinary dividend to be paid. Insurance Code section 1215.4,  
11 subdivision (f), requires the Commissioner to receive notice of the declaration of dividends. In  
12 connection with CIC's dividend, CIC provided confidential information to the Department.  
13 Following review of each record located in response to Petitioner's July 19, 2019 PRA Request,  
14 the GLB determined that the four records identified in Exhibit A as related to the dividend played  
15 a role in the Department's review of the dividend and that the information provided to the  
16 Department by CIC concerning the dividend was received in confidence by the Department.  
17 Further, that the records were exempt from disclosure based on the general exemption from  
18 disclosure found in Government Code section 6254, subdivisions (d)(4) and under Insurance  
19 Code section 1215.8 and Evidence Code section 1040, subdivision (b)(1). Under Insurance Code  
20 section 1215.8, subdivision (a), information received pursuant to Insurance Code section 1215.4  
21 is confidential and shall not be disclosed by the Commissioner pursuant to the PRA.

22 Petitioner's Revised July 23, 2019 PRA Request

23 Following review of the emails at pages 31 and 32 of the Department's disclosure of  
24 documents, the GLB determined that a portion of the information redacted from the email at page  
25 31, and the information redacted from the emails at page 32 relate to the soon-to-be filed Form A  
26 Application concerning the proposed sale of CIC to Steven Menzies, which information was  
27 received in confidence by the Department from CIC under Insurance Code section 1215.2.  
28 Specifically, the information redacted from the email on page 31 (March 12, 2019, 1:50 p.m.)



1 consists of internal Department communications related to information received in confidence by  
2 the Department from CIC concerning the soon-to-be filed application. The information redacted  
3 from CIC's email at page 32 (March 12, 2019, 10:55 am) to the Department consists of  
4 confidential information received by the Department from CIC concerning the soon-to-be filed  
5 application. The information redacted from the Department's email at page 32 March 12, 2019,  
6 12:11 pm) to CIC contains and relates to confidential information received by the Department in  
7 confidence from CIC. Also, all three redactions either are, or relate to, communications to  
8 Department staff in respect to facts concerning CIC's license issued under the Insurance Code.  
9 Following review of the information contained in the emails, the GLB determined that the  
10 information was exempt from disclosure under Government Code section 6254, subdivisions  
11 (d)(1) & (4) and under subdivision (k), which incorporates Insurance Code section 12919, and  
12 Evidence Code section 1040, subdivision (b)(2), and redacted it.

13 The attachments redacted from the calendar entry on pages 35 and 37 [duplicate] relate to  
14 the multi-state examination of CIC by the Department and were provided to CIC ahead of a  
15 scheduled March 28, 2019 exit meeting between the Department and CIC. The attachments all  
16 constitute records contained in or related to the multi-state examination of CIC, contain  
17 information received in confidence by the Department from CIC, and include working papers,  
18 recorded information, and documents produced by the examiner in the course of the examination.  
19 Following review of the attachments, the GLB determined that they were exempt from disclosure  
20 under Government Code section 6245, subdivisions (d)(2), (4) & (k), Insurance Code section  
21 735.5, and Evidence Code section 1040, subdivision (b)(1).

22 **INTERROGATORY NO. 4:**

23 For each record listed in response to Interrogatory No. 2, IDENTIFY the author of the  
24 record.

25 **RESPONSE TO INTERROGATORY NO. 4:**

26 The Department objects to the definition of the term "IDENTIFY" on the ground it is  
27 overbroad and burdensome. The Department objects to this interrogatory on the ground that it  
28 improperly implies that the Department is obligated to prepare a list that "IDENTIFIES" each

1 withheld and redacted record. The CPRA does not require that the Department catalog each  
2 responsive document located in response to Petitioner's PRA REQUESTS, and to do so would be  
3 unduly burdensome and expensive. The Department objects to this interrogatory on the ground it  
4 seeks information that is not relevant to the subject matter involved in the pending action or  
5 reasonably calculated to lead to the discovery of admissible evidence. Specifically, the discovery  
6 sought is not necessary to resolve the issue of whether the Department has an obligation to  
7 disclose the withheld and/or redacted records that are the subject of this CPRA proceeding. The  
8 identification of the author's name on each withheld record is not necessary to determine whether  
9 the Department has properly withheld records from disclosure.

10 Without waiving the above objections, the Department responds as follows. For the emails  
11 and other communications concerning the Annual Review of CIC, the authors are: 1) Department  
12 employee Jing Yi Chen (Associate Examiner, Financial Analysis Division); and 2) CIC  
13 executives Jeffrey Silver (Secretary and General Counsel) and Robert Stafford (Vice President).  
14 For the emails and other communications concerning the Market Conduct Examination of CIC,  
15 the authors are: 1) Department employees Donavan Han (Senior Insurance Examiner-Specialist,  
16 Field Examination Division), Allen Lau (Senior Insurance Examiner Specialist, Field  
17 Examination Division), Ber Vang (Senior Insurance Examiner, Supervisor/Bureau Chief), and  
18 Laura Clements (Chief Insurance Examiner, Field Examination Division); 2) Bob Burch  
19 (Examiner-in-Charge, Iowa Insurance Division); and 3) CIC executive Jeffrey Silver. For the  
20 emails and other communications concerning the Form A Application, the authors are: 1)  
21 Department employees Laszlo Komjathy (Legal Branch, Corporate Affairs Bureau) and Jing Yi  
22 Chen; and 2) CIC executives Jeffrey Silver and Steven M. Menzies (President).

23 **FURTHER RESPONSE TO INTERROGATORY NO. 4:**

24 The Department incorporates the above objections to interrogatory no. 4 as though set forth  
25 in full herein.

26 Without waiving the above objections, the Department states as follows. Consistent with  
27 the court's discussion with the parties during the hearing on Petitioner's motion to compel and the  
28 court's May 12, 2021 order thereon, the Department has listed in Exhibit A attached hereto each

1 record withheld by the Department in response to Petitioner's July 19, 2019 PRA Request, the  
2 privileges and exemptions claimed for each such record, and the author of the record.

3 The Department amends its prior response to interrogatory no. 4 to state that the authors of  
4 the withheld records relating to the declaration of dividend by CIC are Jeffrey Silver and Jing Yi  
5 Chen.

6 **INTERROGATORY NO. 5:**

7 For each record listed in response to Interrogatory No. 2, IDENTIFY any PERSON  
8 outside of CDI to whom that record has been disclosed.

9 **RESPONSE TO INTERROGATORY NO. 5:**

10 The Department objects to this interrogatory on the ground that it improperly implies that  
11 the Department is obligated to prepare a list that "IDENTIFIES" the withheld and redacted  
12 records. The CPRA does not require that the Department catalog each responsive document  
13 located in response to Petitioner's PRA REQUESTS, and to do so would be unduly burdensome  
14 and expensive. The Department objects to the definition of the term "IDENTIFY" on the ground  
15 it is overbroad and unduly burdensome. The Department objects to this interrogatory on the  
16 ground that it would be unduly burdensome and expensive to determine each "PERSON," if any,  
17 to whom the Department provided copies of the disclosed and redacted records. The Department  
18 objects to this interrogatory to the extent it is an improper attempt by Petitioner to indirectly  
19 accomplish the objective of its CPRA Writ Petition; i.e., to reveal the substance of each of the  
20 Department's confidential records by virtue of a list that identifies such records. The Department  
21 objects to this interrogatory on the ground it seeks information that is not relevant to the subject  
22 matter involved in the pending action or reasonably calculated to lead to the discovery of  
23 admissible evidence. Specifically, the discovery sought is not necessary to resolve the issue of  
24 whether the Department has an obligation to disclose the withheld and/or redacted records that  
25 are the subject of this CPRA proceeding, and the information is not justified given the need for  
26 expeditious resolution. The Department objects to this interrogatory to the extent it seeks  
27 information protected by the attorney-client privilege or constitutes attorney work product under  
28 Code of Civil Procedure section 2018.030, subdivisions (a) and (b).

1 Subject to the above objections, the Department responds that, to its knowledge, none of the  
2 withheld records have been produced to any PERSON outside the Department. Certain records  
3 that relate to the multi-state Market Conduct Examination of CIC were shared with the Iowa and  
4 Texas Departments of Insurance and subject to confidentiality under California law.

5 **FURTHER RESPONSE TO INTERROGATORY NO. 5:**

6 The Department incorporates the above objections to interrogatory no. 5 as though set forth  
7 in full herein.

8 Without waiving the above objections, the Department again responds that none of the  
9 withheld records have been produced to any person outside the Department except that with  
10 respect to certain records that relate to the multi-state examination of CIC, those records were  
11 shared with the Iowa and Texas Department of Insurance by either CIC or the Department and are  
12 subject to confidentiality under California law. (See, e.g., Ins. Code, § 735, subd. (b).) The  
13 attached Exhibit A identifies Bob Burch (Examiner-in-Charge, Iowa Insurance Division) and  
14 Adeola Bello (Examiner-in-Charge, Texas Department of Insurance), as recipients of record nos.  
15 50-51, 55-60, 71-73, & 81-83. It also identifies Daniel Mathis (Iowa, Asst. Chief Examiner) and  
16 Eric Reiner (Texas, Asst. Chief Examiner) as recipients of record nos. 97 & 98.

17 **INTERROGATORY NO. 6:**

18 IDENTIFY ALL COMMUNICATIONS between YOU and any PERSON REGARDING  
19 the PRA REQUESTS.

20 **RESPONSE TO INTERROGATORY NO. 6:**

21 The Department objects to this interrogatory on the ground that the interrogatory violates  
22 Code of Civil Procedure section 2030.060, subdivision (d), which requires each interrogatory to  
23 be full and complete in and of itself and prohibits a preface or instruction to be included with a set  
24 of interrogatories. The Department objects to definition of the term "IDENTIFY" on the ground  
25 that it is vague and ambiguous and overbroad and unduly burdensome. The Department objects to  
26 the definition of the term "COMMUNICATIONS" on the ground that it is vague and ambiguous  
27 and overbroad and unduly burdensome. The Department objects to this interrogatory on the  
28 ground that it is overbroad as to scope and time. The Department objects to this interrogatory to



1 the extent that it seeks information already produced to Petitioner, in Petitioner's possession, or  
2 equally available to Petitioner. The Department objects to this interrogatory to the extent it seeks  
3 information protected from discovery by the attorney-client privilege, the attorney work product  
4 doctrine under Code of Civil Procedure section 2018.030, subdivisions (a) and (b), the official  
5 information and deliberative process privileges, and the constitutional and statutory privacy rights  
6 of third parties. The Department objects to this interrogatory on the ground it seeks information  
7 that is not relevant to the subject matter involved in the pending action or reasonably calculated to  
8 lead to the discovery of admissible evidence. Specifically, the discovery sought is not necessary  
9 to resolve the issue of whether the Department has an obligation to disclose the withheld and/or  
10 redacted records that are the subject of this CPRA proceeding, and the request is not justified  
11 given the need for expeditious resolution.

12 **FURTHER RESPONSE TO INTERROGATORY NO. 6:**

13 The Department incorporates the above objections to interrogatory no. 6 as though set forth  
14 in full herein.

15 Without waiving the above objections, the Department responds as follows.

16 As to the non-privileged written and oral communications, the Department refers Petitioner  
17 to Code of Civil Procedure section 2030.230 and states that the writings from which the answer  
18 can be derived or ascertained are those writings produced by the Department to Petitioner in  
19 response to Request for Production of Documents, no. 3. Other than as reflected in those  
20 documents, the Department is unaware of any other non-privileged written or oral communication  
21 that occurred between Department personnel and persons outside the Department other than with  
22 its counsel of record the Office of the Attorney General.

23 With respect to privileged oral communications responsive to this interrogatory, the  
24 Department is unable to identify every internal communication that occurred between Department  
25 personnel concerning the PRA Requests. As explained in response to interrogatory no. 10, staff  
26 within the Government Law Bureau ("GLB") worked collaboratively with each other and with  
27 other Department and Executive staff on a near daily basis between the time that Petitioner  
28 submitted the PRA Requests and the Department produced the records, to search for and review



1 responsive records. It is impossible for the Department to identify all such oral communications  
2 that occurred during this time period. Any such oral communications would constitute privileged  
3 attorney-client communications and likely attorney work product. They would also consist of  
4 communications protected by the official information and deliberative process privileges.

5 With respect to calendar entries and other information located with respect to formal  
6 meetings that occurred internally between Department personnel and/or between the Department  
7 and its attorneys concerning the PRA requests, the Department provides the following response:

8 1) June 11, 2019 Video conference between Chao Lor (Department attorney), Patricia Hein  
9 (Acting GLB Chief), and Vanessa Vera (Department Legal Analyst); 2) June 20, 2019 Video  
10 conference between Chao Lor, Vanessa Vera, Patricia Hein, and Bryant Henley (Deputy  
11 Commissioner and Special Counsel to the Commissioner); 3) June 25, 2019 Telephone  
12 conference between Debbie De Guzman (Department Legal Analyst), Roberta Potter (Staff  
13 Services Manager II and Commissioner Lara's Scheduler), and Camilo Pizarro (Staff Services  
14 Manager II); 4) June 17, 2019 Video conference between Michael Martinez (Senior Deputy  
15 Commissioner), Michael Soller (Deputy Commissioner), Roberta Potter, Catalina Hayes-Bautista  
16 (Chief Deputy Commissioner), Bryant Henley, Mike Peterson (Deputy Commissioner); 5) June  
17 25, 2019 Telephone conference between Chao Lor, Patricia Hein, Michael Sorich (Department  
18 attorney), Debbie De Guzman; 6) June 26, 2019 telephone conference between Kenneth Schnoll  
19 (Deputy Commissioner and Department General Counsel), Susan Stapp (former Deputy General  
20 Counsel), George Teekell (Acting GLB Chief); 7) July 11, 2019 meeting between Bryant Henley,  
21 Chao Lor, and Ronald Nooner (Department IT Specialist); 8) July 16, 2019 Video conference  
22 between Bryant Henley, Debbie De Guzman, Ronald Nooner, George Teekell, Chao Lor; 9) July  
23 24, 2019 Video conference between Chao Lor, George Teekell, Ronald Nooner, and Debbie De  
24 Guzman; 10) July 25, 2019 Video conference between Catalina Hayes-Bautista, George Teekell,  
25 Bryant Henley, Michael Martinez, Michael Soller, Chao Lor, Debbie De Guzman; 11) August 12,  
26 2019 Video conference between Catalina Hayes-Bautista, George Teekell, Chao Lor, Debbie De  
27 Guzman, Michael Martinez; 12) August 28, 2019 Video conference between Catalina Hayes-  
28 Bautista, George Teekell, Kenneth Schnoll, Michael Martinez, Bryant Henley, Susan Stapp, Chao

1 Lor, Debbie De Guzman, Michael Soller; 13) October 28, 2019 Video conference between  
2 George Teekell, Kenneth Schnoll, Susan Stapp, Chao Lor; 14) March 11, 2020 telephone  
3 conference between Chao Lor and Debbie Vorous; 15) March 17, 2020 meeting between Chao  
4 Lor and Debbie Vorous at 300 Capitol Mall, Sacramento CA with Patricia Hein attending by  
5 telephone; 16) March 27, 2020 telephone conference between Kenneth Schnoll, Chao Lor,  
6 Catalina Hayes-Bautista, Michael Martinez, Bryant Henley, Susan Stapp, Patricia Hein, and  
7 Debbie Vorous; 17) April 6, 2020 telephone conference between Chao Lor, Debbie De Guzman,  
8 Debbie Vorous; 18) April 15, 2020 telephone conference between Chao Lor and Debbie Vorous;  
9 19) May 7, 2020 telephone conference between Chao Lor and Debbie Vorous; 20) May 8, 2020  
10 telephone conference between Chao Lor and Debbie Vorous; and 21) May 12, 2020 telephone  
11 conference between Chao Lor and Debbie Vorous. All of the communications that occurred  
12 during the above listed meetings are privileged and protected from disclosure under the attorney-  
13 client privilege and attorney work product doctrine set forth in Code of Civil Procedure section  
14 2018.030. In addition, the communications that occurred during the internal Departmental  
15 meeting are also privileged and protected under the official information privilege and deliberative  
16 process privilege.

17 With respect to privileged written communications, the Department has located  
18 approximately 400 internal documents that contain communications regarding the PRA Requests,  
19 which communications range in dates from June 4, to October 31, 2019. In addition, the  
20 Department has identified 34 documents that contain communications regarding the PRA  
21 Requests that occurred between GLB attorneys and the Department's legal counsel the Office of  
22 the Attorney General, which range in dates from March 2, 2020, to May 13, 2020.

23 The Department objects to this interrogatory to the extent it requires the Department to  
24 "identify" each of the written internal and Office of the Attorney General communications as  
25 unduly burdensome and expensive in the context of this case. Petitioner's instruction require that  
26 the Department set forth the author of the communication, the recipient(s) of the communication,  
27 and the date of the communication. All of the communications identified in the approximately  
28 400 internal documents and in the 34 outside counsel documents were made in the context of

1 providing legal advice and representation to the Department and to the Commissioner and his  
2 staff, and were made in the course of the lawyer's attorney-client relationship with the  
3 Department and the Commissioner and his staff, and are not subject to discovery. Also, many of  
4 the communications contain protected attorney work product. These documents contain the  
5 impressions, conclusions, opinions, legal research or legal theories of attorneys and/or contain  
6 writings prepared by Department attorneys relating to their representation of the Department and  
7 to the Commissioner. Further, many of the internal documents relate to communications between  
8 the Commissioner's Special Counsel and the Commissioner's staff and are also privileged under  
9 the official information privilege and the deliberative process privilege. None of the  
10 communications were with persons outside the Department or its legal counsel. The  
11 communications are not necessary to test whether the Department properly withheld the records  
12 that are at issue in this PRA proceeding and are therefore irrelevant.

13 **INTERROGATORY NO. 10:**

14 IDENTIFY everything that YOU did to search for records responsive to the PRA  
15 REQUESTS.

16 **RESPONSE TO INTERROGATORY NO. 10:**

17 The Department objects to the definition of the term "IDENTIFY" on the ground that it is  
18 vague and ambiguous and overbroad and unduly burdensome. The Department objects to the  
19 definition of the term "YOU" on the ground that it is overbroad and unduly burdensome. The  
20 Department objects to this interrogatory on the ground that by asking the Department to  
21 "IDENTIFY everything" that "YOU" did to search for records, it is asked in a manner that is  
22 overbroad and to an extent that causes annoyance, oppression, harassment, and undue burden and  
23 expense. The Department objects to this interrogatory to the extent it seeks information protected  
24 by the attorney-client privilege, the attorney work product doctrine under Code of Civil Procedure  
25 section 2018.030, subdivisions (a) and (b), and the official information privilege.

26 Without waiving the above objections, the Department responds as follows. Upon receipt  
27 of Petitioner's PRA Requests and after working with Petitioner to narrow some of the requests,  
28 legal analysts in the Government Law Bureau forwarded a copy of the requests to Department



1 staff in various branches or offices most likely to have responsive records or have access to  
2 responsive records based on the subject matters of the requests. Department staff were asked to  
3 conduct a search of their records and forward all responsive records to the legal analysts for  
4 review. A legal analyst also worked with the Department's Information Technology ("IT") office  
5 to conduct a search of all electronically stored information ("ESI") that may be responsive to the  
6 requests. The legal analyst provided IT staff with a list of department staff names in various  
7 branches or offices and a list of ESI search terms to use when conducting the searches.

8 **FURTHER RESPONSE TO INTERROGATORY NO. 10:**

9 The Department incorporates the above objections to interrogatory no. 10 as though set  
10 forth in full herein.

11 The court's May 12, 2021 order states that by not providing the search terms used in  
12 connection with its search for records in response to Petitioner's two PRA requests, the  
13 Department did not provide everything done to search, and that the search terms will assist  
14 Petitioner in understanding the nature of the Department's search in the context of Petitioner's  
15 PRA requests. (Order, p. 9.) The Department understands the intent of the court's order to be that  
16 the Department provide the search terms used by it to conduct its search. Based on this  
17 interpretation, the Department provides the following background information as well as the  
18 search terms used.

19 The GLB is part of the Department's Regulatory and Legal Services Division of the  
20 Department's Legal Branch. The GLB is responsible for responding to requests made by the  
21 public for records under the PRA. Legal Analysts within the GLB are responsible for responding  
22 to requests for records submitted to the Department, including requests made under the PRA.  
23 Attorneys within the GLB work with and assist the analysts to respond to record requests  
24 submitted to the Department, including requests submitted under the PRA. In addition, GLB staff  
25 work hand-in-hand with Information Technology (IT) staff to collect records on Department  
26 staff's work emails and devices using search terms.

27 On June 4, 2019, GLB received a public record request from Petitioner, which GLB  
28 identified as "PRA-2019-00555." Petitioner sought various records, including "All appointment

1 schedules, calendars, meeting logs, phone call logs, mobile phone records, and other records  
2 relating to such meeting or phone calls (“Conferences”) between Insurance Commissioner Lara  
3 and any individuals who are employed by or represent the interest of one or more insurance  
4 companies or the insurance industry.” (Petn., Ex. 1, p. 1.)<sup>1</sup> Upon receipt of this request, GLB  
5 determined that the request, as written, was overbroad and that it would be unduly burdensome  
6 for staff to search for responsive records. GLB asked Petitioner to narrow its request to a  
7 particular time-frame, and to identify the names of the individuals and insurance companies that  
8 may have met with the Commissioner. On July 23, 2019, Petitioner agreed to narrow the time-  
9 frame of the PRA-2019-00555 request to January 7, 2019 to the present, i.e., July 23, 2019, and to  
10 “specifically identif[y] the individuals and insurance companies for which responsive records are  
11 sought” (hereafter, “Revised July 23, 2019 PRA request”). (Petn., Ex. 7, pp. 1 & 3.)

12 As modified, the Revised July 23, 2019 PRA request sought records with respect to the  
13 following 17 individuals and insurance companies: “Steven M. Menzies, Jeffrey A. Silver,  
14 Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M.  
15 McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R.  
16 Graber” and “individuals employed by or representing Applied Underwriters, California  
17 Insurance Company (‘CIC’), Constitution Insurance Company, or Independence Holding  
18 Company (‘IHC’).” (Petn., Ex. 7, p. 2.)

19 On July 19, 2019, GLB received a second request from Petitioner, which GLB identified as  
20 “PRA-2019-00697” (hereafter, “the July 19, 2019 PRA Request”). This request sought emails or  
21 any other communications between Commissioner Lara or his representatives and the same  
22 specifically identified individuals and insurance companies as those set forth in the Revised July  
23 23, 2019 PRA request.

24 The GLB initially assigned Legal Analyst Vanessa Vera to respond to Petitioner’s Revised  
25 July 23, 2019 PRA Request. However, on June 21, 2019, the GLB reassigned the request to Legal

26  
27 <sup>1</sup> Petitioner’s request sought four categories of records but only the first category is at  
28 issue in this writ proceeding. Consequently, the Department’s response to this interrogatory  
relates to its search associated with the first category of records although there may be some  
overlap with respect to the second through fourth categories of records.

1 Analyst Debbie De Guzman. Thereafter, Ms. De Guzman remained the assigned Legal Analyst  
2 for Petitioner's Revised July 23, 2019 PRA Request and its July 19, 2019 PRA request  
3 (sometimes referred to collectively as "Petitioner's PRA requests"). As in-house counsel within  
4 the GLB, Chao Lor was also assigned to assist the GLB analysts in reviewing, processing, and  
5 responding to Petitioner's PRA requests. Upon receipt of Petitioner's PRA requests, Ms. De  
6 Guzman and Ms. Lor reviewed each request and then, as to each request, identified which  
7 Department staff, divisions and bureaus within the Department could potentially have responsive  
8 records. For the Revised July 23, 2019 PRA Request and the July 19, 2019 PRA Request, the  
9 GLB determined it would be the Executive Office (Office of the Commissioner), the Chief  
10 Deputy Commissioner, and various other Deputy Commissioners, GLB, Corporate Affairs  
11 Bureau (CAB), Field Examination Division, Financial Analysis Division, and certain legal staff  
12 not in GLB or CAB. To search for records, Ms. De Guzman worked with IT staff to collect  
13 records on custodian's emails and devices using search terms. Ms. De Guzman also worked with  
14 the custodians in the various divisions and bureaus within the Department to conduct searches of  
15 their own records and personal devices. At the request of Ms. De Guzman, IT staff and Executive  
16 and Department staff searched for, and produced records to the GLB.

17 Specifically, between July and August 2019, IT staff Specialist I Ronald Nooner performed  
18 multiple searches for records responsive to Petitioner's PRA requests using Microsoft's Outlook  
19 eDiscovery Tool on noted custodian of records ("COR") email accounts and the search terms  
20 specified for each search. All records (emails, appointments, and calendar events) that were found  
21 in each of the searches were exported and copied to Mr. Nooner's OneDrive for review by GLB.  
22 The noted COR email accounts searched included Executive Staff, Chief Deputy Commissioner,  
23 and Deputy Commissioners (Commissioner Ricardo Lara, Catalina Hayes-Bautista, Michael  
24 Martinez, Michael Soller, Byron Tucker, Mike Peterson, Bryant Henley, Joel Laucher, Tony  
25 Cignarale, Susan Bernard, Ken Schnoll, Ken Allen, Roberta Potter, Angela Lizarraga, and David  
26 Green) as well as other Department Staff (Dan Goodell, Mike Levy, George Teekell, Geoff  
27 Margolis, Brentley Yim, Patricia Hein, Harry Levine, Donovan Han, Ber Vang, Allen Lau, Jack  
28 Lee, and Giovanni Muzzarelli). The search terms used to conduct the searches were: Steven M.



1 Menzies, Menzies, Jeffrey A. Silver, Silver, Stephen Acunto, Acunto, Carole Acunto, Carl  
2 DeBarbie, DeBarbie, Theresa DeBarbrie, DeBarbrie, Sidney R. Ferenc, Ferenc, Jon M. McCright,  
3 McCright, Marc M. Tract, Tract, Robert L. Stafford, Stafford, Justin N. Smith, Darlene Graber,  
4 Graber, Larry R. Graber, Applied Underwriters, California Insurance Company, "CIC",  
5 Constitution Insurance Company, Independence Holding Company, and "IHC."

6 In addition, between July 24 and 26, 2019, Ms. De Guzman forwarded copies of  
7 Petitioner's PRA requests to Executive and Department staff in the various divisions or bureaus  
8 identified above as most likely to have responsive records or to have access to records based on  
9 the subject matter of the requests, Specifically, on July 24, 2019, Ms. De Guzman asked the  
10 following individuals to search their emails for records responsive to Petitioner's PRA requests:  
11 Lynell Wise, Vanessa Vera, Michael Sorich, Diane Pinney, Ron Reyna, Chao Lor, George  
12 Teekell, Julia Cross, Amorette Yang, George Mueller, Sharon Victor, Matthew Alves, Harry  
13 O'Laughlin, Janice Rocco. On July 26, 2019, she asked the following individuals to search their  
14 Department mobile device and, if they used one or more personal devices to conduct Department  
15 business, to search their personal mobile devices for records responsive to Petitioner's PRA  
16 requests: Bryant Henley, Joel Laucher, Tony Cignarale, Susan Bernard, Kenneth Schnoll, Ken  
17 Allen, Julia Cross, Amorette Yang, Sharon Victor, Matthew Alves, Harry O'Laughlin, Geoff  
18 Margolis, Donovan Han, Ber Vang, Allen Lau, Jack Lee, Giovanni Muzzarelli, Laura Clements,  
19 Candace Goodale, Lynell Wise, Vanessa Vera, Michael Sorich, Diane Pinney, Ron Reyna, Chao  
20 Lor, George Teekell, Aaron Ezroj, Patricia Hein, Brentley Yim, and Damon Diederich. With  
21 respect to Commissioner Lara's Department mobile device and his personal device, the  
22 Commissioner worked with his Special Counsel Bryant Henley to conduct the search, which they  
23 did. Executive and Department staff used the following search terms to conduct their searches:  
24 Menzies, Silver, Acunto, DeBarbie, DeBarbrie, Ferenc, McCright, Tract, Stafford, "Justine N.  
25 Smith," Smith, "Darlene Graber," Graber, "Larry R. Graber," "Applied Underwriters,"  
26 "California Insurance Company," "CIC," "Constitution Insurance Company," Independence  
27 Holding Company," and "IHC."

1 In response to GLB's various requests, Department and Executive staff searched for and  
2 found approximately 8,000 records, which were provided to the GLB for review. Each  
3 Department staff that received Ms. De Guzman's July 24, 2019 and July 26, 2019 emails to  
4 conduct a search of their own business records and personal mobile devices for responsive  
5 records, conducted a search, and each informed Ms. De Guzman that no responsive records were  
6 found, with the exception of one responsive text message that was turned over to GLB for review.  
7 Certain Department and Executive staff confirmed receipt of the requests and conducted their  
8 own search. Further, they responded and confirmed whether responsive records existed or not. If  
9 records existed, these were turned over to GLB for review. Otherwise, all other records were  
10 obtained through the help of IT staff at a later time

11 **INTERROGATORY NO. 11:**

12 IDENTIFY everything that YOU did to review records responsive to the PRA  
13 REQUESTS.

14 **RESPONSE TO INTERROGATORY NO. 11:**

15 The Department objects to the definition of the term "IDENTIFY" on the ground that it is  
16 vague and ambiguous and overbroad and unduly burdensome. The Department objects to the  
17 definition of the term "YOU" on the ground that it is overbroad and unduly burdensome. The  
18 Department objects to this interrogatory on the ground that by asking the Department to  
19 "IDENTIFY everything" that "YOU" did to review records responsive to the requests, it is asked  
20 in a manner that is overbroad and to an extent that causes annoyance, oppression, harassment, and  
21 undue burden and expenses. The Department objects to this interrogatory to the extent it seeks  
22 information protected by the attorney-client privilege, the attorney work product doctrine under  
23 Code of Civil Procedure section 2018.030, subdivisions (a) and (b), and the official information  
24 privilege. The Department objects to this interrogatory on the ground it seeks information that is  
25 not relevant to the subject matter involved in the pending action or reasonably calculated to lead  
26 to the discovery of admissible evidence. Specifically, the discovery sought is not necessary to  
27 resolve whether the Department has an obligation to disclose the withheld and/or redacted records  
28 that are the subject of this CPRA proceeding, and the interrogatory is not justified given the need



1 for expeditious resolution.

2 Without waiving the above objections, the Department responds as follows. Upon receipt of  
3 records that may be responsive to Petitioner's PRA Requests from staff in various branches or  
4 offices and IT staff, the legal analyst and in-house attorney reviewed each and every record for  
5 responsiveness and confidentiality. Due to the overbroad PRA Requests, the legal analyst and in-  
6 house attorney had to review a voluminous amount of records but ultimately determined that most  
7 were not responsive to the requests. The legal analyst produced all responsive, non-privileged or  
8 exempt records to Petitioner, in whole or in part, in August and September 2019, and withheld  
9 exempt, privileged or confidential records.

10 **FURTHER RESPONSE TO INTERROGATORY NO. 11:**

11 The Department incorporates the above objections to interrogatory no. 11 as though set  
12 forth in full herein. The Department further objects to this interrogatory on the ground that it is  
13 duplicative of interrogatory nos. 2 and 3 and, to that extent, refers Petitioner to its responses to  
14 them and to Exhibit A attached hereto. Notwithstanding the above objections, the Department  
15 provides a further response to this interrogatory as follows.

16 GLB received the first set of records responsive to PRA-2019-00555 from IT staff on July  
17 17, 2019. On July 26, 2019, GLB received a second set of records from IT staff responsive to  
18 PRA-2019-00555 and PRA-2019-00697. On August 21, 2019, GLB received a final set of  
19 records from IT staff in response to PRA-2019-00555. In addition, GLB received records from  
20 Department and Executive staff at various points between July 24, 2019 and August 21, 2019. In  
21 total, GLB received approximately 8,000 records.

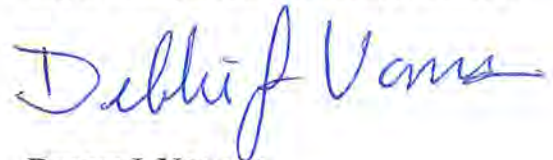
22 Legal Analyst Debbie De Guzman and in-house counsel Chao Lor were responsible for  
23 review of the records. Between July 18, 2019, and August 21, 2019, Ms. De Guzman and Ms. Lor  
24 reviewed all the records received to date for responsiveness. If the record was determined to be  
25 responsive to the request, Ms. De Guzman and Ms. Lor then reviewed the record to determine  
26 whether it contained personal and/or confidential email addresses and/or phone numbers that the  
27 Department must redact from the records under Civil Code section 1798.24. They also reviewed  
28 each responsive record to determine whether the record was exempt from disclosure under the

1 various exemptions set forth in the PRA. To make this determination, GLB staff determined the  
2 subject matter of the record and evaluated the content of the record and, if necessary, consulted  
3 with Department and/or Executive staff who authored or were recipients of the record. Based on  
4 all these factors, staff determined whether, for instance, a record was disclosed to the Department  
5 in the course of the multi-state examination of CIC and, if so, determined that the record be  
6 withheld from disclosure under Government Code, section 6254, subdivision (d).

7 Dated: June 2, 2021

Respectfully Submitted,

8 ROB BONTA  
9 Attorney General of California  
10 MOLLY K. MOSLEY  
11 Supervising Deputy Attorney General

12 

13 DEBBIE J. VOROUS  
14 Deputy Attorney General  
15 *Attorneys for Respondents and Defendants*  
16 *Ricardo Lara, in his official capacity as*  
17 *Insurance Commissioner of the State of*  
18 *California, and the California Department*  
19 *of Insurance*

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## **EXHIBIT 29**

*Consumer Watchdog v. Ricardo Lara and California Department of Insurance*

(Los Angeles County Superior Court, Case No. 20STCP00664)

**Re: California Department of Insurance list of records withheld in response to Consumer Watchdog's  
July 19, 2019 CPRA Request (PRA-2019-00697)**

**Department's Further Response to Special Interrogatory Nos. 1 - 5**

No. <sup>1</sup>	Date & Time <sup>2</sup>	Type of Record and Reasons for Withholding Record <sup>3</sup>	From <sup>4</sup>	To <sup>5</sup>	CC <sup>6</sup>	Privilege/Exemption Claims <sup>7</sup>
		<i>California Insurance Company (CIC) Form A Application Communications</i>				
1	4/18/19 3:25 pm	Email attaching letter  The letter consists of information contained in and related to the Form A Application and proposed	Laszlo Komjathy (CDI Legal Branch, Corporate Affairs Bureau)	Jeffrey Silver (CIC, Secretary and General Counsel)	Jing Yi Chen (CDI, Associate Examiner, Financial Analysis Division)	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2).

<sup>1</sup> Further response to Interrogatory No. 1.

<sup>2</sup> Further response to Interrogatory No. 1.

<sup>3</sup> Further response to Interrogatory Nos. 1 & 3 as limited by court.

<sup>4</sup> Further response to Interrogatory No. 4.

<sup>5</sup> Further response to Interrogatory No. 5.

<sup>6</sup> Further response to Interrogatory No. 5.

<sup>7</sup> Further response to Interrogatory No. 2.

		sale of CIC and contains information that was received in confidence by the California Department of Insurance (CDI) from CIC. The email relates to the Form A Application and proposed sale of CIC and was received in confidence by CDI from CIC.			Michelle Lo (CDI, former Supervising Insurance Examiner) Bernadette Sia (CDI, Senior Insurance Examiner, Supervisor)	
2	4/19/19 5:05 am	Email  The email relates to the Form A Application and proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2).
3	4/26/19	Letter  The letter relates to the Form A Application and proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy		Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
4	4/26/19 10:26 am	Email attaching letter  The letter consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC. The email relates to the Form A Application and proposed	Jeffrey Silver	Laszlo Komjathy	Bernadette Sia Jing Yi Chen	Gov. Code, § 6254, subd. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)

		sale of CIC and was received in confidence by CDI from CIC.				
5	4/30/19 1:30 pm	Email  The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC.	Jing Yi Chen	Jeffrey Silver	Laszlo Komjathy Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
6	5/2/19 1:55 pm	Email with attachment  The email and attachment consist of information contained in and related to the Form A Application for the proposed sale of CIC and were received in confidence by CDI from CIC.	Jeffrey Silver	Jing Yi Chen	Laszlo Komjathy Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2).
7	5/6/19 8:02 am	Email  The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Jing Yi Chen	Laszlo Komjathy Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
8	5/6/19 9:43 am	Email	Jing Yi Chen	Jeffrey Silver	Laszlo Komjathy Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919;



		The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC.				Evid. Code, § 1040, subd. (b)(2)
9	5/7/19 5:23 pm	Email  The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC.	Jing Yi Chen	Jeffrey Silver	Laszlo Komjathy Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
10	5/9/19 10:06 am	Email  The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Jing Yi Chen	Laszlo Komjathy Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
11	5/10/19 2:39 pm	Email.  The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC.	Jing Yi Chen	Jeffrey Silver	Bernadette Sia Laszlo Komjathy	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)

12	5/14/19 10:14 am	Email with attachment  The email and attachment consist of information contained in and related to the Form A Application for the proposed sale of CIC and were received in confidence by CDI from CIC.	Jeffrey Silver	Jing Yi Chen	Bernadette Sia Laszlo Komjathy	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
13	5/20/19 3:56 am	Email  The email consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Jing Yi Chen	Bernadette Sia Laszlo Komjathy	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
14	5/21/19 3:40 pm	Email attaching letter  The letter consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC. The email relates to the Form A Application and to information received in confidence by CDI from CIC.	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
15	5/30/19	Void Check	N/A			Gov. Code, § 6254, subds. (d)(1)(4) & (k);



		The check relates to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.				Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
16	6/10/19	Letter  The letter consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Steven M. Menzies (CIC, President)	Laszlo Komjathy	Jeffrey Silver	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
17	6/11/19	Letter  The letter consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Imelda F. Siruno (CDI, CAB Intake)		Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
18	6/19/19 8:50 am	Email and letter  The letter consists of information contained in and related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC. The email consists of information related to the Form A Application	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen Michelle Lo Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)

		and contains information that was received in confidence by CDI from CIC.				
19	6/19/19 3:29 pm	Email  The email consists of information related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia Sherwood Girion (CIC Consultant)	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
20	6/20/19 10:38 am	Email  The email relates to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia Sherwood Girion	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
21	6/21/19 4:21 pm	Email attaching letter  The email and letter consist of information contained in and related to the Form A Application for the proposed sale of CIC and contain information that was received in confidence by CDI from CIC.	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair (CDI, Bureau Chief, Corporate Affairs)	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
22	6/25/19 8:47 am	Email attaching letter  The letter consists of information contained in and related to the	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo, Bernadette Sia, Sherwood Girion	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919'

		Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC. The email relates to the Form A Application and was received in confidence by CDI from CIC.				Evid. Code, § 1040, subd. (b)(2)
23	6/26/19 9:29 am	Email and letter  The letter and email consist of information contained in and related to the Form A Application for the proposed sale of CIC and contain information that was received in confidence by CDI from CIC.	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
24	7/1/19 8:50 am	Email attaching letter  The letter consists of information contained in and related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC. The email consists of information related to the Form A Application and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
25	7/1/19 10:39 am	Email	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen Michelle Lo Bernadette Sia	Gov. Code, § 6254, subds. (d)(1), (4) & (k);

		The email consists of information related to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC.			Carol Frair	Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
26	7/1/19 10:49 am	Email  The email consists of information related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
27	7/1/19 4:45 pm	Email attaching letter  The email and letter consist of information related to the Form A Application for the proposed sale of CIC and contain information that was received in confidence by CDI from CIC.	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair Sherwood Girion	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
28	7/5/19 12:01 pm	Email  The email consists of information contained in or related to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair Sherwood Girion	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)

29	7/10/19 11:41 am	Email  The email consists of information relating to the Form A Application for the proposed sale of CIC and contains information that was received in confidence by CDI from CIC.	Laszlo Komjathy	Jeffrey Silver	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair Sherwood Girion	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
30	7/10/19 11:57 am	Email  The email consists of information relating to the Form A Application for the proposed sale of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Laszlo Komjathy	Jing Yi Chen Michelle Lo Bernadette Sia Carol Frair Sherwood Girion	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 12919; Evid. Code, § 1040, subd. (b)(2)
		<b><i>CIC December 31, 2018 Annual Review Communications</i></b>				
31	2/15/19 3:55 pm	Email attaching letter  The email and letter consist of information related to the annual examination of CIC for the year 2018 and contain information that was received in confidence by CDI from CIC. Also, the letter constitutes a document produced by the examiner during the course of the examination.	Jing Yi Chen	Robert Stafford (CIC, Vice President)	Bernadette Sia	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

32	3/13/19 12:41 pm	Email attaching letter  The email and letter consist of information contained in and related to the annual examination of CIC for the year 2018 and was received in confidence by CDI from CIC. They also consist of confidential working papers, information, documents, and copies thereof obtained by CDI in the course of the examination.	Robert Stafford	Jing Yi Chen	Jeffrey Silver Bd. of Directors Audit Committee	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
		<i><b>CIC Market Conduct Examination (Jan. 1, 2014 to Dec. 31, 2017)</b></i>				
33	1/11/19 8:37 am	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Allen Lau (CDI, Senior Insurance Examiner-Specialist, Field Examination Division)	Donavan Han (CDI, Senior Insurance Examiner-Specialist, Field Examination Division)	Gov. Code, § 6254, subds. (d)(1), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
34	1/11/19 9:07 am	Email  The email relates to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC	Donavan Han	Jeffrey Silver Allen Lau		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735; Evid. Code, § 1040, subd. (b)(1)

		during the course of the examination.				
35	1/15/19 10:11 am	Email  The email consists of information contained in and related to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC during the course of the examination. Also, the email consists of a document produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
36	1/15/19 10:33 pm	Email  The email consists of information contained in and related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
37	1/15/19 10:51 am	Email  The email consists of information contained in and related to the multi-state examination of CIC and contains information received in confidence by CDI from CIC. Also, it consists of a document	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)



		produced by the examiner in the course of the examination.				
38	1/16/19 3:41 am	Email and attachment  The email and attachment consist of information contained in and related to the multi-state examination of CIC and were received in confidence by CDI from CIC during the course of the examination. Also, they consist of documents disclosed to the examiner during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
39	1/16/19 9:26 am	Email.  The email relates to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
40	1/22/19 3:04 pm	Email  The email consists of information contained in and related to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC during the course of the	Donavan Han	Jeffrey Silver	Ber Vang (CDI Senior Insurance Examiner, Supervisor/Bureau Chief) Allen Lau	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)



		examination. Also, it consists of a document produced by the examiner in the course of the examination.				
41	1/22/19 1:19 pm	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han	Ber Vang Allen Lau	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
42	1/23/19 3:42 am	Email  The email consists of information contained in and related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination. Also, it consists of working papers, recorded information, and documents disclosed to the examiner in the course of the examination.	Jeffrey Silver	Donavan Han	Ber Vang Allen Lau	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
43	1/23/19 9:01 am	Email  The email relates to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k), Ins. Code, § 735.5; Evid. Code, § 1040; subd. (b)(1)

		during the course of the examination.				
44	1/23/19 3:12 pm	Email and attachment  The email and attachment consist of information contained in and related to the multi-state examination of CIC and contain information that was received in confidence by CDI from CIC during the course of the examination. Also, the email consists of a document produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
45	1/26/19 9:15 am	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
46	1/28/19 8:49 am	Email  The email relates to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

47	1/23/19 3:35 am	Email and attachment  The email and attachment consist of information contained in and related to the multi-state examination of CIC and were received in confidence by CDI from CIC during the course of the examination. Also, they constitute working papers, information, and documents disclosed to the examiner in the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k), Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
48	1/25/19 2:21 pm	Email  The email consists of information contained in and related to the multi-state examination of CIC and contains information that was received in confidence by CDI from CIC during the course of the examination. Also, it constitutes a document produced by the examiner in the course of the examination.	Allen Lau	Jeffrey Silver	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k), Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
49	1/30/19 4:22 am	Email  The email consists of information contained in and related to the multi-state examination of CIC and	Jeffrey Silver	Allen Lau	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k), Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		was received in confidence by CDI from CIC during the course of the examination.				
50	1/30/19 1:34 pm	Email and attachments  The email and attachments constitute information contained in and related to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination. Also, the email constitutes a document produced by the examiner in the course of the examination. The attachments constitute working papers and documents produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver	Bob Burch (Examiner-in-Charge, Iowa Insurance Division) Adeola Bello (Examiner-in charge, Texas Dept. of Insurance) Ber Vang	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
51	1/30/19 1:36 pm	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han	Bob Burch Adeola Bello Ber Vang	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
52	1/30/19 2:26 pm	Email  The email relates to the multi-state examination of CIC and to	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5;

		information received in confidence by CDI from CIC during the course of the examination.				Evid. Code, § 1040, subd. (b)(1)
53	2/26/19 12:48 pm	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
54	2/26/19 10:55 am	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4)& (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
55	3/6/19 11:58 am	Email  The email relates to the multi-state examination of CIC and contains information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver	Adeola Bello Bob Burch	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
56	3/6/19 10:24 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence	Jeffrey Silver	Donavan Han	Adeola Bello Bob Burch	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		by CDI from CIC during the course of the examination.				
57	3/6/19 12:34 pm	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver	Adeola Bello Bob Burch	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
58	3/6/19 12:58 pm	Email and attachments  The email and attachments consist of information contained in and related to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination. Also, the email relates to working papers and documents produced by the examiner in the course of the examination.	Jeffrey Silver	Donavan Han	Adeola Bello Bob Burch	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
59	1/30/19 9:24 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI and the Texas Department	Bob Burch	Jeffrey Silver	Donavan Han	Gov. Code, § 6254, subds. (d)(2),(4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		of Insurance during the course of the examination.				
60	2/8/19 7:44 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI and the Texas Department of Insurance from CIC during the course of the examination.	Jeffrey Silver	Bob Burch		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
61	1/31/19 12:31 pm	Email  The email consists of information contained in and related to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination. It also constitutes a working paper and document produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2)(4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
62	2/4/19 9:28 am	Email  The email consists of information contained in and related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination. Also, it relates to	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		working papers and documents produced by the examiner in the course of the examination.				
63	2/4/19 10:27 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
64	2/4/19 9:29 am	Email  The email constitutes information contained in and related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
65	3/22/19 4:13 pm	Email  The email consists of information contained in and related to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)



66	4/2/19 11:45 am	Email  The email consists of information contained in and related to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
67	4/4/19 7:05 am	Email  The email consists of information contained in or related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
68	4/4/19 10:15 am	Email.  The emails relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
69	4/4/19 8:24 am	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		from CIC during the course of the examination.				
70	4/4/19 8:35 am	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and were received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
71	2/6/19	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC.	Donavan Han	Jeffrey Silver Bob Burch Adeola Bello Allen Lau Ber Vang		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
72	3/27/19 9:32 am	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and consist of information received in confidence by CDI from CDI during the course of the examination. Also, the attachment consists of working papers and documents produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver	Bob Burch Adeola Bello	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

73	3/27/19 9:58 am	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han	Bob Burch Adeola Bello	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
74	3/27/19 10:02 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
75	3/27/19 11:02 am	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and contain information received in confidence by CDI from CIC during the course of the examination. Also, they consist of working papers, recorded information, and documents produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
76	3/27/19 1:23 pm	Email and attachment	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k);

		The email and attachment constitute information contained in and related to the multi-state examination of CIC and contain information received in confidence by CDI from CIC during the course of the examination. Also, the attachment constitutes working papers, recorded information, and documents produced by the examiner in the course of the examination.				Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
77	3/28/19 12:04 pm	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and consist of information received in confidence by CDI from CIC during the course of the examination. Also, the attachment constitutes working papers, recorded information, and documents produced by the examiner in the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
78	4/2/19 7:26 am	Email and attachment  The email and attachment constitute information contained in and related to the multi-state	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		examination of CIC and were received in confidence by CDI from CIC during the course of the examination.				
79	4/2/19 8:54 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
80	4/2/19 11:41 am	Email  The email constitutes information contained in and related to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
81	4/4/19 1:58 pm	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and were received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han Bob Burch Adeola Bello		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

82	4/5/19 10:13 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Donavan Han	Jeffrey Silver Bob Burch Adeola Bello		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
83	4/8/19 7:43 am	Email and attachment  The cover email and attachment constituted information contained in and related to the multi-state examination of CIC and were received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han Bob Burch Adeola Bello		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
84	4/8/19 6:17 am	Email  The email constituted information contained in and related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
85	4/8/19 9:47 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence	Donavan Han	Jeffrey Silver		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		by CDI from CIC during the course of the examination.				
86	4/8/19 7:48 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Donavan Han		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
87	4/15/19 10:47 am	Email and attachments  The email and attachments constitute information contained in and related to the multi-state examination of CIC and contain information received in confidence by CDI from CIC during the course of the examination. Also, the email constitutes a document produced by the examiner in the course of the examination. The attachment constitutes working papers, recorded information, documents, and copies thereof produced by the examiner in the course of the examination.	Ber Vang	Jeffrey Silver	Donavan Han Christopher Andriessen (CDI, former Office Technician)	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
88	4/15/19	Letter  The letter relates to the multi-state examination of CIC and to	Laura Clements	Jeffrey Silver	Donavan Han Ber Vang	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5;

		information received in confidence by CDI from CIC during the course of the examination. Also, it consists of a document produced by the examiner in the course of the examination.				Evid. Code, § 1040, subd. (b)(1)
89	4/16/19 3:41 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Ber Vang	Donavan Han Christopher Andriessen	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
90	4/17/19 10:16 am	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and were received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Ber Vang		Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
91	4/23/19 4:40 pm	Email and attachment  The email and attachment constitute information contained in and related to the multi-state examination of CIC and contain information received in confidence by CDI from CIC during the	Ber Vang	Jeffrey Silver	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)



		course of the examination. Also, they consist of documents produced by the examiner in the course of the examination.				
92	4/23/19 4:50 pm	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Ber Vang	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
93	4/24/19 8:27 am	Email  The email relates to the multi-state examination of CIC and to information received in confidence by CDI from CIC during the course of the examination.	Ber Vang	Jeffrey Silver	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
94	5/15/19 4:30 am	Email  The email constitutes information contained in and related to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Ber Vang	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
95	5/15/19 10:08 am	Email  The email relates to the multi-state examination of CIC and to	Ber Vang	Jeffrey Silver	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5;

		information received in confidence by CDI from CIC during the course of the examination.				Evid. Code, § 1040, subd. (b)(1)
96	5/15/19 8:09 am	Email  The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.	Jeffrey Silver	Ber Vang	Donavan Han	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
97	5/22/19	Letter  The letter constitutes information contained in and related to the multi-state examination of CIC and contains information received in confidence by CDI from CIC during the course of the examination. Also, it consists of a document produced by the examiner in the course of the examination.	Laura Clements	Sidney R. Ferenc (Applied Underwriters, Chairman of the Bd. of Directors)	Susan Bernard (CDI, Deputy Commissioner, Financial Services Branch) Emma Hirschhorn (CDI, Chief, Financial Analysis Division) Daniel Mathis (Iowa, Asst. Chief Examiner) Eric Reiner (Texas, Asst. Chief Examiner) Ber Vang	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)
98	7/1/19 9:31 am	Email attaching letter  The letter constitutes information contained in and related to the multi-state examination of CIC and	Jeffrey Silver	Laura Clements	Susan Bernard Emma Hirschhorn Ber Vang Daniel Mathis Eric Reiner	Gov. Code, § 6254, subds. (d)(2), (4) & (k); Ins. Code, § 735.5; Evid. Code, § 1040, subd. (b)(1)

		was received in confidence by CDI from CIC during the course of the examination. Also, the letter consists of a document prepared by the examiner in the course of the examination. The email relates to the multi-state examination of CIC and was received in confidence by CDI from CIC during the course of the examination.				
		<i>CIC Declaration of Dividend</i>				
99	1/15/19	Letter  The letter contains information received in confidence by CDI from CIC and relates to CIC's declaration of a dividend.	Jeffrey Silver	CDI Corporate Affairs Clerk		Gov. Code, § 6254, subds. (d)(4) & (k); Ins. Code, § 1215.8; Evid. Code, § 1040, subd. (b)(1)
100	1/17/19 10:08 am	Email  The email contains and relates to information received in confidence by CDI from CIC in connection with CIC's declaration of a dividend.	Jing Yi Chen	Jeffrey Silver	Bernadette Sia	Gov. Code, § 6254, subds. (d)(4) & (k); Ins. Code, § 1215.8; Evid. Code, § 1040, subd. (b)(1)
101	1/17/2019 10:47 am	Email	Jeffrey Silver	Jing Yi Chen	Bernadette Sia	Gov. Code, § 6254, subds. (d)(4) & (k);

		The email contains and relates to information received in confidence by CDI from CIC in connection with CIC's declaration of a dividend.				Ins. Code, § 1215.8; Evid. Code, § 1040, subd. (b)(1)
102	1/17/19 3:18 pm	Email  The email contains and relates to information received in confidence by CDI from CIC in connection with CIC's declaration of a dividend.	Jing Yi Chen	Jeffrey Silver	Bernadette Sia	Gov. Code, § 6254, subds. (d)(4) & (k); Ins. Code, § 1215.8; Evid. Code, § 1040, subd. (b)(1)

## **EXHIBIT 30**

1 providing legal advice and representation to the Department and to the Commissioner and his  
2 staff, and were made in the course of the lawyer's attorney-client relationship with the  
3 Department and the Commissioner and his staff, and are not subject to discovery. Also, many of  
4 the communications contain protected attorney work product. These documents contain the  
5 impressions, conclusions, opinions, legal research or legal theories of attorneys and/or contain  
6 writings prepared by Department attorneys relating to their representation of the Department and  
7 to the Commissioner. Further, many of the internal documents relate to communications between  
8 the Commissioner's Special Counsel and the Commissioner's staff and are also privileged under  
9 the official information privilege and the deliberative process privilege. None of the  
10 communications were with persons outside the Department or its legal counsel. The  
11 communications are not necessary to test whether the Department properly withheld the records  
12 that are at issue in this PRA proceeding and are therefore irrelevant.

13 **INTERROGATORY NO. 10:**

14 IDENTIFY everything that YOU did to search for records responsive to the PRA  
15 REQUESTS.

16 **RESPONSE TO INTERROGATORY NO. 10:**

17 The Department objects to the definition of the term "IDENTIFY" on the ground that it is  
18 vague and ambiguous and overbroad and unduly burdensome. The Department objects to the  
19 definition of the term "YOU" on the ground that it is overbroad and unduly burdensome. The  
20 Department objects to this interrogatory on the ground that by asking the Department to  
21 "IDENTIFY everything" that "YOU" did to search for records, it is asked in a manner that is  
22 overbroad and to an extent that causes annoyance, oppression, harassment, and undue burden and  
23 expense. The Department objects to this interrogatory to the extent it seeks information protected  
24 by the attorney-client privilege, the attorney work product doctrine under Code of Civil Procedure  
25 section 2018.030, subdivisions (a) and (b), and the official information privilege.

26 Without waiving the above objections, the Department responds as follows. Upon receipt  
27 of Petitioner's PRA Requests and after working with Petitioner to narrow some of the requests,  
28 legal analysts in the Government Law Bureau forwarded a copy of the requests to Department

1 staff in various branches or offices most likely to have responsive records or have access to  
2 responsive records based on the subject matters of the requests. Department staff were asked to  
3 conduct a search of their records and forward all responsive records to the legal analysts for  
4 review. A legal analyst also worked with the Department's Information Technology ("IT") office  
5 to conduct a search of all electronically stored information ("ESI") that may be responsive to the  
6 requests. The legal analyst provided IT staff with a list of department staff names in various  
7 branches or offices and a list of ESI search terms to use when conducting the searches.

8 **FURTHER RESPONSE TO INTERROGATORY NO. 10:**

9 The Department incorporates the above objections to interrogatory no. 10 as though set  
10 forth in full herein.

11 The court's May 12, 2021 order states that by not providing the search terms used in  
12 connection with its search for records in response to Petitioner's two PRA requests, the  
13 Department did not provide everything done to search, and that the search terms will assist  
14 Petitioner in understanding the nature of the Department's search in the context of Petitioner's  
15 PRA requests. (Order, p. 9.) The Department understands the intent of the court's order to be that  
16 the Department provide the search terms used by it to conduct its search. Based on this  
17 interpretation, the Department provides the following background information as well as the  
18 search terms used.

19 The GLB is part of the Department's Regulatory and Legal Services Division of the  
20 Department's Legal Branch. The GLB is responsible for responding to requests made by the  
21 public for records under the PRA. Legal Analysts within the GLB are responsible for responding  
22 to requests for records submitted to the Department, including requests made under the PRA.  
23 Attorneys within the GLB work with and assist the analysts to respond to record requests  
24 submitted to the Department, including requests submitted under the PRA. In addition, GLB staff  
25 work hand-in-hand with Information Technology (IT) staff to collect records on Department  
26 staff's work emails and devices using search terms.

27 On June 4, 2019, GLB received a public record request from Petitioner, which GLB  
28 identified as "PRA-2019-00555." Petitioner sought various records, including "All appointment



1 schedules, calendars, meeting logs, phone call logs, mobile phone records, and other records  
2 relating to such meeting or phone calls (“Conferences”) between Insurance Commissioner Lara  
3 and any individuals who are employed by or represent the interest of one or more insurance  
4 companies or the insurance industry.” (Petn., Ex. 1, p. 1.)<sup>1</sup> Upon receipt of this request, GLB  
5 determined that the request, as written, was overbroad and that it would be unduly burdensome  
6 for staff to search for responsive records. GLB asked Petitioner to narrow its request to a  
7 particular time-frame, and to identify the names of the individuals and insurance companies that  
8 may have met with the Commissioner. On July 23, 2019, Petitioner agreed to narrow the time-  
9 frame of the PRA-2019-00555 request to January 7, 2019 to the present, i.e., July 23, 2019, and to  
10 “specifically identif[y] the individuals and insurance companies for which responsive records are  
11 sought” (hereafter, “Revised July 23, 2019 PRA request”). (Petn., Ex. 7, pp. 1 & 3.)

12 As modified, the Revised July 23, 2019 PRA request sought records with respect to the  
13 following 17 individuals and insurance companies: “Steven M. Menzies, Jeffrey A. Silver,  
14 Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M.  
15 McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R.  
16 Graber” and “individuals employed by or representing Applied Underwriters, California  
17 Insurance Company (‘CIC’), Constitution Insurance Company, or Independence Holding  
18 Company (‘IHC’).” (Petn., Ex. 7, p. 2.)

19 On July 19, 2019, GLB received a second request from Petitioner, which GLB identified as  
20 “PRA-2019-00697” (hereafter, “the July 19, 2019 PRA Request”). This request sought emails or  
21 any other communications between Commissioner Lara or his representatives and the same  
22 specifically identified individuals and insurance companies as those set forth in the Revised July  
23 23, 2019 PRA request.

24 The GLB initially assigned Legal Analyst Vanessa Vera to respond to Petitioner’s Revised  
25 July 23, 2019 PRA Request. However, on June 21, 2019, the GLB reassigned the request to Legal

26  
27 <sup>1</sup> Petitioner’s request sought four categories of records but only the first category is at  
28 issue in this writ proceeding. Consequently, the Department’s response to this interrogatory  
relates to its search associated with the first category of records although there may be some  
overlap with respect to the second through fourth categories of records.



1 Analyst Debbie De Guzman. Thereafter, Ms. De Guzman remained the assigned Legal Analyst  
2 for Petitioner's Revised July 23, 2019 PRA Request and its July 19, 2019 PRA request  
3 (sometimes referred to collectively as "Petitioner's PRA requests"). As in-house counsel within  
4 the GLB, Chao Lor was also assigned to assist the GLB analysts in reviewing, processing, and  
5 responding to Petitioner's PRA requests. Upon receipt of Petitioner's PRA requests, Ms. De  
6 Guzman and Ms. Lor reviewed each request and then, as to each request, identified which  
7 Department staff, divisions and bureaus within the Department could potentially have responsive  
8 records. For the Revised July 23, 2019 PRA Request and the July 19, 2019 PRA Request, the  
9 GLB determined it would be the Executive Office (Office of the Commissioner), the Chief  
10 Deputy Commissioner, and various other Deputy Commissioners, GLB, Corporate Affairs  
11 Bureau (CAB), Field Examination Division, Financial Analysis Division, and certain legal staff  
12 not in GLB or CAB. To search for records, Ms. De Guzman worked with IT staff to collect  
13 records on custodian's emails and devices using search terms. Ms. De Guzman also worked with  
14 the custodians in the various divisions and bureaus within the Department to conduct searches of  
15 their own records and personal devices. At the request of Ms. De Guzman, IT staff and Executive  
16 and Department staff searched for, and produced records to the GLB.

17 Specifically, between July and August 2019, IT staff Specialist I Ronald Nooner performed  
18 multiple searches for records responsive to Petitioner's PRA requests using Microsoft's Outlook  
19 eDiscovery Tool on noted custodian of records ("COR") email accounts and the search terms  
20 specified for each search. All records (emails, appointments, and calendar events) that were found  
21 in each of the searches were exported and copied to Mr. Nooner's OneDrive for review by GLB.  
22 The noted COR email accounts searched included Executive Staff, Chief Deputy Commissioner,  
23 and Deputy Commissioners (Commissioner Ricardo Lara, Catalina Hayes-Bautista, Michael  
24 Martinez, Michael Soller, Byron Tucker, Mike Peterson, Bryant Henley, Joel Laucher, Tony  
25 Cignarale, Susan Bernard, Ken Schnoll, Ken Allen, Roberta Potter, Angela Lizarraga, and David  
26 Green) as well as other Department Staff (Dan Goodell, Mike Levy, George Teekell, Geoff  
27 Margolis, Brentley Yim, Patricia Hein, Harry Levine, Donovan Han, Ber Vang, Allen Lau, Jack  
28 Lee, and Giovanni Muzzarelli). The search terms used to conduct the searches were: Steven M.

1 Menzies, Menzies, Jeffrey A. Silver, Silver, Stephen Acunto, Acunto, Carole Acunto, Carl  
2 DeBarbie, DeBarbie, Theresa DeBarbrie, DeBarbrie, Sidney R. Ferenc, Ferenc, Jon M. McCright,  
3 McCright, Marc M. Tract, Tract, Robert L. Stafford, Stafford, Justin N. Smith, Darlene Graber,  
4 Graber, Larry R. Graber, Applied Underwriters, California Insurance Company, "CIC",  
5 Constitution Insurance Company, Independence Holding Company, and "IHC."

6 In addition, between July 24 and 26, 2019, Ms. De Guzman forwarded copies of  
7 Petitioner's PRA requests to Executive and Department staff in the various divisions or bureaus  
8 identified above as most likely to have responsive records or to have access to records based on  
9 the subject matter of the requests, Specifically, on July 24, 2019, Ms. De Guzman asked the  
10 following individuals to search their emails for records responsive to Petitioner's PRA requests:  
11 Lynell Wise, Vanessa Vera, Michael Sorich, Diane Pinney, Ron Reyna, Chao Lor, George  
12 Teekell, Julia Cross, Amorette Yang, George Mueller, Sharon Victor, Matthew Alves, Harry  
13 O'Laughlin, Janice Rocco. On July 26, 2019, she asked the following individuals to search their  
14 Department mobile device and, if they used one or more personal devices to conduct Department  
15 business, to search their personal mobile devices for records responsive to Petitioner's PRA  
16 requests: Bryant Henley, Joel Laucher, Tony Cignarale, Susan Bernard, Kenneth Schnoll, Ken  
17 Allen, Julia Cross, Amorette Yang, Sharon Victor, Matthew Alves, Harry O'Laughlin, Geoff  
18 Margolis, Donovan Han, Ber Vang, Allen Lau, Jack Lee, Giovanni Muzzarelli, Laura Clements,  
19 Candace Goodale, Lynell Wise, Vanessa Vera, Michael Sorich, Diane Pinney, Ron Reyna, Chao  
20 Lor, George Teekell, Aaron Ezroj, Patricia Hein, Brentley Yim, and Damon Diederich. With  
21 respect to Commissioner Lara's Department mobile device and his personal device, the  
22 Commissioner worked with his Special Counsel Bryant Henley to conduct the search, which they  
23 did. Executive and Department staff used the following search terms to conduct their searches:  
24 Menzies, Silver, Acunto, DeBarbie, DeBarbrie, Ferenc, McCright, Tract, Stafford, "Justine N.  
25 Smith," Smith, "Darlene Graber," Graber, "Larry R. Graber," "Applied Underwriters,"  
26 "California Insurance Company," "CIC," "Constitution Insurance Company," Independence  
27 Holding Company," and "IHC."

1 In response to GLB's various requests, Department and Executive staff searched for and  
2 found approximately 8,000 records, which were provided to the GLB for review. Each  
3 Department staff that received Ms. De Guzman's July 24, 2019 and July 26, 2019 emails to  
4 conduct a search of their own business records and personal mobile devices for responsive  
5 records, conducted a search, and each informed Ms. De Guzman that no responsive records were  
6 found, with the exception of one responsive text message that was turned over to GLB for review.  
7 Certain Department and Executive staff confirmed receipt of the requests and conducted their  
8 own search. Further, they responded and confirmed whether responsive records existed or not. If  
9 records existed, these were turned over to GLB for review. Otherwise, all other records were  
10 obtained through the help of IT staff at a later time

11 **INTERROGATORY NO. 11:**

12 IDENTIFY everything that YOU did to review records responsive to the PRA  
13 REQUESTS.

14 **RESPONSE TO INTERROGATORY NO. 11:**

15 The Department objects to the definition of the term "IDENTIFY" on the ground that it is  
16 vague and ambiguous and overbroad and unduly burdensome. The Department objects to the  
17 definition of the term "YOU" on the ground that it is overbroad and unduly burdensome. The  
18 Department objects to this interrogatory on the ground that by asking the Department to  
19 "IDENTIFY everything" that "YOU" did to review records responsive to the requests, it is asked  
20 in a manner that is overbroad and to an extent that causes annoyance, oppression, harassment, and  
21 undue burden and expenses. The Department objects to this interrogatory to the extent it seeks  
22 information protected by the attorney-client privilege, the attorney work product doctrine under  
23 Code of Civil Procedure section 2018.030, subdivisions (a) and (b), and the official information  
24 privilege. The Department objects to this interrogatory on the ground it seeks information that is  
25 not relevant to the subject matter involved in the pending action or reasonably calculated to lead  
26 to the discovery of admissible evidence. Specifically, the discovery sought is not necessary to  
27 resolve whether the Department has an obligation to disclose the withheld and/or redacted records  
28 that are the subject of this CPRA proceeding, and the interrogatory is not justified given the need

## **EXHIBIT 31**

**OCT 04 2021**

**CONSUMER WATCHDOG v. CALIFORNIA DEPARTMENT OF INSURANCE**

Case Number: 20STCP00664

Hearing Date: September 22, 2021

Sherri R. Carter, Executive Officer/Clerk of Court

By: F. Becerra, Jr., Deputy

**(1) ORDER GRANTING IN PART AND DENYING IN PART PETITIONER'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, REQUEST FOR ADMISSIONS AND FORM INTERROGATORIES**

**(2) ORDER GRANTING PETITIONER'S MOTION TO COMPEL FURTHER RESPONSES TO REQUEST FOR PRODUCTION NO. 3**

**(3) ORDER DEFERING RULING ON MOTION TO LIFT PROTECTIVE ORDER AND COMPEL DEPOSITIONS OF PERSON MOST KNOWLEDGEABLE AND ROBERTA POTTER PENDING RESOLUTION OF THE MOTION TO COMPEL FURTHER RESPONSES TO REQUEST FOR PRODUCTION NO. 3**

**(4) SETTING TRIAL READINESS HEARING FOR OCTOBER 27, 2021; STATUS OF DISCOVERY and MOTION TO COMPEL DEPOSITIONS**

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Petitioner, Consumer Watchdog, in three separate motions, moves for the following relief:

- An order compelling further responses to (1) Special Interrogatories, Set Two; (2) Requests for Admission, Set One; and (3) Form Interrogatories, Set One;
- An order compelling a further response to Request for Production of Documents, Set One, Request No. 3; and
- An order lifting the protective order and granting Petitioner's motion to compel the attendance of Respondents to two previously-served deposition notices—one directed at Roberta Potter and a single, consolidated person most knowledgeable (PMK) deposition (now narrowed to five deposition topics).

Respondents, Ricardo Lara, in his official capacity as Insurance Commissioner of the State of California, and the California Department of Insurance (CDI) (collectively, the Department), oppose the motions.

The Department's evidentiary objections are all sustained except objection number 3 which is overruled.

///

## SUMMARY OF ORDERS

Motion to compel further responses to (1) Special Interrogatories, Set Two; (2) Requests for Admission, Set One; and (3) Form Interrogatories, Set One:

Denied as to Special Interrogatories  
Granted as to RFAs 33 through 79 (as modified herein)  
Denied as to Form Interrogatories

Motion compelling a further response to Request for Production of Documents, Set One, Request No. 3:

Granted. The Department is required to prepare a fulsome privilege log.  
Petitioner's request for evidentiary sanctions is denied.

Motion to lift the protective order to allow depositions:

While the court is inclined to grant the motion to allow a limited duration remote deposition on Topic 5 only, the court defers ruling on the motion until after the Department produces its privilege log. Given that the documents withheld from the Request for Production of Documents, Set One, Request No. 3 are still in issue, the court cannot determine the necessity of deposition(s). If the court compels the Department to produce documents and those documents address search efforts, deposition(s) may be duplicative and unnecessary.

## ANALYSIS

There are two requests under the California Public Records Act (Government Code section 6250 *et seq.*) made by Petitioner at issue in this litigation: a July 19, 2019 request (Request 1) and a July 23, 2019 request (Request 2).

Petitioner's Request 1 seeks:

"All e-mail or any other communications ("Communications") between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carcle Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, or Larry R. Graber. This request also includes Communications between Insurance Commissioner Lara or his representatives, including staff of the Department, any individuals employed by or representing Applied Underwriters, California Insurance Company, Constitution Insurance Company, or Independence Holding Company. This request includes, but is not limited to, records providing the identities of the individuals participating in the Communications, the topics of

those Communications, and the contents of those Communications. This request includes, but is not limited to, any Communications regarding matters pending before the Department, including before the Administrative Hearing Bureau. This request seeks records from January 7, 2019 to the present."

Petitioner's Request 2 seeks:

"All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls ("Conferences") between Insurance Commissioner Lara or his representatives, including staff of the Department, and the following individuals: Steven M. Menzies, Jeffrey A. Silver, Stephen Acunto, Carole Acunto, Carl DeBarbrie, Theresa DeBarbrie, Sidney R. Ferenc, Jon M. McCright, Marc M. Tract, Robert L. Stafford, Justin N. Smith, Darlene Graber, and Larry R. Graber. This request also includes records of Conferences between Insurance Commissioner Lara and any individuals employed by or representing Applied Underwriters, California Insurance Company ("CIC"), Constitution Insurance Company, or Independence Holding Company ("IHC"). This request includes, but is not limited to, records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred and the topics of those Conferences. This request seeks records from January 7, 2019 to the present."

As discussed with the parties previously, discovery is permitted in a CPRA action. (*City of Los Angeles v. Superior Court (Anderson-Barker)* (2017) 9 Cal.App.5th 272.) "When assessing motions to compel discovery (or motions seeking a protective order) in CPRA proceedings, the trial court has discretion to consider whether the petitioner has made an adequate showing that the discovery is likely to aid in the resolution of the particular issues presented in the proceeding." (*Id.* at 290.)

Discovery may be appropriate when a petitioner can raise sufficient question concerning the agency's good faith in both processing the CPRA request and the search undertaken. (*Ibid.*) In other cases, discovery may be necessary to "test the agency's assertion that it does not have an obligation to disclose the records at issue." (*Id.* at 289.) The discovery should be sought to "resolve whether the agency has a duty to disclose." (*Ibid.*)

Finally, "[w]hen a party does seek to compel discovery . . . the trial court must determine whether the discovery sought is necessary to resolve whether the agency has a duty to disclose, and to additionally consider whether the request is justified given the need for expeditious resolution." (*Id.* at 289.)

The court has previously determined discovery is generally appropriate in this action. Moreover, the court has already heard one discovery motion and conducted two informal discovery conferences in an attempt to resolve the ongoing discovery issues.



**Motion to Compel Further Responses to (1) Special Interrogatories, Set Two; (2) Requests for Admission, Set One; and (3) Form Interrogatories, Set One:**

***Special Interrogatories:***

Petitioner seeks to compel further responses to Special Interrogatories 15 through 18. The Special Interrogatories relate to the Department's "master calendar." The Special Interrogatories ask the Department to identify and describe everything it did to create the calendar (number 15), to determine what entries to include on the calendar (number 16), and to identify who was responsible for identifying entries to include (number 17) and to exclude from the calendar (number 18).

Petitioner explains it requires additional discovery regarding the "so-called 'master calendar.'" Petitioner argues the discovery sought is highly relevant to Petitioner's contention the Department inadequately searched for documents in response to its CPRA requests. Petitioner argues the "master calendar" contains summaries of responsive meetings for which no records were produced. (Motion 3:1-5.)<sup>1</sup>

The court previously found discovery related to the master calendar is relevant to this action. The court agrees the master calendar provides evidence concerning the adequacy of the Department's search for and production of responsive records. The master calendar provides evidence in a summary form of certain meetings for which (to some extent) the Department produced no documents.

Nonetheless, the Special Interrogatories in issue exceed the boundaries of the discovery necessary in this CPRA action. While the contents of any master calendar may inform on Petitioner's CPRA requests and whether documents subject to disclosure have not been produced by the Department—the details of how the master calendar is created and who decides its content is an overreach and simply not sufficiently relevant. That is, the accuracy of the master calendar is not at issue in this CPRA action. (See *City of Los Angeles v. Superior Court (Anderson-Barker)*, *supra*, 9 Cal.App.5th at 290. ["Stated more simply, while discovery 'may be appropriate when the plaintiff can raise sufficient question as to the agency's good faith in processing or in its search' [citation], it is improper when 'sought for the "bare hope of falling upon something that might impugn the [agency's evidence]." ' [Citations.]"])

Petitioner's motion as to the Special Interrogatories is denied.

***Request for Admissions (RFAs):***

The RFAs served upon Respondents are included as Exhibit M to the Declaration of Benjamin Powell. There are 87 RFAs Petitioner has grouped into six categories.

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<sup>1</sup> On September 13, 2019, the Department produced the "master calendar" for the Commissioner's scheduled meetings from January 7, 2019 through August 31, 2019.



- (1) RFAs 1 through 15: Admit that meetings and communications occurred between Respondents and individuals linked to former Assembly Speaker Fabian Nunez;
- (2) RFAs 16 through 18 and 23 through 32: Admit that meetings and communications occurred between Respondents and certain individuals representing the companies involved in the “pay-to-play” scandal identified in the “so-called ‘master calendar’;”
- (3) RFAs 19 through 22: Admit that meetings and communications occurred between the Commissioner and Eric Serna in Santa Fe, New Mexico;
- (4) RFAs 33 through 78: Admit Respondents participated in communications or meetings with individuals specifically named in the CPRA requests for which no public records were provided;
- (5) RFAs 79 through 86: Admit Respondents were aware that key figures were in fact “representing” the insurance companies involved in the “pay-to-play” scandal; and
- (6) RFA 87: Admit the Commissioner was acting as Treasurer to his 2022 re-election campaign when campaign contributions were received from individuals associated with the insurance companies at issue.

First, the court notes RFAs 79 through 86 (Group 5) seek discovery unrelated to the Department’s obligations under the CPRA requests at issue. Instead, the discovery sought relates to whether the Department had knowledge of alleged wrongdoing in the unrelated “pay to play” scandal. (See Memo 8:25-28.) During argument, Petitioner suggested evidence produced by the Department demonstrated the Department knows Eric Serna represents (or represented) Applied Underwriters. (See Petition, Ex. 18, Bates-stamped documents 4, 5 and 30.) Petitioner asserts if the Department knows Eric Serna represents (or represented) Applied Underwriters, the Department’s search terms should have included Eric Serna. Petitioner makes the same argument as to Fabian Nunez. (The court’s review of Exhibit 18 to the Petition did not reveal any references to Fabian Nunez.)

Petitioner argues:

“As previously discussed with the Court and noted below, publicly available information now reflects that Nunez represented Applied, and records produced by Respondents also reflect that Serna represented Applied, yet neither person’s name was used as a search term to identify potentially responsive records. (Initial Motion to Compel, March 17, 2021, p. 4; Powell Decl., ¶ 16.) As a result, the universe of responsive records remains unknown.” (Memo 9:17-21.)

As noted earlier and during argument, the records produced by Respondents—as presented to the court and as the court understands them—do not reflect Serna represents (or represented ) Applied Underwriters. Petitioner has also not identified the “publicly available information” demonstrating “Nunez represented Applied . . . .” (Memo 9:17-18.) Moreover, the Powell Declaration referenced in Petitioner’s earlier Motion to Compel does not link Nunez and/or Serna to Applied Underwriters.

The court finds the RFAs at Group 5 are not necessary to resolve the dispute between the parties. To the extent Petitioner demonstrates at trial Respondents should have included certain individuals’ names within their record search (as it claims it can do now without the discovery sought), the court can craft an appropriate remedy.<sup>2</sup> Moreover, RFAs 79 through 86 (Group 5), depending on the responses, would likely lead to additional discovery (e.g., Form Interrogatory 17.1) further delaying the litigation beyond that which has occurred. (See *City of Los Angeles v. Superior Court (Anderson-Barker)*, *supra*, 9 Cal.App.5th at 289 [court must consider “whether request is justified given the need for an expeditious resolution”].)

Similarly, RFA 22 (within Group 3)—admit that an attached photograph is of the Commissioner and Eric Serna in New Mexico—is unrelated to either CPRA request. The photograph does not inform on the Department’s search or any claimed exemption—it appears irrelevant. Moreover, while not determinative, Eric Serna is not named in either CPRA request. Given evidence produced by Respondents, the Commissioner could not deny knowing Eric Serna. (See Petition, Ex. 18, Bates-stamped documents 4, 5 and 30.) Petitioner’s motion is denied as to RFA 22.

RFAs 1 through 32 (Groups 1, 2 and 3) seek discovery related to individuals who are not named in either CPRA request. The court has also sustained the Department’s evidentiary objections to paragraph 16 of the Declaration of Benjamin Powell. Thus, there is no evidence Fabian Nunez or Eric Serna are related to California Insurance Company or Independence Holding Company, respectively.<sup>3</sup> The court finds these RFAs are not relevant the Department’s search for documents or its duty to disclose.<sup>4</sup>

RFAs 33 through 78 (Group 4), however, are directly relevant to both CPRA requests. They seek information as to whether the Department held meetings or communicated with individuals specifically listed in both CPRA requests. If, for example, Steven M. Menzies met with the

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<sup>2</sup> The court acknowledges Petitioner’s claims of delay and difficulty. Nonetheless, nothing prevents Petitioner from submitting a new CPRA request to Respondents related to Serna and Nunez.

<sup>3</sup> Mere allegations in a lawsuit are unproven. Whatever effect the lawsuit may have had on Petitioner is irrelevant to the issues before the court on this discovery motion.

<sup>4</sup> The Department’s objection to certain RFAs as overbroad also appears well-taken given the Department’s size unless the discovery sought is limited to “the Executive Office staff, all Deputy Commissioners, and the Government Law Bureau,” a group of about 30 people. (Opposition 16:19-28; Powell Decl., Ex. A.)

Commissioner during relevant dates, it may test and inform on the validity of the Department's master calendar. Such information may also inform on whether communications concerning the meeting exist (confirmations, agendas, follow up). The requests appear tailored to provide information relevant to whether the Department has improperly withheld documents. The court limits the response group for these RFAs to "the Executive Office staff, all Deputy Commissioners, and the Government Law Bureau." (See Powell Decl., Ex. A.)

RFA 79 (Group 6) is also relevant. To the extent the Commissioner served as Treasurer for his campaign for reelection, it would be likely he had communications or meetings with contributors. If any of the Commissioner's contributors are among those individuals or entities included in either CPRA request, the RFA would inform on whether the Department has improperly withheld communications sought.

The Department contends all the RFAs are being used improperly by Petitioner as a way to "uncover information" rather than establish the existence of facts. The court disagrees to the extent it has ordered further responses. The RFAs for which the court is compelling a response inform on whether certain meetings occurred such that the absence of records for those meetings might suggest a failure by the Department to search and produce required records.

Based on the foregoing, the court grants the motion as to RFAs 33 through 79 (Groups 4 and 6) as limited herein. The court finds the discovery relates to Petitioner's claim the Department failed to undertake an adequate search for documents and/or disclose required records.

***Form Interrogatories:***

Petitioner requests an order compelling the Department to further respond to Form Interrogatory number 1.1 (which seeks the identity of the person answering the Form Interrogatories) and Form Interrogatory number 17.1 (related to Requests for Admission for which there is not an unqualified admission).<sup>5</sup>

Given the court's decision on Petitioner's request to compel further responses to the RFA and the court's discretion to tailor discovery in CPRA actions, the court finds no further response from the Department is required. The court questions the need for any response to Form Interrogatory 1.1 here. Form Interrogatory 17.1 seeks information far beyond what is necessary to resolve this CPRA action.

CPRA Request 2 specifically requests records related to the individuals set forth in RFAs 33 through 78. Based on Petitioner's request, the Department would have had to have searched for records specific to these individuals. If Respondents respond to the RFAs with anything

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<sup>5</sup> Form Interrogatory number 17.1 seeks all the facts upon which the Department bases its response, the names, addresses and telephone numbers of the persons who have knowledge of the facts and all the documents that support a response to any RFA that is other than an unqualified admission.

other than an unqualified admission, no other information is necessary to resolve the dispute between the parties—a response to Form Interrogatory 17.1 will not, for example, suggest the Department should have conducted a search for records related to an individual named in CPRA Request 2.

**Motion to Compel Further Responses to Request for Production of Documents, Set One, Request No. 3:**

Petitioner seeks to compel a further response to its Request for Production of Documents, Set One, Request No. 3 seeking: “ALL COMMUNICATIONS between YOU and any PERSON CONCERNING the PRA REQUESTS.” The court previously ordered a further response to this request on May 12, 2021, including the suggestion of a privilege log for documents withheld based on privilege.

The Department thereafter reported it would produce all non-privileged and non-exempt records. The Department then concluded the only non-privileged or non-exempt records were communications between the Department and Petitioner. The Department advised Petitioner it held 400 internal documents ranging in date from June 4 to October 31, 2019. The Department withheld the documents based on attorney-client privilege, official information privilege as well as the deliberative process privilege.

For purposes of this motion, at issue are “200 email records and their attachments in nine categories . . . . Only 21 emails concern the Department’s searches for records related to the PRA.”<sup>6</sup> (Opposition 9:7-9.) The Department contends all of the documents are privileged as attorney-client, work product, deliberative process or official information.

Petitioner asserts the discovery is necessary because “communications about how Petitioner’s PRA Requests were processed, and what steps Respondents took and did not take to search for responsive records, are critical.” (Memo 1:15-16.) Petitioner propounded the discovery to determine “a key issue in this case, namely, whether Respondents adequately searched for and produced all disclosable records.” (Memo 1:20-21.) Petitioner contends the responsive documents “will likely provide additional information regarding ongoing questions about what Respondents did, and did not do, to identify and produce documents in response to the CPRA requests.” (Memo 1:22-24.)

Petitioner challenges the attorney-client privilege designation as overbroad. While the court is not entirely clear, it appears the Department contends no internal communications concerning Petitioner’s CPRA requests and any search undertaken are subject to disclosure.

The attorney-client privilege, as set forth at Evidence Code section 954, confers a privilege on the client “to refuse to disclose, and to prevent another from disclosing, a confidential

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<sup>6</sup> An additional 34 records between Respondents and the Office of the Attorney General are not at issue. (Memo 2:18-19.)



"1. CDI's responses to CONSUMER WATCHDOG's written discovery propounded in this matter, including Special Interrogatories, Set One and Set Two; Requests for Production, Set One; and Requests for Admission, Set One.

2. Email systems and telephone systems used by the CDI, Respondent Ricardo Lara, and CDI employees from January 1, 2019 to July 23, 2019, including both internal (e.g., Microsoft Outlook) and external (e.g., Gmail) email systems and both CDI-issued and personal mobile phones.

3. Creation and production of the 'Master Calendar.'

4. The contents of the 'Master Calendar' and the CDI's choice of which items to reflect on the 'Master Calendar.'

5. COMMUNICATIONS among CDI staff, employees, and any other CDI representatives CONCERNING:

- a. The CPRA REQUESTS.
- b. CDI's response to the CPRA REQUESTS.
- c. CDI's decision to disclose documents in response to the CPRA REQUESTS.
- d. CDI's decision to withhold documents in response to the CPRA REQUESTS."

Petitioner argues the first topic will address the Department's responses to written discovery requests, and any inconsistencies in those responses, which will likely demonstrate the search for responsive documents was inadequate. It notes the second topic seeking discovery on the devices used by the Department (including personal devices) is necessary to establish that the Department did not conduct an adequate search of all relevant devices. Petitioner asserts the Department did not produce a single phone log or any phone records, and the Department produced only one email and a single text involving the Commissioner, despite such records being responsive to the CPRA requests. (Petition, Exs. 10, 18; Powell Decl., Ex. A.) Petitioner contends the third and fourth topics, involving the creation and contents of the master calendar, is highly relevant to Petitioner's contention that Respondents' search for responsive records was inadequate. Finally, the fifth deposition topic seeking discovery concerning staff is necessary to establish that Respondents' search protocol was adequate.

Additionally, Petitioner argues the deposition of Potter—the Scheduling Director at the Department—is highly relevant and necessary to determine whether the Department's search for records was adequate. The Potter deposition would also address whether meetings and communications exist that are responsive to Petitioner's CPRA requests.

Petitioner's deposition topics—even though edited from 17 to five—are overbroad for this CPRA action. As stated, Topic 1 is overly general given this court's role in managing discovery here. (See *City of Los Angeles v. Superior Court (Anderson-Barker)*, *supra*, 9 Cal.App.5th at 272.) Topic 1 as phrased is not narrowly tailored and seeks expansive discovery. Similarly, Topic 2 is

overly broad as it is not tailored to the search undertaken. CDI's communication systems are not at issue in this CPRA action. As for Topics 3 and 4, the court has already determined for written discovery, the issue exceeds the discovery needed for this CPRA action.

Topic 5, however, addresses the Department's search for documents. The scope of the topic is relevant. Deposition questions focused on the acts undertaken to search (as distinct from communications) directly relevant. CDI staff actions also do not implicate the attorney-client privilege since the communications are not in issue—only the acts undertaken.

On Topic 5, it appears a single deponent could respond. It also appears the deposition would not be extensive and could be conducted remotely. While the court is inclined to order the deposition, the court instead defers ruling on the motion. Until the court has determined whether and to what extent, if at all, the Department must produce documents pursuant to Request for Production of Documents, Set One, Request No. 3, the court cannot determine whether a deposition is necessary and/or duplicative.

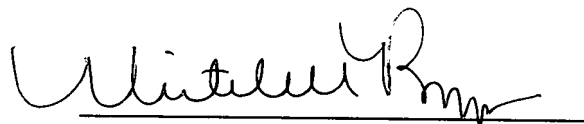
## CONCLUSION

Based on the foregoing, the motions are granted in part, denied in part and a ruling is deferred on lifting the protective order until the court has resolved the Request for Production of Documents, Set One, Request No. 3 after the Department produces a privilege log. The Department shall provide further responses as required herein no later than October 29, 2021.

The court sets a trial readiness hearing for October 27, 2021 at 9:30 a.m.<sup>8</sup> At the same hearing, the court will discuss the status of discovery and the motion to compel depositions.

**IT IS SO ORDERED.**

October 4, 2021



Hon. Mitchell Beckloff  
Judge of the Superior Court

<sup>8</sup> The court requests the parties consider stipulating to continue the trial readiness hearing to the currently scheduled trial date of November 12, 2021. While a continuance of the trial seems inevitable, the court did not wish to continue the trial date without the input of counsel.

## **EXHIBIT 32**



1 ROB BONTA  
Attorney General of California  
2 MOLLY K. MOSLEY  
Supervising Deputy Attorney General  
3 DEBBIE J. VOROUS  
Deputy Attorney General  
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Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7349  
Fax: (916) 323-7095  
7 E-mail: Debbie.Vorous@doj.ca.gov  
*Attorneys for Respondents and Defendants Ricardo*  
8 *Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and the*  
9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12  
13  
14 **CONSUMER WATCHDOG, a non-profit**  
15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
19 **the Insurance Commissioner of the State of**  
20 **California; CALIFORNIA DEPARTMENT**  
**OF INSURANCE; and DOES 1-50,**

21 Respondents and  
22 Defendants.

Case No. 20STCP00664

**RESPONDENTS' OBJECTIONS AND  
THIRD FURTHER RESPONSE TO  
PETITIONER'S REQUEST FOR  
PRODUCTION OF DOCUMENTS, SET  
ONE, NO. 3**

*Assigned for all purposes to the Hon. Mitchell  
L. Beckloff, Dept. 86*

Hearing Date: November 12, 2021  
Action Filed: February 27, 2020

23  
24 PROPOUNDING PARTY: PETITIONER CONSUMER WATCHDOG

25 RESPONDING PARTY: RESPONDENTS RICARDO LARA, in his official capacity as  
26 Insurance Commissioner of the State of California, and the  
CALIFORNIA DEPARTMENT OF INSURANCE

27 SET NO.: ONE  
28

1 Following the court's October 4, 2021 order, respondents Ricardo Lara, in his official  
2 capacity as Insurance Commissioner of the State of California, and the California Department of  
3 Insurance (collectively, the "Department"), provide the following third further response and  
4 objections to Petitioner Consumer Watchdog's Request for Production, Set One, no. 3.

5 The information provided in this response is true and correct, according to the Department's  
6 best knowledge at this time, but it is subject to further correction for omissions, errors, or  
7 mistakes. The Department reserves the right to produce subsequently discovered information or to  
8 amend, modify, or otherwise change this response, in accordance with applicable discovery rules.  
9 This response is based on records and information presently available to the Department.

### 10 **GENERAL OBJECTIONS**

11 1. The Department objects to Petitioner's Requests for Production to the extent they  
12 seek production of documents for inspection and copying in Los Angeles. (Code Civ. Proc.,  
13 § 2031.030, subd. (c)(3).) Because the Department's Sacramento office is producing the records  
14 and the Department's responsible counsel is located in Sacramento, Los Angeles is neither a  
15 reasonable location nor mutually agreeable. However, the Department will produce responsive,  
16 non-privileged or otherwise protected documents to petitioner by pdf or on a CD. To the extent  
17 the Department is producing electronically stored information, the Department is producing it in  
18 the form or forms that it is ordinarily maintained or in a form that is reasonably usable.

19 2. The Department objects to Petitioner's "Instructions" to the extent the instructions  
20 impose requirements beyond those that a party may demand under the Code of Civil Procedure  
21 and case law governing discovery in special proceedings brought to determine whether a public  
22 agency has an obligation to disclose records requested under the California Public Records Act  
23 (CPRA or PRA), Government Code section 6250 et seq.

24 3. The Department objects to Petitioner's instruction number 20 on the ground that the  
25 Department has no continuing obligation to supplement its response to Petitioner's Request for  
26 Production, Set One. (Code Civ. Proc., § 2031.050.)  
27  
28

///

1                                   **REQUEST FOR PRODUCTION OF DOCUMENTS**

2    **REQUEST FOR PRODUCTION NO. 3:**

3           ALL COMMUNICATIONS between YOU and any PERSON CONCERNING the PRA  
4 REQUESTS.

5    **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

6           The Department incorporates the above General Objections as though fully stated in this  
7 response.

8           The Department objects to the definition of the term “COMMUNICATIONS” on the  
9 ground that it is overbroad and unduly burdensome and exceeds the scope of discovery authorized  
10 by Code of Civil Procedure sections 2017.010 and 2031.010. The Department objects to  
11 definition of the term “CONCERNING” as vague and ambiguous and overbroad and unduly  
12 burdensome. The Department objects to this request on the ground that it is overbroad as to scope  
13 and time. The Department objects to this request to the extent that it seeks documents already  
14 produced to Petitioner, are in Petitioner’s possession, or are equally available to Petitioner. The  
15 Department objects to this request to the extent it seeks information or documents protected from  
16 discovery by the attorney-client privilege, the attorney work product doctrine under Code of Civil  
17 Procedure section 2018.030, subdivisions (a) and (b), the official information and deliberative  
18 process privileges, and the constitutional and statutory privacy rights of third parties. The  
19 Department objects to this request on the ground it seeks documents and information that are not  
20 relevant to the subject matter involved in the pending action or reasonably calculated to lead to  
21 the discovery of admissible evidence. Specifically, the discovery sought is not necessary to  
22 resolve the issue of whether the Department has an obligation to disclose the withheld and/or  
23 redacted records that are the subject of this CPRA proceeding, and the request is not justified  
24 given the need for expeditious resolution. To the extent this request for “COMMUNICATIONS”  
25 seeks discovery of the withheld and/or redacted records involved in this CPRA action, those  
26 records are an improper subject of discovery and are privileged or protected under Insurance  
27 Code sections 735.5 and 12919, Government Code sections 6254, subdivisions (d), and (k), and  
28 6255, Evidence Code section 1040, subdivision (b), and Civil Code section 1798.24.

**FIRST FURTHER RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

The Department incorporates by reference the General Objections and the above objections to request no. 3 as though fully stated herein. Without waiving the above objections, the Department states as follows. The Department responds that it will produce all responsive documents that are in its possession, custody, or control and located after a reasonable search, and to which no objection is being made. These documents consist of communications between the Department and Petitioner.

The Department is not producing information that is privileged and protected under the attorney-client privilege, attorney-work product doctrine under Code of Civil Procedure section 2018.030, official information privilege, and deliberative process privilege. Based on these objections, the Department has not produced approximately 400 internal documents ranging in dates from June 4, 2019 to October 31, 2019. In addition, the Department has not produced 34 documents constituting communications between it and its legal counsel at the Office of the Attorney General, which communications occurred between March 2, 2020, and May 13, 2020. None of the documents consist of communications with persons outside of the Department, except for those with the Office of the Attorney General. Consistent with Code of Civil Procedure section 2031.240, subdivision (c)(1), the Department provides the following information with respect to the non-produced documents.

The Legal Branch serves as in-house counsel to the Department, providing legal advice and representation to all bureaus and divisions within the Department, including the Commissioner and his executive staff. In addition, Bryant Henley serves as Special Counsel to the Commissioner and his staff and provides legal advice on various issues including litigation, adjudicatory proceedings, and other legal matters. The Government Law Bureau (GLB) is part of the Department's Regulatory and Legal Services Division of the Department's Legal Branch. The GLB is responsible for responding to requests made by the public for records under the California Public Records Act (PRA). Legal Analysts within the GLB are responsible for responding to PRA requests submitted to the Department. Attorneys within the GLB work with and assist the analysts to respond to requests submitted under the PRA. Further, the Department works with attorneys

1 from the Office of the Attorney General to defend against legal actions brought against the  
2 Department.

3 All the documents not produced by the Department in response to this request contain  
4 privileged attorney-client communications and are therefore not subject to disclosure. The  
5 documents containing attorney-client communications are divided into five categories: (a)  
6 attorney-client communications between the GLB and other Legal Branch attorneys and the  
7 Department, including the Commissioner's Special Counsel and his staff; (b) GLB attorney-to-  
8 Legal Branch attorney, GLB attorney-to-attorney, or attorney-to-staff communications; (c)  
9 discussions among staff concerning a GLB attorney's opinion, the need for legal advice, or  
10 obtaining information requested by an attorney; (d) attorney-client communications between the  
11 Commissioner's Special Counsel and the Commissioner's staff; and (e) attorney-client  
12 communications between the GLB and the Office of the Attorney General. These  
13 communications were all made in the context of providing legal advice and representation to the  
14 Department and to the Commissioner and his staff, and were made in the course of the lawyer's  
15 attorney-client relationship with the Department and the Commissioner and his staff.

16 Also, many of the documents contain protected attorney work product. These documents  
17 contain the impressions, conclusions, opinions, legal research or legal theories of attorneys and/or  
18 contain writings prepared by Department attorneys relating to their representation of the  
19 Department and the Commissioner. Further, many of the documents related to communications  
20 between the Commissioner's Special Counsel and the Commissioner's staff are also privileged  
21 under the official information privilege and the deliberative process privilege.

22 **SECOND FURTHER RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

23 The Department incorporates by reference the General Objections and the above objections  
24 to request no. 3 as though fully stated herein. Without waiving the above objections, the  
25 Department states as follows.

26 Department staff have located additional documents in response to request no. 3 to which  
27 no objection is being made and that will be produced with this further response  
28

1 Pursuant to the court's May 12, 2021 order, staff in the Department's GLB requested that  
2 the same Department staff, divisions and bureaus within the Department that were asked to search  
3 for records in response to Petitioner's PRA Requests to search for, locate, and produce to the  
4 GLB any records potentially responsive to Petitioner's request for production no. 3, and to do so  
5 ahead of the court's June 2, 2021 deadline to respond to request no. 3. GLB Staff reviewed all the  
6 documents it received and, given the short three-week turn-around time, determined that some of  
7 the records should be produced and that approximately 400 additional internal communications  
8 were also responsive but that those communications were privileged and protected from  
9 disclosure as explained above in the Department's first further response to request no. 3.

10 Following the July 1, 2021 informal discovery conference in this matter, the Department  
11 agreed to provide a further response to request no. 3 that categorized the withheld  
12 communications by authors and recipients and which included the number of communications in  
13 each category. Also, as explained during the July 1, 2021 informal discovery conference, the  
14 Department has determined that many of the communications that were initially located are  
15 duplicates in that several staff provided the same copies of the email threads and/or that the  
16 documents produced by staff are not responsive to this request as defined in Petitioner's Request  
17 for Production, Set One. The categories of communications by authors and recipients (and  
18 number of communications) are as follows:

19 1. Twenty-nine email communications by and between Deputy Commissioner and  
20 Special Counsel Bryant Henley and the Executive Office (and/or their staff) concerning the PRA  
21 Requests. Twenty-five of the communications are to or from Special Counsel Bryant Henley and  
22 to or from one or more members of the Executive Office, which include Commissioner Ricardo  
23 Lara, Catalina Hayes-Bautista (Chief Deputy Commissioner), Michael Martinez (Sr. Deputy  
24 Commissioner), and Michael Soller (Deputy Commissioner). One communication is between  
25 Special Counsel Bryant Henley and Commissioner Ricardo Lara only. Three of the  
26 communications are from Special Counsel Bryant Henley to staff of Executive Office members,  
27 two of which copy Executive Office members themselves. Seven of the communications include  
28 attachments (draft writings, draft letters).

1           2.       Twenty-four email communications by and between the Special Counsel, the  
2 Executive Office (not including Commissioner Ricardo Lara), and Department attorneys  
3 concerning the PRA Requests. The Department attorneys include Kenneth Schnoll (Deputy  
4 Commissioner and General Counsel), Susan Stapp (former Deputy General Counsel), George  
5 Teekell (Acting Government Law Bureau [GLB] Chief), Patricia Hein (Acting GLB Chief), Chao  
6 Lor (GLB attorney), and Michael Sorich (GLB attorney). Many of the communications also  
7 include on either the “to” or “copy” line, staff of the Executive Office and/or Legal Analysts  
8 within the GLB. Three of the communications include attachments (attorney compilation, draft  
9 letters).

10           3.       Fifteen email communications by and between the Special Counsel and/or  
11 members of the Executive Office (and/or their staff) and Department attorneys concerning the  
12 PRA Requests. Three of the emails are between members of the Executive Office and the  
13 Department attorneys, and one email is between a staff of the Executive Office and a Department  
14 attorney with copies to members of the Executive Office. One communication includes an  
15 attachment (draft letter).

16           4.       Sixty email communications by and between Department attorneys concerning the  
17 PRA Requests. Ten of the communications include (in addition to the attorneys) a GLB Legal  
18 Analyst on the “to” or “copy” line of the email. Sixteen of the communications include  
19 attachments (draft letters, attorney writings).

20           5.       Thirty email communications by and between GLB Department attorneys and  
21 GLB Legal Analysts Debbie De Guzman and/or Vanessa Vera concerning the PRA Requests. In  
22 addition to Department attorneys, one email includes on the “to” line the Special Counsel and on  
23 another email Executive Office member Kenneth Allen (Deputy Commissioner). Three of the  
24 communications include attachments (compilation of materials at attorney’s direction).

25           6.       Eleven email communications by and between the Special Counsel and/or a  
26 member of the Executive office and the GLB Legal Analysts with copies to GLB attorneys. One  
27 email also copies Department IT Staff Specialist Ronald Nooner. One communication includes an  
28 attachment (compilation of materials at attorney’s direction).



1           7.       Twenty-one email communications by and between the GLB Legal Analysts  
2 directed to members of the Executive Office, staff of the Executive Office, and Department staff  
3 (including attorneys), and various responses thereto concerning the search for records in response  
4 to the PRA Requests.

5           8.       Eight email communications between the Special Counsel and/or GLB attorneys  
6 and IT Staff Specialist Ronald Noonan concerning the PRA Requests. Two of the emails are also  
7 to or copied to a GLB Legal Analyst and one copied to the Special Counsel's assistant.

8           9.       Two email communications between GLB Legal Analysts and staff of the  
9 Executive Office with copies to GLB attorneys.

10       **THIRD FURTHER RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

11           The Department incorporates by reference the General Objections and the above objections  
12 to request no. 3 as though fully stated herein. Without waiving the above objections, the  
13 Department states as follows.

14           Without waiving any privilege or protection with respect to the documents located in  
15 response to request no. 3 but withheld from production as specified below, the Department will  
16 produce 29 of the communications from four out of the nine categories listed in its second  
17 response. The Department has located additional communications in response to no. 3 that it will  
18 also produce with this response. The Department maintains that the previously withheld 29  
19 communications as well as the recently located communications fall within the privileges and  
20 protections afforded attorney-client communications and attorney work product and is only  
21 producing these communications in an effort to resolve the discovery dispute related to the  
22 Department's search for records and move the case forward to resolution as expeditiously as  
23 possible.

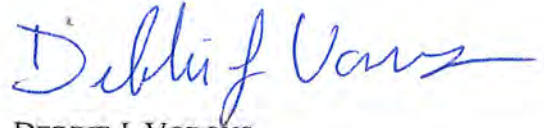
24           Attached as Exhibit A is a privilege log listing the communications that the Department has  
25 withheld from production in response to request no. 3. These communications are privileged and  
26 protected under the attorney-client privilege and the attorney work product doctrine under Code  
27 of Civil Procedure section 2018.030, subdivision (a), and will not be produced.  
28



1 Dated: October 29, 2021

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California  
4 MOLLY K. MOSLEY  
5 Supervising Deputy Attorney General

6 

7 DEBBIE J. VOROUS  
8 Deputy Attorney General  
9 *Attorneys for Respondents and Defendants*  
10 *Ricardo Lara, in his capacity as Insurance*  
11 *Commissioner of the State of California, and*  
12 *the California Department of Insurance*

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**VERIFICATION**

I, Debbie De Guzman, declare as follows:

1. I am a Senior Legal Analyst with the California Department of Insurance, Sacramento Office. I am authorized to make this verification for and on behalf of Respondents.

2. I have read the above Respondents' Objections and Third Further Response to Request for Production, Set One, No. 3 and know its contents. I am informed and believe and on that ground allege that the matters stated in the above document are true.

I declare under penalty of perjury of the laws of the State of California that that foregoing is true and correct.

Executed on October 29, 2021, at Sacramento, California.

/s/ Debbie De Guzman  
Debbie De Guzman

## **Records in Response to RFP No. 3**

**From:** Vera, Vanessa

**Sent:** Wednesday, June 12, 2019 4:33 PM

**To:** Henley, Bryant <Bryant.Henley@insurance.ca.gov>; Green, David <David.Green@insurance.ca.gov>; Hayes-Bautista, Catalina <Catalina.Hayes-Bautista@insurance.ca.gov>; Martinez, Michael <Michael.Martinez@insurance.ca.gov>; Peterson, Mike <Mike.Peterson@insurance.ca.gov>; Soller, Michael <Michael.Soller@insurance.ca.gov>

**Cc:** Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Lor, Chao <Chao.Lor@insurance.ca.gov>

**Subject:** PRA-2019-00555 (CL) Public Records Act Request - Response Due June 21, 2019

Good Afternoon Bryant, David, Catalina, Michael Martinez, Mike Peterson, and Michael Soller:

Yesterday, Pat, Chao, and I, met for a telephone conference with Mr. Flanagan and he agreed to include a time frame for the records sought of January 07, 2019 to the present and also narrowed request number 2 to include only out-of-state travel records for Commissioner Lara. Attached to this email is the updated narrowed request from the requestor that he forwarded to us yesterday. These are the categories of requests he is seeking:

1. All appointment schedules, calendars, meeting logs, phone call logs, mobile phone records, and any other records relating to any meetings or phone calls ("Conferences") between Insurance Commissioner Lara and any individuals who are employed by or represent the interests of one or more insurance companies or the insurance industry. This request includes, but is not limited to, records providing the identities of the individuals participating in the Conferences as well as records reflecting when and where the Conferences occurred. Item 1 seeks records from January 7, 2019 to the present.

2. All records regarding Insurance Commissioner Lara's out-of-state travel, including the persons or entities that paid for that travel, including airfare and other transportation, hotels, meals, and entertainment. Item 2 seeks records from January 7, 2019 to the present.
3. All records regarding the March 21, 2019 Climate Change Petition for Rulemaking ("Climate Change Petition") attached as Exhibit 2. Attached as Exhibit 3 is the response to the Climate Change Petition provided by the Department. Per your request, we provide the Department's response to assist you in identifying persons at the Department who may be in possession of records pertaining to this request. Item 3 seeks records from March 21, 2019 to the present. Item 3 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.
4. All records regarding the February 21, 2019 Petition for Rulemaking to ban the use of education and occupation to set insurance premiums ("Education/Occupation Petition") attached as Exhibit 4. Attached as Exhibit 5 is the response to the Education/Occupation Petition provided by the Department. Per your request, we provide the Department's response to assist you in identifying persons at the Department who may be in possession of records pertaining to this request. Item 4 seeks records from February 21, 2019 to the present. Item 4 does not seek records subject to the attorney work product or attorney-client privileges properly invoked by the Department.

Please forward the responsive records for our review. Our new deadline to respond to this request is June 21, 2019.

Thank you for your attention to this matter.

Best regards,

*Vanessa Vera*  
Legal Analyst  
California Department of Insurance  
Legal Division/Government Law Bureau  
300 Capitol Mall  
Sacramento, CA 95814

**CONFIDENTIALITY NOTICE:** This communication may contain confidential and/or legally privileged information. It is solely for the use of the intended recipients(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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**From:** De Guzman, Debbie Lynne  
**To:** Wise, Lynell; Vera, Vanessa; Sorch, Michael; Pinney, Diane; Reyna, Ron  
**Cc:** Lor, Chao; Teekell, George  
**Subject:** PRA-2019-00555  
**Date:** Wednesday, July 24, 2019 4:16:49 PM  
**Importance:** High

---

Good afternoon Team,

Could you please search your email between January 7, 2019 to July 23, 2019, for any communications using the search terms below and let me know if you have any responsive records by 10:00am tomorrow, July 25. I apologize for the short timeframe.

Search terms:

1. Menzies
2. Silver
3. Acunto
4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. "Tract"
9. Stafford
10. "Justin N. Smith"
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Thank you!

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor

Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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---

**From:** Sorich, Michael

**Sent:** Thursday, July 25, 2019 8:54 AM

**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>

**Subject:** RE: PRA-2019-00555

Hi Debbie,

I looked at the list of terms, and I have not had any communications with the people or entities listed.

Cheers,

Michael

---

**From:** De Guzman, Debbie Lynne

**Sent:** Wednesday, July 24, 2019 5:04 PM

**To:** Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>

**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>;

Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Sorich, Michael

<Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Wise, Lynell

<Lynell.Wise@insurance.ca.gov>

**Subject:** RE: PRA-2019-00555

Thanks Vanessa! Let's hold off for now since the two PRAs you referenced doesn't seem responsive at this time.

-Debbie

---

**From:** Vera, Vanessa

**Sent:** Wednesday, July 24, 2019 5:01 PM

**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>

**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>;

Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Sorich, Michael

<Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Wise, Lynell

<Lynell.Wise@insurance.ca.gov>

**Subject:** RE: PRA-2019-00555

Hi Debbie,

I checked my emails and I have emails that came up with the search terms "Applied Underwriters" and "California Insurance Company." These emails are related to PRA-2019-00554 and PRA-2019-00417 and my emails are saved in DM under those matters.

Do you still need me to forward you all the emails directly?

Thank you,

*Vanessa Vera*

Legal Analyst

California Department of Insurance

Legal Division/Government Law Bureau

300 Capitol Mall

Sacramento, CA 95814

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privileged information. It is solely for the use of the intended recipients(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

**From:** De Guzman, Debbie Lynne

**Sent:** Wednesday, July 24, 2019 4:24 PM

**To:** Pinney, Diane <[Diane.Pinney@insurance.ca.gov](mailto:Diane.Pinney@insurance.ca.gov)>; Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>

**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>

**Subject:** RE: PRA-2019-00555

CIC means California Insurance Company or Constitution Insurance Company. Thanks Diane for pointing that out! ☺

**From:** Pinney, Diane

**Sent:** Wednesday, July 24, 2019 4:22 PM

**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>; Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>

**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>

**Subject:** RE: PRA-2019-00555

CIC can refer to the California Insurance Code. Is that really what you are looking for?

*Diane Pinney*

Legal Analyst

California Department of Insurance

Government Law Bureau

Sacramento CA

916-492-3456

**From:** De Guzman, Debbie Lynne

**Sent:** Wednesday, July 24, 2019 4:17 PM

**To:** Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Pinney, Diane <[Diane.Pinney@insurance.ca.gov](mailto:Diane.Pinney@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>

**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>

**Subject:** PRA-2019-00555

**Importance:** High

Good afternoon Team,

Could you please search your email between January 7, 2019 to July 23, 2019, for any communications using the search terms below and let me know if you have any responsive records by 10:00am tomorrow, July 25. I apologize for the short timeframe.

Search terms:

1. Menzies
2. Silver
3. Acunto
4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright



8. "Tract"
9. Stafford
10. "Justin N. Smith"
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Thank you!

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Sorich, Michael](#)  
**To:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555  
**Date:** Thursday, July 25, 2019 10:32:52 AM

---

Yup, already responded to Debbie. I have nothing.

**From:** Lor, Chao  
**Sent:** Thursday, July 25, 2019 10:32 AM  
**To:** Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>  
**Cc:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555  
**Importance:** High

No sure if you responded to Debbie already, but if not, would you please conduct a search and let Debbie and I know in the 10 minutes? We have a meeting with management at 11 a.m.

Thanks,

Chao

**From:** De Guzman, Debbie Lynne  
**Sent:** Wednesday, July 24, 2019 4:17 PM  
**To:** Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Pinney, Diane <[Diane.Pinney@insurance.ca.gov](mailto:Diane.Pinney@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** PRA-2019-00555  
**Importance:** High

Good afternoon Team,

Could you please search your email between January 7, 2019 to July 23, 2019, for any communications using the search terms below and let me know if you have any responsive records by 10:00am tomorrow, July 25. I apologize for the short timeframe.

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4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. "Tract"
9. Stafford
10. "Justin N. Smith"
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"

19. "Independence Holding Company"

20. "IHC"

Thank you!

Debbie De Guzman, Legal Analyst

California Department of Insurance

Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor

Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Wise, Lynell](#)  
**To:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555  
**Date:** Thursday, July 25, 2019 10:36:59 AM

---

Yes, I already responded to Debbie. Must not have replied to all.  
I was unable to locate any documents/emails.

**From:** Lor, Chao  
**Sent:** Thursday, July 25, 2019 10:32 AM  
**To:** Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>  
**Cc:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555  
**Importance:** High

No sure if you responded to Debbie already, but if not, would you please conduct a search and let Debbie and I know in the 10 minutes? We have a meeting with management at 11 a.m.

Thanks,  
Chao

**From:** De Guzman, Debbie Lynne  
**Sent:** Wednesday, July 24, 2019 4:17 PM  
**To:** Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Pinney, Diane <[Diane.Pinney@insurance.ca.gov](mailto:Diane.Pinney@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** PRA-2019-00555  
**Importance:** High

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12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"

- 18. "Constitution Insurance Company"
- 19. "Independence Holding Company"
- 20. "IHC"

Thank you!

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor

Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** De Guzman, Debbie Lynne  
**To:** Cross, Julia; Yang, Amorette; Mueller, George; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Rocco, Janice  
**Cc:** Lor, Chao; Teekell, George  
**Subject:** PRA-2019-00555  
**Date:** Wednesday, July 24, 2019 4:31:19 PM  
**Importance:** High

---

Good afternoon,

I apologize for the short notice but we need to hear from you by 10:00am tomorrow, July 25, in preparation for a meeting at 11:00am. Could you please search your email between January 7, 2019 to July 23, 2019, for any email communications or meetings using the search terms below? We understand that you may not have any responsive records.

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14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Thank you in advance and we appreciate your assistance in this matter.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor

Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Cross, Julia](#)  
**To:** [O'Laughlin, Harry](#); [De Guzman, Debbie Lynne](#)  
**Cc:** [Yang, Amorette](#); [Mueller, George](#); [Victor, Sharon](#); [Alves, Matthew](#); [Rocco, Janice](#); [Lor, Chao](#); [Teekell, George](#)  
**Subject:** RE: PRA-2019-00555  
**Date:** Wednesday, July 24, 2019 9:52:50 PM

---

That goes for me as well.

**From:** O'Laughlin, Harry  
**Sent:** Wednesday, July 24, 2019 9:47 PM  
**To:** Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Mueller, George <[George.Mueller@insurance.ca.gov](mailto:George.Mueller@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; Rocco, Janice <[Janice.Rocco@insurance.ca.gov](mailto:Janice.Rocco@insurance.ca.gov)>; Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** Re: PRA-2019-00555

As long as the "Justin N. Smith" is not our Justin Smith, I'm finding no responsive records to report

---

**From:** Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>  
**Sent:** Wednesday, July 24, 2019 9:29:25 PM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Mueller, George <[George.Mueller@insurance.ca.gov](mailto:George.Mueller@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Rocco, Janice <[Janice.Rocco@insurance.ca.gov](mailto:Janice.Rocco@insurance.ca.gov)>; Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** Re: PRA-2019-00555

We have an employee named Justin Smith. I don't know about the initial N but this isn't our employee Justin is it?

Sent from my iPhone

On Jul 24, 2019, at 4:35 PM, De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)> wrote:

Good afternoon,

I apologize for the short notice but we need to hear from you by 10:00am tomorrow, July 25, in preparation for a meeting at 11:00am. Could you please search your email between January 7, 2019 to July 23, 2019, for any email communications or meetings using the search terms below? We understand that you may not have any responsive records.

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11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
  - a. CIC shall refer to California Insurance Company or Constitution Insurance Company only and not California Insurance Code.
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Thank you in advance and we appreciate your assistance in this matter.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Rocco, Janice  
**To:** De Guzman, Debbie Lynne  
**Cc:** Lor, Chao; Teekell, George  
**Subject:** RE: PRA-2019-00555  
**Date:** Wednesday, July 24, 2019 4:41:22 PM

---

I will check the terms. None of this rings any bells for me, with the possible exception of IHC, so it's possible I won't have anything.

Janice

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Wednesday, July 24, 2019 4:36 PM  
**To:** Cross, Julia; Yang, Amorette; Mueller, George; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Rocco, Janice  
**Cc:** Lor, Chao; Teekell, George  
**Subject:** PRA-2019-00555  
**Importance:** High

Good afternoon,

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Best regards,

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Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
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**From:** Mueller, George  
**To:** De Guzman, Debbie Lynne; Arce, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Rocco, Janice  
**Cc:** Lor, Chao; Teekell, George  
**Subject:** RE: PRA-2019-00555  
**Date:** Wednesday, July 24, 2019 4:47:44 PM

---

Debbie,

I have searched my emails for the dates listed below and found no records of email communications or meetings with the search items listed.

George

**From:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Sent:** Wednesday, July 24, 2019 4:36 PM  
**To:** Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Mueller, George <George.Mueller@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Rocco, Janice <Janice.Rocco@insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>  
**Subject:** PRA-2019-00555  
**Importance:** High

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Thank you in advance and we appreciate your assistance in this matter.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
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**From:** [De Guzman, Debbie Lynne](#)  
**To:** [Yang, Amorette](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555  
**Date:** Wednesday, July 24, 2019 5:40:39 PM

---

Thanks Amorette! Justin N. Smith is different from CDI's Justin Smith.

-Debbie

**From:** Yang, Amorette  
**Sent:** Wednesday, July 24, 2019 5:39 PM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555

Debbie,

I do not have any responsive records with any of those search terms, except for our CDI staff Justin Smith (in ALSB/Finance), which I assume is not the same as this Justin N. Smith.

Please let me know otherwise.

Thanks,  
Amorette

**From:** De Guzman, Debbie Lynne  
**Sent:** Wednesday, July 24, 2019 4:36 PM  
**To:** Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Mueller, George <[George.Mueller@insurance.ca.gov](mailto:George.Mueller@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Rocco, Janice <[Janice.Rocco@insurance.ca.gov](mailto:Janice.Rocco@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** PRA-2019-00555  
**Importance:** High

Good afternoon,

I apologize for the short notice but we need to hear from you by 10:00am tomorrow, July 25, in preparation for a meeting at 11:00am. Could you please search your email between January 7, 2019 to July 23, 2019, for any email communications or meetings using the search terms below? We understand that you may not have any responsive records.

Search terms:

1. Menzies

2. Silver
3. Acunto
4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. "Tract"
9. Stafford
10. "Justin N. Smith"
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
  - a. CIC shall refer to California Insurance Company or Constitution Insurance Company only and not California Insurance Code.
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Thank you in advance and we appreciate your assistance in this matter.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Rocco, Janice  
**To:** De Guzman, Debbie Lynne; Arce, Julia; Yang, Amorette; Mueller, George; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry  
**Cc:** Lor, Chao; Teekell, George  
**Subject:** Re: PRA-2019-00555  
**Date:** Thursday, July 25, 2019 7:21:54 AM

---

I searched by those dates. I have no email communications to or from those names and no meetings.

---

**From:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Sent:** Wednesday, July 24, 2019 4:35 PM  
**To:** Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Mueller, George <George.Mueller@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Rocco, Janice <Janice.Rocco@insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>  
**Subject:** PRA-2019-00555

Good afternoon,

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**From:** Rocco, Janice  
**To:** Arce, Julia; De Guzman, Debbie Lynne  
**Cc:** Yang, Amorette; Mueller, George; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Lor, Chao; Teekell, George  
**Subject:** Re: PRA-2019-00555  
**Date:** Thursday, July 25, 2019 7:42:03 AM

---

I tried to respond to this request last night. I drafted an email and hit send before I left the office, and then later in the evening it appeared not to have gone through and I still don't seem to have it in my outbox this morning.

What I tried to send last night said that I had searched those dates and the only email that I found from someone whose name included one of the search terms was **one email that included the search term "Smith"**. It was an internal email from Justin Smith that went to everyone in CDI's Sacramento office about Transit. I had forgotten about that when I sent the email earlier this morning because after talking with Bryant last night, I didn't think it was something the PRA request encompassed.

---

**From:** Cross, Julia <Julia.Cross@insurance.ca.gov>  
**Sent:** Wednesday, July 24, 2019 9:29 PM  
**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Cc:** Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Mueller, George <George.Mueller@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Rocco, Janice <Janice.Rocco@insurance.ca.gov>; Lor, Chao <Chao.Lor@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>  
**Subject:** Re: PRA-2019-00555

We have an employee named Justin Smith. I don't know about the initial N but this isn't our employee Justin is it?

Sent from my iPhone

On Jul 24, 2019, at 4:35 PM, De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov> wrote:

Good afternoon,

I apologize for the short notice but we need to hear from you by 10:00am tomorrow, July 25, in preparation for a meeting at 11:00am. Could you please search your email between January 7, 2019 to July 23, 2019, for any email communications or meetings using the search terms below? We understand that you may not have any responsive records.

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Thank you in advance and we appreciate your assistance in this matter.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
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D: (916) 492-3486  
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**From:** [Alves, Matthew](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Cc:** [Lor, Chao](#); [Teekell, George](#)  
**Subject:** RE: PRA-2019-00555  
**Date:** Thursday, July 25, 2019 8:52:43 AM

---

The only thing that pops up for me on those dates is when you search Smith our employees Stephen Smith and Justin Smith pop up. Other than that nothing in 2019.

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Sent:** Thursday, July 25, 2019 8:28 AM  
**To:** Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Mueller, George <[George.Mueller@insurance.ca.gov](mailto:George.Mueller@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Rocco, Janice <[Janice.Rocco@insurance.ca.gov](mailto:Janice.Rocco@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555

Good morning and thank you all for responding promptly to my email below!

-Debbie

---

**From:** Victor, Sharon  
**Sent:** Thursday, July 25, 2019 8:05 AM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Mueller, George <[George.Mueller@insurance.ca.gov](mailto:George.Mueller@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Rocco, Janice <[Janice.Rocco@insurance.ca.gov](mailto:Janice.Rocco@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555

I have not found any corresponding records.

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Wednesday, July 24, 2019 4:36 PM  
**To:** Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Mueller, George <[George.Mueller@insurance.ca.gov](mailto:George.Mueller@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Rocco, Janice <[Janice.Rocco@insurance.ca.gov](mailto:Janice.Rocco@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>  
**Subject:** PRA-2019-00555  
**Importance:** High

Good afternoon,

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17. "CIC"
  - a. CIC shall refer to California Insurance Company or Constitution Insurance Company only and not California Insurance Code.
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Thank you in advance and we appreciate your assistance in this matter.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
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communication. Thank you for your cooperation.

**From:** De Guzman, Debbie Lynne  
**To:** Wise, Lynell; Vera, Vanessa; Sorch, Michael; Reyna, Ron; Pinney, Diane; Hein, Patricia; Yim, Brentley; Teekell, George; Ezro, Aaron; Diederich, Damon  
**Subject:** PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 3:26:00 PM

---

Good afternoon GLB team,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

- Any communications you may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below, and

Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below.

Search terms:

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3. Acunto
4. DeBarbie
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12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 10, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Vera, Vanessa  
**To:** De Guzman, Debbie Lynne  
**Cc:** Wise, Lynell; Sorich, Michael; Reyna, Ron; Pinney, Diane; Hein, Patricia; Yim, Brentley; Teekell, George; Ezroj, Aaron; Diederich, Damon  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 3:31:18 PM

---

Hi Debbie,

I don't have any responsive emails or communications. I don't have a CDI mobile device and I don't use my personal mobile for work purposes.

Thank you,

*Vanessa Vera*  
Legal Analyst  
California Department of Insurance  
Legal Division/Government Law Bureau  
300 Capitol Mall  
Sacramento, CA 95814

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**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 3:27 PM  
**To:** Wise, Lynell <Lynell.Wise@insurance.ca.gov>; Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>; Sorich, Michael <Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Yim, Brentley <Brentley.Yim@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>; Ezroj, Aaron <Aaron.Ezroj@insurance.ca.gov>; Diederich, Damon <Damon.Diederich@insurance.ca.gov>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon GLB team,

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- Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls



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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 10, 2019.

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Best regards,

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**From:** Pinney, Diane  
**To:** De Guzman, Debbie Lynne; Wise, Lynell; Vera, Vanessa; Sorich, Michael; Reyna, Ron; Hein, Patricia; Yim, Brentley; Teekell, George; Ezroj, Aaron; Diederich, Damon  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 3:33:01 PM

---

I do not use my personal phone for CDI business, and I have not been issued a CDI mobile phone, so I don't have anything responsive. Sorry.

*Diane Pinney*

Legal Analyst  
California Department of Insurance  
Government Law Bureau  
Sacramento CA  
916-492-3456

**From:** De Guzman, Debbie Lynne

**Sent:** Friday, July 26, 2019 3:27 PM

**To:** Wise, Lynell <Lynell.Wise@insurance.ca.gov>; Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>; Sorich, Michael <Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Yim, Brentley <Brentley.Yim@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>; Ezroj, Aaron <Aaron.Ezroj@insurance.ca.gov>; Diederich, Damon <Damon.Diederich@insurance.ca.gov>

**Subject:** PRA-2019-00555 (CL)

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Best regards,

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Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor

Sacramento, CA 95814

D: (916) 492-3486

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**From:** Wise, Lynell  
**To:** De Guzman, Debbie Lynne; Vera, Vanessa; Sorich, Michael; Reyna, Ron; Pinney, Diane; Hein, Patricia; Yim, Brentley; Teekell, George; Ezroj, Aaron; Diederich, Damon  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 3:37:28 PM

---

Hi Debbie,

I do not have any responsive emails or communications and do not have a CDI issued mobile device.

Thanks,

Lynell

**From:** De Guzman, Debbie Lynne

**Sent:** Friday, July 26, 2019 3:27 PM

**To:** Wise, Lynell <Lynell.Wise@insurance.ca.gov>; Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>; Sorich, Michael <Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Yim, Brentley <Brentley.Yim@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>; Ezroj, Aaron <Aaron.Ezroj@insurance.ca.gov>; Diederich, Damon <Damon.Diederich@insurance.ca.gov>

**Subject:** PRA-2019-00555 (CL)

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Best regards,

Debbie De Guzman, Legal Analyst

California Department of Insurance

Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor

Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Ezroj, Aaron  
**To:** Diederich, Damon; De Guzman, Debbie Lynne; Wise, Lynell; Vera, Vanessa; Sorich, Michael; Reyna, Ron; Pinney, Diane; Hein, Patricia; Yim, Brentley; Teekell, George  
**Subject:** Re: PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 4:12:10 PM

---

I do not have any responsive records.

---

**From:** Diederich, Damon <Damon.Diederich@insurance.ca.gov>  
**Sent:** Friday, July 26, 2019 3:58:27 PM  
**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>; Wise, Lynell <Lynell.Wise@insurance.ca.gov>; Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>; Sorich, Michael <Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Yim, Brentley <Brentley.Yim@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>; Ezroj, Aaron <Aaron.Ezroj@insurance.ca.gov>  
**Subject:** RE: PRA-2019-00555 (CL)

Good afternoon Debbie-

I do not have any responsive records on my CDI mobile device. In the general course of business, I only use my CDI mobile device to receive work-related e-mail, which is duplicative of e-mail housed on CDI servers.

I have not had any communications with or regarding any of the individuals or entities listed below, and do not have any records relating to the same. I have not had any communications regarding and do not have any records relating to calendar entries regarding any contacts with the individuals or entities listed below.

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 3:27 PM  
**To:** Wise, Lynell <Lynell.Wise@insurance.ca.gov>; Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>; Sorich, Michael <Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Yim, Brentley <Brentley.Yim@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>; Ezroj, Aaron <Aaron.Ezroj@insurance.ca.gov>; Diederich, Damon <Damon.Diederich@insurance.ca.gov>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon GLB team,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

- Any communications you may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below, and

- Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below.

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1. Menzies
2. Silver
3. Acunto
4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 10, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
 California Department of Insurance  
 Legal Division-Government Law Bureau  
 300 Capitol Mall, 17<sup>th</sup> Floor  
 Sacramento, CA 95814  
 D: (916) 492-3486  
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the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your cooperation.



**From:** Sorich, Michael

**Sent:** Friday, July 26, 2019 3:52 PM

**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>

**Subject:** RE: PRA-2019-00555 (CL)

Hi Debbie,

I don't have anything.

**From:** De Guzman, Debbie Lynne

**Sent:** Friday, July 26, 2019 3:27 PM

**To:** Wise, Lynell <Lynell.Wise@insurance.ca.gov>; Vera, Vanessa <Vanessa.Vera@insurance.ca.gov>; Sorich, Michael <Michael.Sorich@insurance.ca.gov>; Reyna, Ron <Ron.Reyna@insurance.ca.gov>; Pinney, Diane <Diane.Pinney@insurance.ca.gov>; Hein, Patricia <Patricia.Hein@insurance.ca.gov>; Yim, Brentley <Brentley.Yim@insurance.ca.gov>; Teekell, George <George.Teekell@insurance.ca.gov>; Ezroj, Aaron <Aaron.Ezroj@insurance.ca.gov>; Diederich, Damon <Damon.Diederich@insurance.ca.gov>

**Subject:** PRA-2019-00555 (CL)

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Best regards,

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**From:** De Guzman, Debbie Lynne  
**To:** Hein, Patricia  
**Cc:** Wise, Lynell; Vera, Vanessa; Sorich, Michael; Reyna, Ron; Pinney, Diane; Yim, Brentley; Teekell, George; Ezroj, Aaron; Diederich, Damon  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Monday, July 29, 2019 8:17:00 AM

---

Good morning Pat,

We have copies of your communications with Jeff Silver and Phil Walker. I will confer with Chao if we'll need anything directly from you. If you had any communications in one or more personal devices or CDI issued devices regarding the persons or entities below, please let us know by August 10, 2019.

Thank you!

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
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**From:** Hein, Patricia  
**Sent:** Friday, July 26, 2019 4:55 PM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>; Pinney, Diane <[Diane.Pinney@insurance.ca.gov](mailto:Diane.Pinney@insurance.ca.gov)>; Yim, Brentley <[Brentley.Yim@insurance.ca.gov](mailto:Brentley.Yim@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>; Ezroj, Aaron <[Aaron.Ezroj@insurance.ca.gov](mailto:Aaron.Ezroj@insurance.ca.gov)>; Diederich, Damon <[Damon.Diederich@insurance.ca.gov](mailto:Damon.Diederich@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555 (CL)

So you are asking for communications we may have had with any of these persons or entities. I have had email correspondence through my work email account with Jeff Silver from Applied Underwriters regarding documents that were emailed by me by Attorney Phil Walker. He was cc'd on correspondence from Walker, and I sent Walker a letter in which I cc'd Silver. Silver wrote me back to say, "thank you." Do you need any of this correspondence?

Pat

**From:** De Guzman, Debbie Lynne

**Sent:** Friday, July 26, 2019 3:27 PM

**To:** Wise, Lynell <[Lynell.Wise@insurance.ca.gov](mailto:Lynell.Wise@insurance.ca.gov)>; Vera, Vanessa <[Vanessa.Vera@insurance.ca.gov](mailto:Vanessa.Vera@insurance.ca.gov)>; Sorich, Michael <[Michael.Sorich@insurance.ca.gov](mailto:Michael.Sorich@insurance.ca.gov)>; Reyna, Ron <[Ron.Reyna@insurance.ca.gov](mailto:Ron.Reyna@insurance.ca.gov)>; Pinney, Diane <[Diane.Pinney@insurance.ca.gov](mailto:Diane.Pinney@insurance.ca.gov)>; Hein, Patricia <[Patricia.Hein@insurance.ca.gov](mailto:Patricia.Hein@insurance.ca.gov)>; Yim, Brentley <[Brentley.Yim@insurance.ca.gov](mailto:Brentley.Yim@insurance.ca.gov)>; Teekell, George <[George.Teekell@insurance.ca.gov](mailto:George.Teekell@insurance.ca.gov)>; Ezroj, Aaron <[Aaron.Ezroj@insurance.ca.gov](mailto:Aaron.Ezroj@insurance.ca.gov)>; Diederich, Damon <[Damon.Diederich@insurance.ca.gov](mailto:Damon.Diederich@insurance.ca.gov)>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon GLB team,

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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 10, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

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**From:** De Guzman, Debbie Lynne  
**To:** Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Margolis, Geoff; Han, Donovan; Yang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 4:01:00 PM

---

Good afternoon,

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**From:** O'Laughlin, Harry  
**Sent:** Friday, July 26, 2019 4:08 PM  
**To:** De Guzman, Debbie Lynne  
**Cc:** Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Arce, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; Margolis, Geoff; Han, Donovan; Vang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace; Lor, Chao  
**Subject:** Re: PRA-2019-00555 (CL)

No responsive records for this request.

Harry O'Laughlin, CISSP, CISM  
Chief Information Security Officer  
Office of Information Security  
California Department of Insurance  
(916)492-3430 v

On Jul 26, 2019, at 4:01 PM, De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)> wrote:

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**From:** Victor, Sharon  
**Sent:** Friday, July 26, 2019 4:29 PM  
**To:** O'Laughlin, Harry  
**Cc:** De Guzman, Debbie Lynne; Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Alves, Matthew; Margolis, Geoff; Han, Donovan; Vang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace; Lor, Chao  
**Subject:** Re: PRA-2019-00555 (CL)

Good Afternoon Debbie,  
I do not have any records records pertaining to this request.

On Jul 26, 2019, at 4:08 PM, O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)> wrote:

No responsive records for this request.

Harry O'Laughlin, CISSP, CISM  
Chief Information Security Officer  
Office of Information Security  
California Department of Insurance  
(916)492-3430 v

On Jul 26, 2019, at 4:01 PM, De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)> wrote:

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Best regards,

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California Department of Insurance

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**From:** Henley, Bryant  
**Sent:** Friday, July 26, 2019 4:35 PM  
**To:** De Guzman, Debbie Lynne  
**Subject:** Re: PRA-2019-00555 (CL)

Thank you, Debbie. I have searched my work phone (which is the only one I use for governmental purposes). I do not have any responsive records on my phone.

-Bryant

On Jul 26, 2019, at 4:01 PM, De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)> wrote:

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**From:** Arce, Julia  
**Sent:** Friday, July 26, 2019 5:56 PM  
**To:** De Guzman, Debbie Lynne  
**Subject:** Re: PRA-2019-00555 (CL)

Nothing on my device.

Sent from my iPhone

On Jul 26, 2019, at 4:01 PM, De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)> wrote:

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D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Vang, Ber  
**To:** Lor, Chao; De Guzman, Debbie Lynne  
**Cc:** Han, Donavan; Bernard, Susan; Clements, Laura; Lau, Allen; Lee, Jack  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Friday, July 26, 2019 4:59:21 PM

---

Ok, thanks for clarifying then. In that case, I don't have any correspondences on my mobile device and I don't have any other email correspondences with the company or any persons affiliated outside of what's stored in the CDI's Outlook. Also, the only times I've had calls with the company are when we have conference calls, which are all stored as entries in my Outlook calendar.

Regards,

Ber Vang, CFE, AES, CISA  
Bureau Chief  
Field Examination Division – SF/SAC Bureau  
300 Capitol Mall, Suite 1300  
Sacramento, California 95814  
[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov) | (916) 492-3955



CALIFORNIA  
DEPARTMENT OF INSURANCE

---

**From:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Sent:** Friday, July 26, 2019 4:51 PM  
**To:** Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Han, Donavan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555 (CL)

Hi Ber,

We're looking for records stored on your mobile phone device(s) only. If the email correspondences are stored on the CDI's Outlook emails or calendars, we do not need these records. If the emails are stored on your personal email account such as gmail or Hotmail account, Google calendar etc, we will need a copy of those records.

Thanks,  
Chao

---

**From:** Vang, Ber  
**Sent:** Friday, July 26, 2019 4:45 PM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Han, Donavan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>;



Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>

**Subject:** RE: PRA-2019-00555 (CL)

Hi Debbie,

The Field Examination Division has several email correspondences related to our examination of the California Insurance Company that would fall under the criteria described in the request below. Is there a specific location that you can set up for us to dump that info? They are too many items to attach to an email.

Thanks

Ber Vang, CFE, AES, CISA  
Bureau Chief  
Field Examination Division – SF/SAC Bureau  
300 Capitol Mall, Suite 1300  
Sacramento, California 95814  
[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov) | (916) 492-3955



CALIFORNIA  
DEPARTMENT OF INSURANCE

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>

**Sent:** Friday, July 26, 2019 4:01 PM

**To:** Henley, Bryant <[Bryant.Henley@insurance.ca.gov](mailto:Bryant.Henley@insurance.ca.gov)>; Laucher, Joel <[Joel.Laucher@insurance.ca.gov](mailto:Joel.Laucher@insurance.ca.gov)>; Cignarale, Tony <[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>; Allen, Ken <[Ken.Allen@insurance.ca.gov](mailto:Ken.Allen@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Margolis, Geoff <[Geoff.Margolis@insurance.ca.gov](mailto:Geoff.Margolis@insurance.ca.gov)>; Han, Donovan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>; Muzzarelli, Giovanni <[Giovanni.Muzzarelli@insurance.ca.gov](mailto:Giovanni.Muzzarelli@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Goodale, Candace <[Candace.Goodale@insurance.ca.gov](mailto:Candace.Goodale@insurance.ca.gov)>

**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>

**Subject:** PRA-2019-00555 (CL)

Good afternoon,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

- Any communications you may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below, and
- Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below.

Search terms:

1. Menzies
2. Silver
3. Acuntó
4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
 California Department of Insurance  
 Legal Division-Government Law Bureau  
 300 Capitol Mall, 17<sup>th</sup> Floor  
 Sacramento, CA 95814  
 D: (916) 492-3486  
 E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your cooperation.

**From:** Clements, Laura  
**To:** De Guzman, Debbie Lynne  
**Cc:** Lor, Chao  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Sunday, July 28, 2019 8:49:13 PM

---

I don't have any records related to this PRA.

**Laura Clements, CFE**  
**Chief Examiner**  
**Department of Insurance**  
**300 South Spring Street, 9<sup>th</sup> Floor**  
**Los Angeles, CA 90013**  
**213-346-6127**

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <Bryant.Henley@insurance.ca.gov>; Laucher, Joel <Joel.Laucher@insurance.ca.gov>; Cignarale, Tony <Tony.Cignarale@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@insurance.ca.gov>; Schnoll, Kenneth <Kenneth.Schnoll@insurance.ca.gov>; Allen, Ken <Ken.Allen@insurance.ca.gov>; Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Margolis, Geoff <Geoff.Margolis@insurance.ca.gov>; Han, Donovan <Donavan.Han@insurance.ca.gov>; Vang, Ber <Ber.Vang@insurance.ca.gov>; Lau, Allen <Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>; Muzzarelli, Giovanni <Giovanni.Muzzarelli@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Goodale, Candace <Candace.Goodale@insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

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4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. Tract
9. Stafford
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11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Muzzarelli, Giovanni  
**To:** De Guzman, Debbie Lynne; Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Margolis, Geoff; Han, Donovan; Vang, Ber; Lau, Allen; Lee, Jack; Clements, Laura; Goodale, Candace  
**Cc:** Lor, Chao  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Monday, July 29, 2019 8:48:07 AM

---

I do not use a mobile device for business. Gio

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Margolis, Geoff; Han, Donovan; Vang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)

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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst

California Department of Insurance  
Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Yang, Amorette  
**Sent:** Monday, July 29, 2019 9:04 AM  
**To:** De Guzman, Debbie Lynne  
**Subject:** Re: PRA-2019-00555 (CL)

Hi Debbie,

I do not have any communications with those listed.

Thanks,  
Amorette

On Jul 26, 2019, at 4:01 PM, De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)> wrote:

Good afternoon,

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10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst



California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486

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**From:** Margolis, Geoff  
**To:** De Guzman, Debbie Lynne  
**Cc:** Lor, Chao  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Monday, July 29, 2019 10:33:59 AM

---

No records for me.

*Geoff*

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <Bryant.Henley@insurance.ca.gov>; Laucher, Joel <Joel.Laucher@insurance.ca.gov>; Cignarale, Tony <Tony.Cignarale@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@insurance.ca.gov>; Schnoll, Kenneth <Kenneth.Schnoll@insurance.ca.gov>; Allen, Ken <Ken.Allen@insurance.ca.gov>; Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Margolis, Geoff <Geoff.Margolis@insurance.ca.gov>; Han, Donovan <Donavan.Han@insurance.ca.gov>; Vang, Ber <Ber.Vang@insurance.ca.gov>; Lau, Allen <Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>; Muzzarelli, Giovanni <Giovanni.Muzzarelli@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Goodale, Candace <Candace.Goodale@insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>  
**Subject:** PRA-2019-00555 (CL)

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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
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**From:** Cignarale, Tony  
**Sent:** Monday, July 29, 2019 10:34 AM  
**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Subject:** RE: PRA-2019-00555 (CL)

I have nothing responsive to this.

Tony Cignarale, Deputy Commissioner  
Consumer Services & Market Conduct Branch  
California Department of Insurance  
(213) 346-6360 - Office  
[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Margolis, Geoff; Han, Donovan; Vang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)

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Best regards,

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California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
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**From:** [Han, Donovan](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Monday, July 29, 2019 12:54:44 PM

---

I confirm that I did not have any communications between January 7, 2019 and July 23, 2019 with any of the individuals or entities listed below.

**From:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <Bryant.Henley@insurance.ca.gov>; Laucher, Joel <Joel.Laucher@insurance.ca.gov>; Cignarale, Tony <Tony.Cignarale@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@insurance.ca.gov>; Schnoll, Kenneth <Kenneth.Schnoll@insurance.ca.gov>; Allen, Ken <Ken.Allen@insurance.ca.gov>; Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Margolis, Geoff <Geoff.Margolis@insurance.ca.gov>; Han, Donovan <Donavan.Han@insurance.ca.gov>; Vang, Ber <Ber.Vang@insurance.ca.gov>; Lau, Allen <Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>; Muzzarelli, Giovanni <Giovanni.Muzzarelli@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Goodale, Candace <Candace.Goodale@insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>  
**Subject:** PRA-2019-00555 (CL)

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6. Ferenc
7. McCright

8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Lee, Jack](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Monday, July 29, 2019 1:15:19 PM

---

Hi Debbie,

I have no requested records on my mobile device.

Jack Lee, CFE, CISA  
Associate Insurance Examiner  
California Department of Insurance  
Field Examination Division – San Francisco

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <[Bryant.Henley@insurance.ca.gov](mailto:Bryant.Henley@insurance.ca.gov)>; Laucher, Joel <[Joel.Laucher@insurance.ca.gov](mailto:Joel.Laucher@insurance.ca.gov)>; Cignarale, Tony <[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>; Allen, Ken <[Ken.Allen@insurance.ca.gov](mailto:Ken.Allen@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Margolis, Geoff <[Geoff.Margolis@insurance.ca.gov](mailto:Geoff.Margolis@insurance.ca.gov)>; Han, Donovan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>; Muzzarelli, Giovanni <[Giovanni.Muzzarelli@insurance.ca.gov](mailto:Giovanni.Muzzarelli@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Goodale, Candace <[Candace.Goodale@insurance.ca.gov](mailto:Candace.Goodale@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

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- Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below.



Search terms:

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2. Silver
3. Acunto
4. DeBarbie
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14. "Larry R. Graber"
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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

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California Department of Insurance  
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300 Capitol Mall, 17<sup>th</sup> Floor  
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**From:** [Bernard, Susan](#)  
**To:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Tuesday, July 30, 2019 7:46:38 AM

---

Hi Chao,

I do not have any responsive records.

Thank you,  
Susan

---

**From:** Lor, Chao  
**Sent:** Friday, July 26, 2019 4:51 PM  
**To:** Vang, Ber; De Guzman, Debbie Lynne  
**Cc:** Han, Donovan; Bernard, Susan; Clements, Laura; Lau, Allen; Lee, Jack  
**Subject:** RE: PRA-2019-00555 (CL)

Hi Ber,

We're looking for records stored on your mobile phone device(s) only. If the email correspondences are stored on the CDI's Outlook emails or calendars, we do not need these records. If the emails are stored on your personal email account such as gmail or Hotmail account, Google calendar etc, we will need a copy of those records.

Thanks,  
Chao

---

**From:** Vang, Ber  
**Sent:** Friday, July 26, 2019 4:45 PM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; Han, Donovan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555 (CL)

Hi Debbie,

The Field Examination Division has several email correspondences related to our examination of the California Insurance Company that would fall under the criteria described in the request below. Is there a specific location that you can set up for us to dump that info? They are too many items to attach to an email.

Thanks

Ber Vang, CFE, AES, CISA

Bureau Chief  
Field Examination Division – SF/SAC Bureau  
300 Capitol Mall, Suite 1300  
Sacramento, California 95814  
[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov) | (916) 492-3955



CALIFORNIA  
DEPARTMENT OF INSURANCE

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <[Bryant.Henley@insurance.ca.gov](mailto:Bryant.Henley@insurance.ca.gov)>; Laucher, Joel <[Joel.Laucher@insurance.ca.gov](mailto:Joel.Laucher@insurance.ca.gov)>; Cignarale, Tony <[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>; Allen, Ken <[Ken.Allen@insurance.ca.gov](mailto:Ken.Allen@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Margolis, Geoff <[Geoff.Margolis@insurance.ca.gov](mailto:Geoff.Margolis@insurance.ca.gov)>; Han, Donovan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>; Muzzarelli, Giovanni <[Giovanni.Muzzarelli@insurance.ca.gov](mailto:Giovanni.Muzzarelli@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Goodale, Candace <[Candace.Goodale@insurance.ca.gov](mailto:Candace.Goodale@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

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Search terms:

1. Menzies
2. Silver
3. Acunto
4. DeBarbie
5. DeBarbrie
6. Ferenc

7. McCright
8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
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19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Alves, Matthew](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Tuesday, July 30, 2019 9:01:03 AM

---

No responsive records for this search.

Matthew Alves  
Chief of Strategic Planning  
California Department of Insurance  
300 Capitol Mall Suite 1300  
Sacramento, CA 95814  
(916) 492-3514

**From:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <Bryant.Henley@insurance.ca.gov>; Laucher, Joel <Joel.Laucher@insurance.ca.gov>; Cignarale, Tony <Tony.Cignarale@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@insurance.ca.gov>; Schnoll, Kenneth <Kenneth.Schnoll@insurance.ca.gov>; Allen, Ken <Ken.Allen@insurance.ca.gov>; Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Margolis, Geoff <Geoff.Margolis@insurance.ca.gov>; Han, Donovan <Donavan.Han@insurance.ca.gov>; Vang, Ber <Ber.Vang@insurance.ca.gov>; Lau, Allen <Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>; Muzzarelli, Giovanni <Giovanni.Muzzarelli@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Goodale, Candace <Candace.Goodale@insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

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20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Laucher, Joel](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Tuesday, July 30, 2019 9:51:05 AM

---

Thank you Debbie (and hello Chao),

My texting is pretty limited and I have searched that history and don't have anything responsive to this request. I personally went through much of my Inbox and hadn't found anything there either. I have not been involved with the Applied Underwriters issues since early on when this matter arose and even then did not meet with anyone external to our organization to my recollection. John Finston and AHB took over this matter at that time.

Lots of press on this one!

Joel

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Tuesday, July 30, 2019 9:38 AM  
**To:** Laucher, Joel  
**Cc:** Lor, Chao  
**Subject:** RE: PRA-2019-00555 (CL)

Good morning Joel,

We have IT pull any email correspondence you may have with the individuals or entities below so you don't have to search your Outlook email for responsive records. However, if you had communicated with the individuals or entities below using your personal device or CDI issued device, such as mobile phone or tablet, through texts or other means (but not Outlook email), please let us know.

One way to search texts, for example, would be typing each of the suggested search terms below. Each search isolates potential messages. If the messages are direct communications with the individuals or representatives of the entities named below, they're potentially responsive.

I hope this helps. Please let me know if you'll need further assistance.

Thank you!

-Debbie

---

**From:** Laucher, Joel  
**Sent:** Tuesday, July 30, 2019 9:26 AM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555 (CL)

Hi Debbie Lynne,

Is there an easy way to do this? I haven't done a PRA search in a while and forget the most efficient way to go about it.

Regards,

Joel

---

**From:** De Guzman, Debbie Lynne

**Sent:** Friday, July 26, 2019 4:01 PM

**To:** Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Margolis, Geoff; Han, Donovan; Vang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace

**Cc:** Lor, Chao

**Subject:** PRA-2019-00555 (CL)

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18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
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**From:** [Lau, Allen](#)  
**To:** [Lor, Chao](#); [De Guzman, Debbie Lynne](#)  
**Cc:** [Han, Donovan](#); [Bernard, Susan](#); [Clements, Laura](#); [Lee, Jack](#); [Vang, Ber](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Tuesday, July 30, 2019 12:26:17 PM

---

I do not have any correspondence as described.

Regards,

Allen Lau, CFE  
Senior Insurance Examiner (Specialist)  
Field Examination Division  
(415) 538-4069 | [laua@insurance.ca.gov](mailto:laua@insurance.ca.gov)



CALIFORNIA  
DEPARTMENT OF INSURANCE

**From:** Vang, Ber  
**Sent:** Friday, July 26, 2019 4:59 PM  
**To:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>; De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Cc:** Han, Donovan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555 (CL)

Ok, thanks for clarifying then. In that case, I don't have any correspondences on my mobile device and I don't have any other email correspondences with the company or any persons affiliated outside of what's stored in the CDI's Outlook. Also, the only times I've had calls with the company are when we have conference calls, which are all stored as entries in my Outlook calendar.

Regards,

Ber Vang, CFE, AES, CISA  
Bureau Chief  
Field Examination Division – SF/SAC Bureau  
300 Capitol Mall, Suite 1300  
Sacramento, California 95814  
[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov) | (916) 492-3955



CALIFORNIA  
DEPARTMENT OF INSURANCE

**From:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Sent:** Friday, July 26, 2019 4:51 PM

**To:** Vang, Ber <Ber.Vang@insurance.ca.gov>; De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>

**Cc:** Han, Donovan <Donavan.Han@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Lau, Allen <Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>

**Subject:** RE: PRA-2019-00555 (CL)

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Thanks,  
Chao

---

**From:** Vang, Ber

**Sent:** Friday, July 26, 2019 4:45 PM

**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>

**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>; Han, Donovan <Donavan.Han@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Lau, Allen <Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>

**Subject:** RE: PRA-2019-00555 (CL)

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Thanks

Ber Vang, CFE, AES, CISA  
Bureau Chief  
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CALIFORNIA  
DEPARTMENT OF INSURANCE

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <[Bryant.Henley@insurance.ca.gov](mailto:Bryant.Henley@insurance.ca.gov)>; Laucher, Joel <[Joel.Laucher@insurance.ca.gov](mailto:Joel.Laucher@insurance.ca.gov)>; Cignarale, Tony <[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>; Allen, Ken <[Ken.Allen@insurance.ca.gov](mailto:Ken.Allen@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Margolis, Geoff <[Geoff.Margolis@insurance.ca.gov](mailto:Geoff.Margolis@insurance.ca.gov)>; Han, Donovan <[Donovan.Han@insurance.ca.gov](mailto:Donovan.Han@insurance.ca.gov)>; Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>; Muzzarelli, Giovanni <[Giovanni.Muzzarelli@insurance.ca.gov](mailto:Giovanni.Muzzarelli@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Goodale, Candace <[Candace.Goodale@insurance.ca.gov](mailto:Candace.Goodale@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

- Any communications you may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below, and
- Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below.

Search terms:

1. Menzies
2. Silver
3. Acunto
4. DeBarbie
5. DeBarbrie
6. Ferenc
7. McCright
8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"

17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Goodale, Candace](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Wednesday, July 31, 2019 3:37:58 PM

---

Hi Debbie!

Sorry for the delayed response. No communication with any of the names listed below.

*Candace Goodale*

Executive Assistant to Catalina Hayes-Bautista  
Chief Deputy Commissioner  
California Department of Insurance  
300 Capitol Mall Suite 1700  
Sacramento, CA 95814  
Phone: (916) 492-3646

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <[Bryant.Henley@insurance.ca.gov](mailto:Bryant.Henley@insurance.ca.gov)>; Laucher, Joel <[Joel.Laucher@insurance.ca.gov](mailto:Joel.Laucher@insurance.ca.gov)>; Cignarale, Tony <[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>; Allen, Ken <[Ken.Allen@insurance.ca.gov](mailto:Ken.Allen@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Margolls, Geoff <[Geoff.Margolls@insurance.ca.gov](mailto:Geoff.Margolls@insurance.ca.gov)>; Han, Donovan <[Donavan.Han@insurance.ca.gov](mailto:Donavan.Han@insurance.ca.gov)>; Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>; Muzzarelli, Giovanni <[Giovanni.Muzzarelli@insurance.ca.gov](mailto:Giovanni.Muzzarelli@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Goodale, Candace <[Candace.Goodale@insurance.ca.gov](mailto:Candace.Goodale@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

- Any communications you may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below, and
- Any communications you may have had, or records you may have, relating to any calendar entries you may have, or have made, concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below.

Search terms:

1. Menzies
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5. DeBarbrie
6. Ferenc
7. McCright
8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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---

**From:** Rocco, Janice  
**Sent:** Tuesday, August 6, 2019 5:16 PM  
**To:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@Insurance.ca.gov>  
**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>  
**Subject:** RE: PRA-2019-00555 (CL)

Debbie,

I don't have anything that meets the criteria below.

Janice

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Tuesday, August 06, 2019 1:09 PM  
**To:** Rocco, Janice  
**Cc:** Lor, Chao  
**Subject:** FW: PRA-2019-00555 (CL)

Good afternoon Janice,

It looks like I missed you last July 26 regarding the search for mobile records. Please see email below and let me or Chao know if you have any questions. If possible, we'd like to hear from you no later than August 15, 2019.

Best regards,

Debbie

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <Bryant.Henley@Insurance.ca.gov>; Laucher, Joel <Joel.Laucher@Insurance.ca.gov>; Cignarale, Tony <Tony.Cignarale@insurance.ca.gov>; Bernard, Susan <Susan.Bernard@Insurance.ca.gov>; Schnoll, Kenneth <Kenneth.Schnoll@insurance.ca.gov>; Allen, Ken <Ken.Allen@Insurance.ca.gov>; Cross, Julia <Julia.Cross@insurance.ca.gov>; Yang, Amorette <Amorette.Yang@insurance.ca.gov>; Victor, Sharon <Sharon.Victor@insurance.ca.gov>; Alves, Matthew <Matthew.Alves@insurance.ca.gov>; O'Laughlin, Harry <Harry.O'Laughlin@insurance.ca.gov>; Margolis, Geoff <Geoff.Margolis@insurance.ca.gov>; Han, Donovan <Donovan.Han@Insurance.ca.gov>; Vang, Ber <Ber.Vang@insurance.ca.gov>; Lau, Allen



<Allen.Lau@insurance.ca.gov>; Lee, Jack <Jack.Lee@insurance.ca.gov>; Muzzarelli, Giovanni <Giovanni.Muzzarelli@insurance.ca.gov>; Clements, Laura <Laura.Clements@insurance.ca.gov>; Goodale, Candace <Candace.Goodale@insurance.ca.gov>

**Cc:** Lor, Chao <Chao.Lor@insurance.ca.gov>

**Subject:** PRA-2019-00555 (CL)

Good afternoon,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
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Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Allen, Ken  
**To:** De Guzman, Debbie Lynne  
**Cc:** Lor, Chao  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Monday, August 12, 2019 4:38:46 PM

---

Good afternoon Debbie and Chao,

I have searched my CDI issued iPhone, the only mobile device upon which I conduct CDI business, and I have no communications with any of the individuals listed below and I have no calendar entries of any nature with any of the individuals listed below.

Thanks,

- *Ken*

---

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant; Laucher, Joel; Cignarale, Tony; Bernard, Susan; Schnoll, Kenneth; Allen, Ken; Cross, Julia; Yang, Amorette; Victor, Sharon; Alves, Matthew; O'Laughlin, Harry; Margolis, Geoff; Han, Donavan; Vang, Ber; Lau, Allen; Lee, Jack; Muzzarelli, Giovanni; Clements, Laura; Goodale, Candace  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

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9. Stafford
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14. "Larry R. Graber"
15. "Applied Underwriters"
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17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Henley, Bryant

**Sent:** Thursday, August 15, 2019 6:19 AM

**To:** DeGuzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>

**Cc:** Lor, Chao <Chao.Lor@Insurance.ca.gov>

**Subject:** RE: PRA-2019-00555 (CL)

Hello, Debbie.

Please be advised that, on 8/13/19, I personally searched Commissioner Lara's personal cell phone and his work cell phone, as well as the Commissioner's personal email, using the search terms you provided, for the following:

- 1) Any communications the Commissioner may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed in the search terms below.

**Result:** I did not find any records that were responsive to this records request on either of the Commissioner's mobile devices.

- 2) Any communications the Commissioner may have had, or records he may have, relating to any calendar entries concerning meetings or phone calls between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed in the search terms below.

**Result:** In addition to the Commissioner's mobile devices, as noted above, I searched his personal email. I found records on the Commissioner's personal e-mail which relate to calendar entries concerning meetings between January 7, 2019 and July 23, 2019 with some of the persons listed in the search terms you provided.

I am in the process of compiling those records for Legal's review. I anticipate that I will be able to provide them to you by Friday, August 23.

Thank you,

-Bryant

**Bryant W. Henley**, Deputy Commissioner | Office of the Special Counsel | California Department of Insurance | 300 Capitol Mall, Sacramento, CA 95814 | > [bryant.henley@insurance.ca.gov](mailto:bryant.henley@insurance.ca.gov) | ☎ Office: (916) 492-3558 | 📠 Fax: (916) 324-1883

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On Jul 26, 2019, at 4:01 PM, DeGuzman, Debbie Lynne  
<[DebbieLynne.DeGuzman@Insurance.ca.gov](mailto:DebbieLynne.DeGuzman@Insurance.ca.gov)> wrote:

Good afternoon,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau

300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814

D: (916) 492-3486

E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Schnoll, Kenneth](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Wednesday, September 4, 2019 12:45:13 PM

---

No records to disclose.

Kenneth B. Schnoll  
General Counsel, Deputy Commissioner  
California Department of Insurance  
45 Fremont Street, 23<sup>rd</sup> Floor  
San Francisco, CA 94105  
(415) 538-4379  
[kenneth.schnoll@insurance.ca.gov](mailto:kenneth.schnoll@insurance.ca.gov)

**From:** De Guzman, Debbie Lynne  
**Sent:** Tuesday, August 27, 2019 10:05 AM  
**To:** Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** FW: PRA-2019-00555 (CL)  
**Importance:** High

Good morning Ken,

We haven't heard from you. We anticipate no records from you but to be on the safe side, could you please let us know if you have any records based on the information described below? If possible, we would appreciate hearing from you by 10:00am tomorrow, August 28, 2019.

Thank you!

-Debbie

**From:** De Guzman, Debbie Lynne  
**Sent:** Friday, July 26, 2019 4:01 PM  
**To:** Henley, Bryant <[Bryant.Henley@insurance.ca.gov](mailto:Bryant.Henley@insurance.ca.gov)>; Laucher, Joel <[Joel.Laucher@insurance.ca.gov](mailto:Joel.Laucher@insurance.ca.gov)>; Cignarale, Tony <[Tony.Cignarale@insurance.ca.gov](mailto:Tony.Cignarale@insurance.ca.gov)>; Bernard, Susan <[Susan.Bernard@insurance.ca.gov](mailto:Susan.Bernard@insurance.ca.gov)>; Schnoll, Kenneth <[Kenneth.Schnoll@insurance.ca.gov](mailto:Kenneth.Schnoll@insurance.ca.gov)>; Allen, Ken <[Ken.Allen@insurance.ca.gov](mailto:Ken.Allen@insurance.ca.gov)>; Cross, Julia <[Julia.Cross@insurance.ca.gov](mailto:Julia.Cross@insurance.ca.gov)>; Yang, Amorette <[Amorette.Yang@insurance.ca.gov](mailto:Amorette.Yang@insurance.ca.gov)>; Victor, Sharon <[Sharon.Victor@insurance.ca.gov](mailto:Sharon.Victor@insurance.ca.gov)>; Alves, Matthew <[Matthew.Alves@insurance.ca.gov](mailto:Matthew.Alves@insurance.ca.gov)>; O'Laughlin, Harry <[Harry.O'Laughlin@insurance.ca.gov](mailto:Harry.O'Laughlin@insurance.ca.gov)>; Margolis, Geoff <[Geoff.Margolis@insurance.ca.gov](mailto:Geoff.Margolis@insurance.ca.gov)>; Han, Donovan <[Donovan.Han@insurance.ca.gov](mailto:Donovan.Han@insurance.ca.gov)>; Vang, Ber <[Ber.Vang@insurance.ca.gov](mailto:Ber.Vang@insurance.ca.gov)>; Lau, Allen <[Allen.Lau@insurance.ca.gov](mailto:Allen.Lau@insurance.ca.gov)>; Lee, Jack <[Jack.Lee@insurance.ca.gov](mailto:Jack.Lee@insurance.ca.gov)>; Muzzarelli, Giovanni <[Giovanni.Muzzarelli@insurance.ca.gov](mailto:Giovanni.Muzzarelli@insurance.ca.gov)>; Clements, Laura <[Laura.Clements@insurance.ca.gov](mailto:Laura.Clements@insurance.ca.gov)>; Goodale, Candace <[Candace.Goodale@insurance.ca.gov](mailto:Candace.Goodale@insurance.ca.gov)>

**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>

**Subject:** PRA-2019-00555 (CL)

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9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
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20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience. We need to hear back from you, in any case, by August 15, 2019.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance



Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [Green, David](#)  
**To:** [De Guzman, Debbie Lynne](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Wednesday, August 14, 2019 11:26:26 AM

---

Good morning Debbie,

I just wanted to let you know that I didn't have any communications with any of the individuals or entities listed below on your list.

Let me know if you have any questions.

Thanks,

**David Green**

*Special Assistant to California Insurance Commissioner Ricardo Lara*

300 Capitol Mall, Suite 1700

Sacramento, CA 95814

Phone: (916) 492-3682

Cell: (916) 606-8328

[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)

**\*\*If you would like to schedule a meeting or request the Commissioner's participation at an upcoming event [Click Here](#).**

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@Insurance.ca.gov](mailto:DebbieLynne.DeGuzman@Insurance.ca.gov)>

**Sent:** Monday, August 12, 2019 2:42 PM

**To:** Martinez, Michael <[Michael.Martinez@insurance.ca.gov](mailto:Michael.Martinez@insurance.ca.gov)>; Soller, Michael <[Michael.Soller@insurance.ca.gov](mailto:Michael.Soller@insurance.ca.gov)>; Green, David <[David.Green@insurance.ca.gov](mailto:David.Green@insurance.ca.gov)>

**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>

**Subject:** PRA-2019-00555 (CL)

Good afternoon,

Per Catalina's request, we need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

- Any communications you may have had between January 7, 2019 and July 23, 2019, inclusive, with any of the individuals or entities listed below, and
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Search terms:

1. Menzies
2. Silver
3. Acunto
4. DeBarbie

5. DeBarbrie
6. Ferenc
7. McCright
8. Tract
9. Stafford
10. "Justin N. Smith" (Not CDI employee)
11. Smith
12. "Darlene Graber"
13. Graber
14. "Larry R. Graber"
15. "Applied Underwriters"
16. "California Insurance Company"
17. "CIC"
18. "Constitution Insurance Company"
19. "Independence Holding Company"
20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than August 15, 2019, if possible.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** De Guzman, Debbie Lynne  
**To:** Potter, Roberta  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)  
**Date:** Tuesday, August 13, 2019 3:46:09 PM

---

Good afternoon Roberta,

Per Catalina's request, we need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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20. "IHC"

Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than Friday, August 16, 2019, if possible.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
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**From:** De Guzman, Debbie Lynne  
**To:** Peterson, Mike  
**Subject:** PRA-2019-00555 (CL)  
**Date:** Tuesday, August 13, 2019 11:02:00 AM

---

Good morning Mike,

Per Catalina's request, we need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than August 15, 2019, if possible.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
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**From:** De Guzman, Debbie Lynne  
**To:** Martinez, Michael; Soller, Michael; Green, David  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)  
**Date:** Monday, August 12, 2019 2:42:23 PM

---

Good afternoon,

Per Catalina's request, we need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than August 15, 2019, if possible.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,



Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** Soller, Michael  
**To:** De Guzman, Debbie Lynne; Martinez, Michael; Green, David  
**Cc:** Lor, Chao  
**Subject:** Re: PRA-2019-00555 (CL)  
**Date:** Tuesday, August 13, 2019 8:15:31 AM

---

Hi Debbie I have no records. Thanks

---

Michael Soller  
Deputy Insurance Commissioner  
Communications & Press Relations, Northern California  
California Department of Insurance  
916-661-0556 – Cell  
916-492-3542 – Sacramento  
michael.soller@insurance.ca.gov  
insurance.ca.gov

---

---

**From:** De Guzman, Debbie Lynne <DebbieLynne.DeGuzman@insurance.ca.gov>  
**Sent:** Monday, August 12, 2019 1:42 PM  
**To:** Martinez, Michael; Soller, Michael; Green, David  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)

Good afternoon,

Per Catalina's request, we need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than August 15, 2019, if possible.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

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**From:** De Guzman, Debbie Lynne  
**To:** Lizarraga, Angela  
**Cc:** Lor, Chao  
**Subject:** PRA-2019-00555 (CL)  
**Date:** Thursday, August 15, 2019 4:45:43 PM

---

Good afternoon Angela,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than close of business next Thursday, August 22, 2019, if possible.

Should you have any questions, please do not hesitate to contact me or Chao.

Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486  
E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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**From:** [De Guzman, Debbie Lynne](#)  
**To:** [Lizarraga, Angela](#)  
**Cc:** [Lor, Chao](#)  
**Subject:** RE: PRA-2019-00555 (CL)  
**Date:** Wednesday, August 21, 2019 3:25:59 PM

---

Thanks Angelal When you have a moment, could you email me copies of the meetings below? I think it would be best if you print and just provide me with pdf copies.

**From:** Lizarraga, Angela  
**Sent:** Wednesday, August 21, 2019 3:18 PM  
**To:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Subject:** RE: PRA-2019-00555 (CL)

Hi Debbie,

I hope this email finds you well. My apologies for taking so long to reply to your email, I was out on vacation. I researched the list of names that you send me and found the following:

1. Menzies – May 1<sup>st</sup> – Lunch with Lena Gonzalez and Steve Menzies. ( On the calendar, Meeting never happened)
2. Smith – February 11<sup>th</sup> – Meeting with Paul Smith, Vice President of Property's Causality.

If you have any questions please don't hesitate to contact me.

Best,  
**Angela Lizarraga**  
Insurance Commissioner Ricardo Lara  
300 S. Spring St., 14<sup>th</sup> floor  
Los Angeles, Ca. 90013  
Phone: (213) 346-6330  
[Angela.Lizarraga@insurance.ca.gov](mailto:Angela.Lizarraga@insurance.ca.gov)

\*\*If you would like to schedule a meeting or request the Commissioner's participation at an upcoming event [Click Here](#).

**From:** De Guzman, Debbie Lynne <[DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)>  
**Sent:** Thursday, August 15, 2019 4:46 PM  
**To:** Lizarraga, Angela <[Angela.Lizarraga@insurance.ca.gov](mailto:Angela.Lizarraga@insurance.ca.gov)>  
**Cc:** Lor, Chao <[Chao.Lor@insurance.ca.gov](mailto:Chao.Lor@insurance.ca.gov)>  
**Subject:** PRA-2019-00555 (CL)

Good afternoon Angela,

We need to ask you to search your CDI mobile device and, if you use one or more personal mobile devices to conduct CDI business, your personal mobile device(s), for the following records:

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Should you have any such records, please let me or Chao Lor know at your earliest convenience but no later than close of business next Thursday, August 22, 2019, if possible.

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Best regards,

Debbie De Guzman, Legal Analyst  
California Department of Insurance  
Legal Division-Government Law Bureau  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
D: (916) 492-3486



E: [DebbieLynne.DeGuzman@insurance.ca.gov](mailto:DebbieLynne.DeGuzman@insurance.ca.gov)

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---

**Subject:** Advice Re: Records Searching for PRA-2019-00555  
**Location:** SAC-17 Video Conf Rm #17005 (Primary)  
**Start:** Mon 6/17/2019 1:00 PM  
**End:** Mon 6/17/2019 1:30 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Meeting Status:** Not yet responded  
**Organizer:** Hayes-Bautista, Catalina  
**Required Attendees:** Martinez, Michael; Henley, Bryant; Soller, Michael; Peterson, Mike; Potter, Roberta; Green, David

6/13/19 meeting scheduled per BH request. -CG

---

Subject: PRA-2019-00555  
Location: SAC-11 Video Conference Room #11130 (Legal)  
Start: Tue 6/25/2019 3:30 PM  
End: Tue 6/25/2019 4:30 PM  
Show Time As: Tentative  
Recurrence: (none)  
Meeting Status: Not yet responded  
Organizer: Lor, Chao

Hi George:

Looks like the video conference on 11th is available. We will see you at 3:30 p.m.

---

**Subject:** PRA-2019-00555  
(Catalina is Host)

**Location:** SAC-17 Video Conf Rm #17005 (Primary); SF-21<sup>st</sup> Video Conf Rm #21010 (Primary); LA-9  
Video Conf Rm #9001 (Secondary)

**Start:** Thu 7/25/2019 11:00 AM

**End:** Thu 7/25/2019 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Hayes-Bautista, Catalina

7/24/19 – meeting scheduled per BH & CHB request. –CG

Dial in:

Access Code:

Host Code: (Catalina is Host)

---

Subject: PRA-2019-00555  
Location: SAC-17 Video Conf Rm #17005 (Primary) (George Teekell calling in via Jabbercam)  
  
Start: Mon 8/12/2019 3:30 PM  
End: Mon 8/12/2019 4:30 PM  
Show Time As: Tentative  
  
Recurrence: (none)  
  
Meeting Status: Not yet responded  
  
Organizer: Hayes-Bautista, Catalina  
Required Attendees: Lór, Cheo; De Guzman, Debbie Lynne; Teekell, George; Martinez, Michael  
Optional Attendees: Henley, Bryant; Soller, Michael

8/2/19 scheduled per C Lór request. -CG

---

**Subject:** Meet re: PRA-2019-00555 & PRA-2019-00590 (George Teekell joining by jabbercam)  
**Location:** SF-21 Video Conf Rm #21010 (Primary); SAC-16 Video Conf Rm #16005 (Secondary)  
  
**Start:** Wed 8/28/2019 10:00 AM  
**End:** Wed 8/28/2019 11:30 AM  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Hayes-Bautista, Catalina

8/20/19 – meeting scheduled per request from Legal. Ok'd by B. Henley. –CG x3646

**Subject:** PRAs  
**Location:** SAC-17 Video Conf Rm #17005 (Primary)  
  
**Start:** Thu 9/26/2019 4:00 PM  
**End:** Thu 9/26/2019 5:00 PM  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Hayes-Bautista, Catalina

9/25/19 scheduled per BH & CHB request. -CG

---

**Subject:** PRA's  
**Location:** SAC-17 Video Conf Rm #17005 (Primary); SF-23 Video Conf Rm (Office of Commissioner)  
  
**Start:** Wed 10/30/2019 1:00 PM  
**End:** Wed 10/30/2019 1:45 PM  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Hayes-Bautista, Catalina

Candace and Roberta will work on scheduling rooms. Wanted to make sure to get something on the calendar in the meantime. Thank you.



## **EXHIBIT 33**

**CALIFORNIA DEPARTMENT OF INSURANCE**

*Consumer Watchdog v. Ricardo Lara as Ins. Commissioner and California Department of Insurance*  
Los Angeles County Superior Court, Case No. 20STCP0064

**PRIVILEGE LOG**

**RESPONSE TO PETITIONER'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE, No. 3**  
**(All communications between you and any person concerning the PRA Requests)**

**Key**

<b>Name</b>	<b>Department Position</b>
Bryant Henley*	Deputy Commissioner and Special Counsel to Commissioner Lara
Catalina Hayes-Bautista	Chief Deputy Commissioner
Michael Martinez	Senior Deputy Commissioner
Michael Soller	Deputy Commissioner
Candace Goodale	Associate Government Program Analyst & Former Asst./Scheduler to Chief Deputy Commissioner Catalina Hayes-Bautista
Roberta Potter	Staff Services Manager II & Commissioner Lara's Scheduler
Camilo Pizarro	Staff Services Manager II
Mike Peterson	Deputy Commissioner
Ken Allen	Deputy Commissioner
David Green	Staff Services Manager & Special Assistant to Commissioner Lara
Charles Lundberg	Information Technology Manager I
Kenneth Schnoll*	Deputy Commissioner & General Counsel
Susan Stapp*	Former Deputy General Counsel
Patricia Hein*	Government Law Bureau Chief
George Teekell*	Attorney IV, Former Acting Government Law Bureau Chief
Chao Lor*	Attorney III, Government Law Bureau
Michael Sorich*	Attorney, Government Law Bureau
Vanessa Vera	Legal Analyst, Government Law Bureau
Debbie De Guzman	Legal Analyst, Government Law Bureau
Ronald Nooner	Information Technology Staff Specialist

**Attorney = \***

“A/C” = Attorney-client privilege subject to Evid. Code, § 952 et seq.

“WP” = Attorney Work Product subject to Code Civ. Proc., § 2018.030, subd. (a)

<b>Bate-Stamp No.</b>	<b>Record Date</b>	<b>To</b>	<b>Cc</b>	<b>Author</b>	<b>Document Type &amp; Description of Document Content</b>	<b>Privilege Claimed</b>
001-009	10/22/ 2019 2:42 pm	Catalina Hayes-Bautista; Bryant Henley; Kenneth Schnoll; Susan Stapp; Michael Martinez; Michael Soller; George Teekell	Debbie De Guzman	Chao Lor	Email  The email transmits information concerning the Department’s response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
	10/28/2019 12:04 pm	Catalina Hayes-Bautista; Bryant Henley; Michael Martinez; Michael Soller	Kenneth Schnoll; Susan Stapp; George Teekell; Debbie De Guzman	Chao Lor	Email attaching draft letter  The email transmits information concerning the Department’s response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff. The draft letter includes legal analysis and assessment and reflects an attorney’s conclusions, opinions, and legal research.	A/C, WP
	10/31/2019 12:11pm	Catalina Hayes-Bautista; Bryant Henley; Michael Martinez; Michael Soller	Kenneth Schnoll; Susan Stapp; George Teekell; Debbie De Guzman	Chao Lor	Email attaching draft letter  The email transmits information concerning the Department’s response to the PRA Requests in the context of providing legal advice and representation to the Department	A/C, WP

					and to the Commissioner and his staff. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	
	10/31/2019 4:45 pm	Chao Lor	George Teekell	Kenneth Schnoll	Email  The email transmits information between Department attorneys concerning the PRA Requests to accomplish the purpose for which the Legal Branch was consulted, and includes an attorney's conclusions and opinions.	A/C, WP
	10/31/2019 4:47 pm	Kenneth Schnoll	George Teekell	Chao Lor	Email  The email transmits information between attorneys concerning the PRA Requests to accomplish the purpose for which the Legal Branch was consulted.	A/C
<b>010-015</b>	10/31/2019 4:45 pm	Commissioner Ricardo Lara		Bryant Henley	Email attaching draft letter.  The email transmits legal advice from Department attorneys to the Commissioner concerning the PRA Requests, including the above 10/28/2019 12:04 pm and 10/22/2019 2:42 pm emails and the 10/31/2019 12:11 pm email and draft letter, which include legal analysis and assessment and reflect an attorney's conclusions, opinions, and legal research.	A/C, WP
<b>016-021</b>	10/25/2019 5:12 pm	George Teekell; Susan Stapp; Kenneth Schnoll		Chao Lor	Email attaching draft letter  The email and draft letter transmit information relating to the legal	A/C, WP

					representation of the Department in responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	
	10/30/2019 6:11 pm	George Teekell; Susan Stapp; Kenneth Schnoll	Debbie De Guzman	Chao Lor	Email attaching draft letter  The email and draft letter transmit information relating to the legal representation of the Department in responding to the PRA Requests, include legal analysis and assessment, and reflect an attorney's conclusions, opinions, and legal research.	A/C, WP
022-025	10/30/2019 4:17 pm	Chao Lor		George Teekell	Email attaching draft letter  The email and draft letter transmit information relating to the legal representation of the Department in responding to the PRA Requests, include legal analysis and assessment, and reflect an attorney's conclusions, opinions, and legal research.	A/C, WP
	10/30/2019 4:28 pm	George Teekell		Chao Lor	Email  The email transmits information relating to the legal representation of the Department in responding to the PRA Requests.	A/C
026-027	10/30/2019 12:31 pm	George Teekell; Susan Stapp; Ken Allen	Chao Lor	Debbie De Guzman	Email attaching spreadsheet  The email and spreadsheet transmit information relating to the legal representation of the Department in	A/C, WP

					responding to the PRA Requests. The attached spreadsheet was drafted by an attorney and reflects an attorney's opinions and conclusions.	
028-031	10/28/2019 12:11 pm	Chao Lor; Bryant Henley; Michael Martinez; Michael Soller	Kenneth Schnoll; Susan Stapp; George Teekell; Debbie De Guzman	Catalina Hayes-Bautista	Email  The email transmits information concerning the Department's response to the PRA Requests, relates to the above 10/22/2019 2:42 pm email and the 10/28/19 12:04 pm email and draft letter, and seeks legal advice on behalf of the Commissioner and his staff.	A/C
	10/28/2019 12:56 pm	Debbie De Guzman		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
032-037	10/28/2019 11:14 am	Chao Lor		George Teekell	Email attaching draft letter  The email and draft letter transmit information relating to the legal representation of the Department in responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	10/28/2019 11:33 am	George Teekell		Chao Lor	Email attaching draft letter  The email and draft letter transmit information relating to the legal representation of the Department in	A/C, WP

					responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	
038-043	10/28/2019 9:47 am	George Teekell		Chao Lor	Email attaching draft letter  The email and draft letter transmit information relating to the legal representation of the Department in responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	10/28/2019 10:54 am	George Teekell		Chao Lor	Email attaching draft letter  The email and draft letter transmit information relating to the legal representation of the Department in responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
044-064	10/25/2019 3:05 pm	Chao Lor		Ronald Nooner	Email attaching IT reports  The email transmits information between a Government Law Bureau attorney and Department IT staff concerning the PRA Requests in the context of providing legal representation to the Department.	A/C
065-066	10/25/2019 8:56 am	Chao Lor; Kenneth Schnoll; Susan Stapp	Catalina Bautista-Hayes; Michael Martinez; George Teekell	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA	A/C, WP

					Requests in the context of providing legal advice and representation to the Commissioner and his staff, and seeks legal advice.	
067	10/24/2019 8:49 am	Candace Goodale	Chao Lor	Debbie De Guzman	Email  The email (at the direction of a Government Law Bureau attorney) transmits information between a Legal Analyst and Executive Office staff concerning the PRA Requests in the context of the Government Law Bureau's representation of the Commissioner and his staff.	A/C
068-073	9/27/2019 4:04 pm	Chao Lor	Susan Stapp	Bryant Henley	Email attaching draft letter  The email and draft letter transmit information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff. The draft letter was generated by a Government Law Bureau attorney, includes legal analysis and assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	9/30/2019 10:24 am	Kenneth Schnoll		Susan Stapp	Email attaching draft letter  The email transmits information relating to the legal representation of the Department in responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP



<b>074-079</b>	9/26/2019 6:24 pm	Catalina Hayes-Bautista; Michael Martinez; Michael Soller		Bryant Henley	Email  The email transmits information relating to the legal representation of the Commissioner and his staff in responding to the PRA Requests.	A/C
	9/27/2019 11:08 pm	Bryant Henley	Michael Martinez; Michael Soller	Catalina Hayes-Bautista	Email  The email transmits information relating to the legal representation of the Commissioner and his staff in responding to the PRA Requests, and seeks legal advice.	A/C
	9/30/2019 8:55 am	Catalina Hayes-Bautista	Michael Martinez; Michael Soller	Bryant Henley	Email attaching draft letter  The email transmits legal communications with Department attorneys concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and contains information relating to the representation. The draft letter was generated by a Government Law Bureau attorney, includes legal analysis and assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	9/30/2019 9:39 am	Bryant Henley	Michael Martinez; Michael Soller	Catalina Hayes-Bautista	Email  The email transmits information relating to the legal representation of the Commissioner and his staff in responding to the PRA Requests.	A/C
<b>080-081</b>	9/26/2019 1:36 pm	George Teekell; Susan Stapp	Debbie De Guzman	Chao Lor	Email attaching draft letter	A/C, WP

					The email and draft letter transmit information related to the legal representation of the Department in responding to the PRA Requests. The draft letter includes legal analysis and assessment and reflects an attorney's conclusions, opinions, and legal research.	
82-84	9/17/2019 3:09 pm	Catalina Hayes-Bautista; Bryant Henley; Kenneth Schnoll; Michael Martinez; Susan Stapp; George Teekell	Debbie De Guzman	Chao Lor	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, contains legal advice, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	9/18/2019 9:56 am	Chao Lor; Bryant Henley; Kenneth Schnoll; Michael Martinez; Susan Stapp; George Teekell; Debbie De Guzman		Catalina Hayes-Bautista	Email  The email transmits information concerning the Department's response to the PRA Requests, and seeks legal advice on behalf of the Commissioner and his staff.	A/C
	9/18/2019 9:59 am	Catalina Hayes-Bautista	Chao Lor; Kenneth Schnoll; Michael Martinez; Susan Stapp; George Teekell; Debbie De Guzman	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff.	A/C
	9/18/2019 10:27 am	Bryant Henley;	Kenneth Schnoll;	Chao Lor	Email	A/C, WP

		Catalina Hayes-Bautista	Michael Martinez; Susan Stapp; George Teekell; Debbie De Guzman		The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, includes legal analysis and advice, and reflects an attorney's conclusions and legal research.	
	9/18/2019 2:30 pm	Chao Lor; Catalina Hayes-Bautista	Kenneth Schnoll; Michael Martinez; Susan Stapp; George Teekell; Debbie De Guzman	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff, includes an attorney's legal analysis and advice, and reflects an attorney's impressions, conclusions, opinions, and legal research.	A/C, WP
085-086	9/16/2019 10:29 am	George Teekell	Chao Lor	Debbie De Guzman	Email attaching spreadsheet  The email and spreadsheet transmit information relating to the legal representation of the Department in responding to the PRA Requests. The spreadsheet was drafted and generated by an attorney and reflects an attorney's opinions and conclusions.	A/C, WP
087	9/11/2019 10:14 am	Catalina Hayes-Bautista; Michael Martinez; Michael Soller; Bryant Henley; Kenneth Schnoll	George Teekell; Debbie De Guzman	Chao Lor	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal	A/C

					advice and representation to the Department and to the Commissioner and his staff.	
88	9/10/2019 3:22 pm	Debbie D Guzman		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
089-090	9/4/2019 2:25 pm	Susan Stapp; Bryant Henley; Michael Martinez	Chao Lor; Debbie De Guzman; Kenneth Schnoll; George Teekell	Catalina Hayes- Bautista	Email  The email transmits information concerning the Department's response to the PRA Requests, and seeks legal advice on behalf of the Commissioner and his staff.	A/C
	9/4/2019 2:34 pm	Catalina Hayes- Bautista; Bryant Henley; Michael Martinez	Chao Lor; Debbie De Guzman; Kenneth Schnoll; George Teekell	Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
	9/4/2019 3:48 pm	Catalina Hayes- Bautista; Bryant Henley; Michael Martinez	Chao Lor; Debbie De Guzman; Kenneth Schnoll; George Teekell	Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
	9/4/2019 6:16 pm	Susan Stapp		Catalina Hayes- Bautista	Email  The email transmits information concerning the Department's response to the PRA	A/C

					Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	
	9/4/2019 6:37	Catalina Hayes Bautista		Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
	9/4/2019 8:28 pm	Susan Stapp	Michael Soller; Michael Martinez; Kenneth Schnoll	Catalina Hayes- Bautista	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
091- 093	9/4/2019 3:11 pm	Debbie De Guzman		George Teekell	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	9/4/2019 3:13 pm	Susan Stapp		George Teekell	Email attaching draft email  The email and attached draft email transmit information relating to the legal representation of the Department in responding to the PRA Requests. The draft email reflects an attorney's conclusions and opinions.	A/C, WP

	9/4/2019 3:32 pm	George Teekell		Susan Stapp	Email  The email transmits information relating to the legal representation of the Department in responding to the PRA Requests, and reflects an attorney's impressions and conclusions.	A/C, WP
094-095	9/4/2019 2:00 pm	Catalina Hayes-Bautista; Michael Martinez	Chao Lor; Debbie De Guzman; Susan Stapp; Kenneth Schnoll	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff, includes an attorney's conclusions and opinions, and seeks advice from Department attorneys.	A/C, WP
	9/4/2019 2:07 pm	Bryant Henley; Catalina Hayes-Bautista; Michael Martinez	Chao Lor; Debbie De Guzman; Kenneth Schnoll; George Teekell	Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, and reflects an attorney's conclusions and opinions.	A/C, WP
	9/4/2019 2:17 pm	Susan Stapp		George Teekell	Email  The email transmits information between attorneys related to the representation of the Department in responding to the PRA Requests and in the context of providing legal advice and representation to the Commissioner and his staff.	A/C

096-097	9/4/2019 2:21 pm	Susan Stapp	George Teekell	Kenneth Scholl	Email  The email transmits information between attorneys related to the representation of the Department in responding to the PRA Requests and in the context of providing legal advice and representation to the Commissioner and his staff, and relates to the above 9/4/2019 2:00 pm and 9/4/2019 2:07 pm emails.	A/C
098	9/3/2019 10:55 am	Catalina Hayes-Bautista; Michael Soller	Kenneth Schnoll	Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
099-100	8/31/2019 8:01 am	Kenneth Schnoll	Susan Stapp; Michael Martinez; Catalina Hayes-Bautista	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff, includes an attorney's legal analysis and assessment, reflects an attorney's conclusions and recommendations, and seeks legal advice.	A/C, WP
	8/31/2019 9:16 am	Bryant Henley		Kenneth Schnoll	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal	A/C

					advice and representation to the Department and to the Commissioner and his staff.	
	8/31/2019 9:18 am	Kenneth Schnoll		Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
101-102	8/31/2019 9:44 am	Bryant Henley	Susan Stapp	Kenneth Schnoll	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff (including the above 8/31/2019 8:01 am email) includes analysis and legal assessment, and reflects an attorney's conclusions and opinions.	A/C, WP
103-106	8/31/2019 9:52 am	Kenneth Schnoll		Susan Stapp	Email  The email transmits information related to the legal representation of the Department in responding to the PRA Requests, includes an attorney's legal analysis and assessment, and reflects an attorney's conclusions and recommendations.	A/C, WP
	8/31/2019 10:15 am	Susan Stapp		Kenneth Schnoll	Email  The email transmits information related to the legal representation of the Department in	A/C, WP



					responding to the PRA Requests, includes an attorney's legal analysis and assessment, and reflects an attorney's opinions and conclusions.	
107-111	8/30/2019 2:53 pm	Bryant Henley	Chao Lor	Debbie De Guzman	Email  The email (at the direction of a Government Law Bureau attorney) transmits information concerning the Department's response to the PRA Request in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
	8/30/2019 3:08 pm	Catalina Hayes-Bautista	Michael Martinez; Michael Soller	Bryant Henley	Email attaching draft letter  The email transmits communications with the Legal Department concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and contains information relating to that representation. The draft letter was generated by an attorney, includes legal analysis and assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
112-113	8/27/2019 10:28 am	Bryant Henley	Chao Lor	Debbie De Guzman	Email attaching spreadsheet  The email (at the direction of a Government Law Bureau attorney) and spreadsheet transmit information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff. The spreadsheet	A/C, WP

					was drafted and generated by an attorney and reflects an attorney's conclusions and opinions.	
114-115	8/26/2019 7:05 pm	Michael Martinez; Catalina Hayes-Bautista; Michael Soller		Bryant Henley	Email attaching document  The email concerns the PRA Requests, transmits legal advice, including a strategic document that contains legal analysis and assessment, and reflects an attorney's conclusions and opinions.	A/C, WP
116-117	8/12/2019 12:25 pm	George Teekell	Chao Lor	Debbie De Guzman	Email attaching spreadsheet  The email and spreadsheet transmit information relating to the legal representation of the Department in responding to the PRA Requests. The spreadsheet was drafted and generated by an attorney and reflects an attorney's conclusions and opinions.	A/C, WP
118-119	8/1/2019 1:39 pm	George Teekell	Debbie De Guzman	Chao Lor	Email  The email transmits information related to the legal representation of the Department in responding to the PRA Requests.	A/C
	8/9/2019 11:51 am	Kenneth Schnoll		Susan Stapp	Email  The email transmits information related to the legal representation of the Department in responding to the PRA Requests, and reflects an attorney's conclusions and opinions.	A/C, WP
120-121	8/1/2019 1:47 pm	Susan Stapp		George Teekell	Email	A/C, WP

					The email transmits information related to the legal representation of the Department in responding to the PRA Requests, and reflects an attorney's conclusions, opinions, and legal research.	
	8/1/2019 6:31 pm	George Teekell		Susan Stapp	Email  The email transmits information related to the legal representation of the Department in responding to the PRA Requests.	A/C
	8/1/2019 7:02 pm	George Teekell		Susan Stapp	Email  The email transmits information related to the legal representation of the Department in responding to the PRA Requests, and reflects an attorney's opinions and conclusions.	A/C, WP
122	8/1/2019 2:36 pm	Candace Goodale	Catalina Hayes-Bautista; Michael Martinez; George Teekell; Debbie De Guzman	Chao Lor	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff, and relates to a request for legal advice.	A/C
	8/1/2019 3:18 pm	Bryant Henley		Michael Martinez	Email  The email transmits information concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and relates to a request for legal advice.	A/C
	8/1/2019 3:21 pm	Michael Martinez		Bryant Henley	Email	A/C

					The email transmits information concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and relates to a request for legal advice.	
123	7/31/2019 2:58 pm	Chao Lor	Kenneth Schnoll; George Teekell	Susan Stapp	Email  The email transmits information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, contains an attorney's legal analysis and assessment, and reflects an attorney's conclusions and opinions.	A/C, WP
	8/1/2019 1:01 pm	Susan Stapp	Kenneth Schnoll; George Teekell	Chao Lor	Email  The email transmits information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
124	7/31/2019 6:14 pm	Michael Soller	Bryant Henley; Chao Lor; George Teekell	Debbie De Guzman	Email  The email (at the direction of a Government Law Bureau attorney) transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
125-128	7/31/2019 5:42 pm	Michael Soller	George Teekell; Chao Lor	Debbie De Guzman	Email attaching draft letter  The email (at the direction of a Government Law Bureau attorney) transmits information	A/C, WP

					concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff. The letter was drafted at the direction of an attorney, and reflects an attorney's conclusions.	
	7/31/2019 5:56 pm	Susan Stapp		George Teekell	Email  The email transmits information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/31/2019 6:00 pm	Kenneth Schnoll		Susan Stapp	Email attaching draft letter  The email transmits information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests. The letter was drafted at the direction of an attorney, and reflects an attorney's conclusions.	A/C, WP
129-130	7/31/19 5:53 pm	Michael Martinez; Bryant Henley; Catalina Hayes-Bautista		Michael Soller	Email attaching draft letter  The email transmits information concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests. The email forwards the draft letter referenced in the above 7/31/2019 5:42 pm email. The letter was drafted at the direction of a Government Law Bureau attorney, and reflects an attorney's conclusions.	A/C, WP
131	7/31/19 2:16 pm	Kenneth Schnoll	George Teekell	Susan Stapp	Email	A/C, WP

					The email transmits information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, contains an attorney's analysis and legal assessment, and reflects an attorney's conclusions, opinions and legal research.	
	7/31/2019 2:36 pm	Susan Stapp	George Teekell	Kenneth Schnoll	Email  The email transmits information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, contains an attorney's analysis and legal assessment, and reflects an attorney's conclusions, opinions and legal research.	A/C, WP
132	7/30/2019 2:42 pm	Catalina Hayes-Bautista; Michael Martinez; Michael Soller		Bryant Henley	Email  The email transmits information concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests.	A/C
133	7/30/2019 1:10 pm	Bryant Henley		Michael Soller	Email  The email transmits information concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and requests legal advice.	A/C
134-136	7/25/2019 4:25 pm	Bryant Henley	George Teekell	Chao Lor	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal	A/C

					advice and representation to the Commissioner and his staff.	
	7/30/2019 9:04 am	Chao Lor	George Teekell	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, and seeks legal advice.	A/C
	7/30/2019 12:08 pm	Bryant Henley; Chao Lor	Kenneth Schnoll; Susan Stapp	George Teekell	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, provides legal advice, and reflects an attorney's conclusions and opinions.	A/C, WP
	7/30/2019 12:10 pm	George Teekell; Chao Lor	Kenneth Schnoll; Susan Stapp	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, and seeks legal advice.	A/C
	7/30/2019 12:15 pm	Bryant Henley		Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal	A/C

					advice and representation to the Department and to the Commissioner and his staff.	
	7/30/2019 12:34 pm	Susan Stapp		Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, and seeks legal advice.	A/C
	7/30/2019 12:37 pm	Kenneth Schnoll		Susan Stapp	Email  The emails transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
	7/30/2019 1:18 pm	Susan Stapp		Kenneth Schnoll	Email  The emails transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C
137-141	7/30/2019 12:39 pm	Bryant Henley		Susan Stapp	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff.	A/C



	7/30/2019 12:42 pm	Catalina Hayes-Bautista; Michael Soller; Michael Martinez		Bryant Henley	Email  The email transmits legal advice from the Legal Branch to the Executive Office concerning the PRA Requests, including emails that contain legal analysis and assessment and reflect an attorney's conclusions, opinions, and legal research. The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff.	A/C, WP
	<del>7/30</del> 7/30/2019 1:22 pm	Bryant Henley	Michael Martinez; Michael Soller	Catalina Hayes-Bautista	Email  The email transmits information concerning the Department's response to the PRA Requests, and seeks legal advice.	A/C
	7/30/2019 1:29 pm	Catalina Hayes-Bautista	Michael Martinez; Michael Soller	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff, and provides legal advice.	A/C
141-142	7/30/2019 7:12 pm	Michael Martinez; Michael Soller; Catalina Hayes-Bautista		Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department	A/C, WP

					and to the Commissioner and his staff, and provides legal advice.	
143-144	7/30/2019 9:28 am	Michael Soller; Catalina Hayes-Bautista	Michael Martinez	Bryant Henley	Email attaching draft letter  The email transmits communications with the Legal Branch concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and transmits information relating to that representation. The draft letter includes legal analysis and assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
145	7/29/2019 6:32 pm	Catalina Hayes-Bautista; Michael Martinez; Commissioner Ricardo Lara; Michael Soller		Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff.	A/C
	7/29/2019 6:51 pm	Catalina Hayes-Bautista; Michael Martinez; Ricardo Lara; Michael Soller		Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff.	A/C
146-147	7/29/2019 3:54 pm	Chao Lor		Debbie De Guzman	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish	A/C

					the purpose for which the Legal Branch was consulted.	
	7/29/2019 4:01 pm	Debbie De Guzman		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	7/29/2019 5:05 pm	Chao Lor		Debbie De Guzman	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
148- 149	7/29/19 4:24 pm	Susan Stapp		George Teekell	Email attaching draft letter  The email and draft letter transmit information related to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, and reflect an attorney's conclusions and opinions.	A/C, WP
150- 154	7/29/2019 6:59 am	Michael Martinez; Catalina Hayes- Bautista		Bryant Henley	Email attaching draft letter  The email transmits communications with the Legal Branch concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests, and transmits information related to that representation. The draft letter includes legal analysis and assessment, and reflects an	A/C, WP

					attorney's conclusions, opinions, and legal research.	
	7/29/19 8:40 am	Catalina Hayes-Bautista; Michael Martinez		Bryant Henley	Email  The email transmits information related to the legal representation of the Department in responding to the PRA Requests, includes an attorney's legal analysis and assessment, reflects an attorney's conclusions, opinions, and legal research, and provides advice.	A/C, WP
155-156	7/26/2019 3:24 pm	Debbie De Guzman	George Teekell	Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	7/26/2019 3:25 pm	Chao Lor; Debbie De Guzman		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:26 pm	George Teekell; Debbie De Guzman		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:28 pm	Chao Lor		George Teekell	Email	A/C

					The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	
	7/26/2019 3:31 pm	George Teekell		Chao Lor	Email The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:47 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:49 pm	George Teekell		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
<b>157-159</b>	7/26/2019 2:04 pm	George Teekell; Debbie De Guzman		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	7/26/2019 2:41 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department	A/C, WP

					and of the Commissioner and his staff in responding to the PRA Requests, and reflects an attorney's conclusions, opinions, and legal research.	
	7/26/2019 3:04 pm	George Teekell		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:10 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:14 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/26/2019 3:16 pm	George Teekell		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
160-162	7/26/2019 2:41 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in	A/C, WP

					responding to the PRA Requests, and reflects an attorney's conclusions, opinions, and legal research.	
	7/26/2019 2:46 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
163	7/26/2019 2:46 pm	Chao Lor; Debbie De Guzman		Ronald Nooner	Email  The email transmits information between an attorney and Department IT staff concerning the PRA Requests in the context of the Legal Branch providing legal representation to the Department.	A/C
164- 165	7/17/2019 6:02 pm	Michael Soller		Bryant Henley	Email  The email transmits communications from the Legal Branch concerning the legal representation of the Commissioner and his staff in responding to the PRA Requests.	A/C
166- 167	7/15/2019 3:21 pm	Bryant Henley		Ronald Nooner	Email  The email transmits information between the Special Counsel and Department IT staff concerning the PRA Requests in the context of the Special Counsel providing legal representation to the Commissioner and his staff.	A/C
	7/15/2019 4:16 pm	Ronald Nooner		Bryant Henley	Email	A/C

					The email transmits information between the Special Counsel and Department IT staff concerning the PRA Requests in the context of the Special Counsel providing legal representation to the Commissioner and his staff.	
168-171(a)-(f)	7/15/2019 5:58 pm	Ronald Nooner	Chao Lor; George Teekell	Bryant Henley	Email  The email transmits information between the Special Counsel and Department IT staff concerning the PRA Requests in the context of the Special Counsel providing legal representation to the Commissioner and his staff. It also transmits information concerning the Department's response to the PRA Requests in the context of the Legal Branch's representation of the Commissioner and his staff.	A/C
	7/16/2019 8:01 am	Bryant Henley		Ronald Nooner	Email  The email transmits information between the Special Counsel and Department IT staff concerning the PRA Requests in the context of the Special Counsel providing legal representation to the Commissioner and his staff.	A/C
	7/16/2019 8:15 am	Ronald Nooner		Bryant Henley	Email  The email transmits information between the Special Counsel and Department IT staff concerning the PRA Requests in the context of the Special Counsel providing legal	A/C



					representation to the Commissioner and his staff.	
	7/16/2019 10:24 am	Bryant Henley; Ronald Nooner	George Teekell, Debbie De Guzman	Chao Lor	Email  The email transmits information between a Government Law Bureau attorney, Department IT staff, and the Special Counsel in the context of providing legal representation to the Department and to the Commissioner and his staff in responding to the PRA Requests, and also responds to the above 7/15/2019 5:58 pm email.	A/C
	7/16/2019 12:17 pm	Bryant Henley; Ronald Nooner	George Teekell, Debbie De Guzman	Chao Lor	Email and attached IT search terms  The email transmits information between a Government Law Bureau attorney, Department IT staff, and the Special Counsel in the context of providing legal representation to the Department and to the Commissioner and his staff in responding to the PRA Requests, and reflects an attorney's conclusions and opinions.	A/C, WP
172- 173	7/12/2019 4:04 pm	Bryant Henley	Chao Lor; George Teekell; Ronald Nooner	Debbie De Guzman	Email  The email (at the direction of a Government Law Bureau attorney) transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and staff.	A/C
	7/12/2019 5:52 pm	Debbie De Guzman	Chao Lor; George Teekell	Bryant Henley	Email	A/C, WP

					The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, and reflects an attorney's conclusions, opinions, and legal research.	
	7/15/2019 8:45 am	George Teekell		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
174	7/11/2019 5:45 pm	Bryant Henley; George Teekell	Debbie De Guzman; Michael Sorich	Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
	7/15/2019 8:11 am	Kenneth Schnoll		Susan Stapp	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
175	7/11/19 1:30 pm	Chao Lor; Ronald Nooner	Michael Sorich; Debbie De Guzman; Charles Lundberg; George Teekell	Bryant Henley	Calendar entry containing responsive text  The entry transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, seeks legal advice, and reflects an attorney's conclusions and opinions.	A/C, WP

176-178	6/27/2019 5:27 pm	George Teekell		Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, includes an analysis and legal assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	6/28/2019 12:17 pm	Kenneth Schnoll; Susan Stapp	Chao Lor	George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, includes an analysis and legal assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/W, WP
	7/11/2019 6:53 pm	Kenneth Schnoll; Susan Stapp		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, includes an analysis and legal assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	<del>7/12/2019</del> 9:48 am	George Teekell; Kenneth Schnoll		Susan Stapp	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C

179-180	6/27/2019 4:28 pm	George Teekell	Debbie De Guzman	Chao Lor	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, includes an analysis and legal assessment, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	6/27/2019 4:59 pm	Chao Lor		George Teekell	Email  The email transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests.	A/C
181	6/25/2019 2:22 pm	Bryant Henley	Chao Lor; Patricia Hein; Michael Sorich	Debbie De Guzman	Email  The email (at the direction of a Government Law Bureau attorney) transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff.	A/C
	6/26/2019 4:50 am	Debbie De Guzman	Chao Lor; Patricia Hein; Michael Sorich; George Teekell	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff.	A/C
	6/26/2019 9:40 am	Debbie De Guzman		Chao Lor	Email	A/C

					The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	
182	6/25/2019 3:30 pm	Patricia Hein; Michael Sorich; Debbie De Guzman		Chao Lor	Calendar entry containing responsive text  The entry transmits information relating to the legal representation of the Commissioner and his staff in responding to the PRA Requests, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
183- 184	6/25/2019 1:56 pm	Roberta Potter; Camilo Pizarro	Chao Lor; Patricia Hein; Michael Sorich	Debbie De Guzman	Email  The email (at the direction of a Government Law Bureau attorney) transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and his staff, and relates to a request for legal advice.	A/C
185	6/21/2019 4:10 pm	Chao Lor		Debbie De Guzman	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/21/2019 4:11 pm	Debbie De Guzman		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish	A/C

					the purpose for which the Legal Branch was consulted.	
<b>186</b>	6/21/2019 1:34 pm	Debbie De Guzman		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
<b>187- 188</b>	6/20/2019 4:15 pm	Vanessa Vera	Patricia Hein	Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/21/2019 9:03 am	Chao Lor	Patricia Hein	Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
<b>189</b>	6/20/2019 at 3:00 pm	Chao Lor; Bryant Henley; Pat Hein		Vanessa Vera	Calendar entry containing responsive text  The entry (at the direction of a Government Law Bureau attorney), transmits information relating to the legal representation of the Department and of the Commissioner and his staff in responding to the PRA Requests, seeks legal advice, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP

<b>190-191</b>	6/19/2019 5:34 pm	Vanessa Vera	Chao Lor	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Commissioner and staff, includes legal analysis and assessment, and seeks legal advice.	A/C, WP
<b>192-195</b>	6/6/2019 5:19 pm	David Green; Catalina Hayes-Bautista; Michael Martinez; Mike Peterson; Michael Soller	Bryant Henley; Patricia Hein; Vanessa Vera	Chao Lor	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, provides legal advice, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	6/7/2019 11:24 am	Chao Lor; David Green; Catalina Hayes-Bautista; Michael Martinez; Mike Peterson; Michael Soller	Patricia Hein; Vanessa Vera	Bryant Henley	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, relates to the above legal advice, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	6/13/2019 6:57 am	Candace Goodale	Catalina Hayes-Bautista; Michael Martinez	Bryant Henley	Email	A/C, WP

					The email transmits the above two emails as necessary to accomplish the purpose for which the Legal Branch was consulted for purposes of responding to the PRA Requests on behalf of the Commissioner and his staff.	
<b>196-199</b>	6/13/2019 5:29 pm	Candace Goodale	Catalina Hayes-Bautista; Michael Martinez	Bryant Henley	Email  The email transmits the above 6/6/2019 5:19 pm and 6/7/2019 11:24 am emails as necessary to accomplish the purpose for which the Legal Branch was consulted for purposes of responding to the PRA Requests on behalf of the Commissioner and his staff.	A/C, WP
<b>200</b>	6/12/2019 9:34 am	Vanessa Vera	Patricia Hein	Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/12/2019 4:03 pm	Vanessa Vera	Patricia Hein	Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
<b>201</b>	6/10/2019 12:39 pm	Chao Lor	Patricia Hein	Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish	A/C



					the purpose for which the Legal Branch was consulted.	
<b>202-204</b>	6/7/2019 12:00 pm	Bryant Henley; David Green; Catalina Hayes-Bautista; Michael Martinez; Michael Peterson; Michael Soller	Patricia Hein; Vanessa Vera	Chao Lor	Email  The email transmits information concerning the Department's response to the PRA Requests in the context of providing legal advice and representation to the Department and to the Commissioner and his staff, relates to a request for legal advice, includes a legal opinion, and reflects an attorney's conclusions, opinions, and legal research.	A/C, WP
	6/7/2019 12:33 pm	Roberta Potter		Bryant Henley	Email  The email transmits the above email as necessary to accomplish the purpose for which the Legal Branch was consulted for purposes of responding to the PRA Requests on behalf of the Commissioner and his staff.	A/C, WP
<b>205-211</b>	6/6/2019 2:09 pm	Chao Lor		Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/6/2019 4:07 pm	Vanessa Vera	Patricia Hein	Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was	A/C, WP

					consulted, and reflects an attorney's conclusions.	
	6/6/2019 4:26 pm	Chao Lor	Patricia Hein	Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/6/2019 5:37 pm	Vanessa Vera		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted, and reflects an attorney's conclusions and opinions.	A/C, WP
	6/7/2019 9:03 am	Chao Lor		Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/7/2019 10:11 am	Chao Lor		Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/7/2019 11:48 am	Vanessa Vera		Chao Lor	Email	A/C, WP

					The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted, and reflects an attorney's conclusions, opinions, and legal research.	
	6/7/2019 11:49 am	Chao Lor		Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
212- 215	6/7/2019 12:07 pm	Patricia Hein	Chao Lor	Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/7/2019 3:50 pm	Vanessa Vera; Patricia Hein		Chao Lor	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C
	6/7/2019 4:03 pm	Vanessa Vera	Chao Lor	Patricia Hein	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was	A/C, WP

					consulted, and reflects an attorney's conclusions and opinions.	
	6/7/2019 4:58 pm	Patricia Hein	Chao Lor	Vanessa Vera	Email  The email transmits information between an attorney and Legal Analyst concerning the PRA Requests as necessary to accomplish the purpose for which the Legal Branch was consulted.	A/C

## **EXHIBIT 34**

1 ROB BONTA  
Attorney General of California  
2 MOLLY K. MOSLEY  
Supervising Deputy Attorney General  
3 DEBBIE J. VOROUS  
Deputy Attorney General  
4 State Bar No. 166884  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7349  
Fax: (916) 323-7095  
7 E-mail: Debbie.Vorous@doj.ca.gov  
*Attorneys for Respondents and Defendants*  
8 *Ricardo Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and the*  
9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12  
13  
14 **CONSUMER WATCHDOG, a non-profit**  
15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
19 **the Insurance Commissioner of the State of**  
20 **California; CALIFORNIA DEPARTMENT**  
**OF INSURANCE; and DOES 1-50,**

21 Respondent and Defendant.  
22  
23

Case No. 20STCP00664

**RESPONDENTS' FURTHER  
RESPONSES AND OBJECTIONS TO  
PETITIONER'S REQUESTS FOR  
ADMISSION, SET ONE, NOS. 33-78 AND  
87**

*Assigned for all purposes to the Hon. Mitchell  
L. Beckloff, Dept. 86*

Action Filed: February 27, 2020  
Writ Hearing: November 12, 2021

24 PROPOUNDING PARTY: PETITIONER CONSUMER WATCHDOG

25 RESPONDING PARTY: RESPONDENTS RICARDO LARA, in his official capacity  
26 as the Insurance Commissioner of the State of California;  
and the CALIFORNIA DEPARTMENT OF INSURANCE

27 SET NO.: ONE  
28

1 **REQUEST FOR ADMISSION NO. 87:**

2 Admit that between January 7, 2019 and July 23, 2019, Respondent Ricardo Lara was  
3 acting as Treasurer for the Ricardo Lara for Insurance Commissioner 2022 campaign.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 87:**

5 The Department objects to this request on the ground that it seeks discovery related to  
6 Petitioner's claim of alleged wrongdoing on the part of the Commissioner, and is not relevant to  
7 the subject matter involved in this writ proceeding or reasonably calculated to lead to the  
8 discovery of admissible evidence. This is not a case involving Petitioner's claims associated with  
9 the Commissioner's campaign contributions. Instead, this is a writ proceeding brought under the  
10 PRA addressing the narrow issue of whether the Department and the Commissioner, in his  
11 official capacity, have an obligation to disclose the redacted and withheld records at issue in this  
12 proceeding. The Department further objects on the ground that the discovery is harassing and  
13 meant to cause unwarranted annoyance and embarrassment.

14 The Department also objects to the request on the ground that it is not necessary to resolve  
15 the issue of whether the Department has an obligation to disclose the redacted and withheld  
16 records that are the subject of this proceeding and is therefore irrelevant. (*City of Los Angeles*, 9  
17 Cal.App.5th at p. 288.) Discovery as to whether the Commissioner was acting as treasure for his  
18 2022 campaign is not necessary to determine whether the Department has properly redacted and  
19 withheld the records at issue here. Nor is the discovery necessary to aid in the resolution of any  
20 issue presented in this PRA proceeding, and Petitioner has presented absolutely no evidence of  
21 bad faith in the Department's processing of the requests or in its search. (*Id.* at pp. 289-290.)

22 **FURTHER RESPONSE TO REQUEST FOR ADMISSION NO. 87:**

23 The Department incorporates the above objections to request no. 87 as though set forth in  
24 full herein. Without waiving the above objections, the Department states as follows: Admit.  
25  
26  
27  
28

1 Dated: October 29, 2021

Respectfully submitted,

2  
3 ROB BONTA  
Attorney General of California  
4 MOLLY K. MOSLEY  
Supervising Deputy Attorney General

5  
6 

7 DEBBIE J. VOROUS  
Deputy Attorney General  
8 *Attorneys for Respondents and Defendants*  
9 *Ricardo Lara, in his official capacity as*  
10 *Insurance Commissioner of the State of*  
*California, and the California Department*  
*of Insurance*

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**VERIFICATION**

I, Chao Lor, declare as follows:

1. I am an Attorney III with the California Department of Insurance, Sacramento Office. I am authorized to make this verification for and on behalf of Respondents.

2. I have read the above Objections and Further Responses to Requests for Admission, Set One, and know its contents. I am informed and believe and on that ground allege that the matters stated in the above document are true.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed on October 29, 2021, at Sacramento, California.



Chao Lor

## **EXHIBIT 35**

1 Jerry Flanagan (SBN 271272)  
2 jerry@consumerwatchdog.org  
3 Benjamin Powell (SBN 311624)  
4 ben@consumerwatchdog.org  
5 **CONSUMER WATCHDOG**  
6 6330 San Vicente Blvd., Suite 250  
7 Los Angeles, CA 90048  
8 Tel: (310) 392-0522  
9 Fax: (310) 392-8874

7 Kelly Aviles (SBN 257168)  
8 kaviles@opengovlaw.com  
9 **LAW OFFICES OF KELLY AVILES**  
10 1502 Foothill Blvd., Suite 103-140  
11 La Verne, CA 91750  
12 Tel: (909) 991-7560  
13 Fax: (909) 991-7594

12 **Attorneys for Petitioner/Plaintiff**  
13 **CONSUMER WATCHDOG**

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

18 **CONSUMER WATCHDOG, a non-profit**  
19 **organization,**

20 **Petitioner/Plaintiff,**

21 **v.**

23 **RICARDO LARA, in his official capacity as the**  
24 **Insurance Commissioner of the State of**  
25 **California; CALIFORNIA DEPARTMENT OF**  
26 **INSURANCE; and DOES 1-50,**

27 **Respondents/Defendants.**

Case No. 20STCP00664

Assigned to Hon. Mitchell L. Beckloff

**DECLARATION OF RUSTY AREIAS**

Action Filed: February 27, 2020  
Hearing Date: December 10, 2021

1 I, Rusty Areias, declare as follows:

2  
3 1. I am a former member of the California State Assembly and at all times relevant to this declaration  
4 was a partner in California Strategies, a public affairs firm. The facts stated in this Declaration are true and correct of  
5 my own personal knowledge.

6 2. I have been asked in this declaration at the request of Consumer Watchdog to provide responses to  
7 some questions relevant to the above captioned lawsuit. This is not intended, nor does it constitute, a complete or  
8 detailed description of all of the work that I undertook on behalf of Applied Underwriters in connection with its efforts  
9 related to domesticating CIC in California or saving the Berkshire deposit from being forfeited.

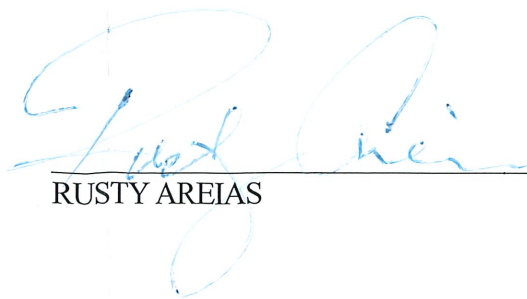
10 3. At some time between approximately February and June 2019, Fabian Nunez and I had a brief  
11 conversation with California Insurance Commissioner Ricardo Lara wherein Fabian Nunez informed Commissioner  
12 Lara that we might be or were about to be representing Applied Underwriters and might reach out to him in the future  
13 in this regard.

14 4. In June 2019, I phoned into a meeting between Fabian Nunez and Steve Menzies to discuss strategy  
15 for obtaining approval by the California Department of Insurance ("CDI") of California Insurance Company's  
16 ("CIC") FORM-A application, which broadly related to the transfer of ownership of CIC to Mr. Menzies. We  
17 agreed to the material terms of the consulting agreement on June 26, 2019 to get CIC's application approved by CDI  
18 and began work immediately. The contract was formally signed on July 9, 2019. Steven Menzies is the president of  
19 Applied Underwriters.  
20

21 5. During the course of assisting the clients on this matter, I had multiple phone calls with Bryant  
22 Henley at CDI regarding CIC and Applied Underwriters. In our telephonic conversations Lazlo Komjathy at CDI  
23 was always on the line but never said anything. In these calls I informed Henley and Komjathy, among other things,  
24 that I was representing CIC and Applied Underwriters. I cannot recall the dates on these calls.

25 6. I do not recall having any other communications with Commissioner Lara about this matter.

26  
27 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
28 correct and that this Declaration was executed on 12/10/21 at San Francisco.

  
RUSTY AREIAS

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## **EXHIBIT 36**

1 ROB BONTA  
 Attorney General of California  
 2 MOLLY K. MOSLEY  
 Supervising Deputy Attorney General  
 3 DEBBIE J. VOROUS  
 Deputy Attorney General  
 4 State Bar No. 166884  
 1300 I Street, Suite 125  
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 Sacramento, CA 94244-2550  
 6 Telephone: (916) 210-7349  
 Fax: (916) 323-7095  
 7 E-mail: Debbie.Vorous@doj.ca.gov  
*Attorneys for Respondents and Defendants Ricardo*  
 8 *Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and*  
 9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

14 **CONSUMER WATCHDOG, a non-profit**  
 15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
 19 **the Insurance Commissioner of the State of**  
 20 **California; CALIFORNIA DEPARTMENT**  
 21 **OF INSURANCE; and DOES 1-50,**

22 Respondent and Defendant.

Case No. 20STCP00664

**DECLARATION OF RUSTY AREIAS**

*Assigned for all purposes to the Hon. Mitchell  
 L. Beckloff, Dept. 86*

Wirt Hearing Date: Not Set  
 Action Filed: February 27, 2020

23 I, Rusty Areias, declare as follows:

24 1. At the request of Consumer Watchdog I provided a declaration in the above-entitled  
 25 action on December 10, 2021. I understand that Consumer Watchdog has filed my declaration  
 26 with the court. I have been asked in this declaration at the request of Respondents Ricardo Lara,  
 27 in his official capacity as Insurance Commissioner of the State of California, and the California  
 28 Department of Insurance, to provide this declaration to clarify some of the statements I made in

1 that declaration. The facts stated in this declaration are true and correct of my own personal  
2 knowledge.

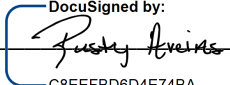
3 2. In paragraph 3 of my December 10, 2021 declaration, I state that at some time  
4 between approximately February and June 2019, Fabian Nunez and I had a brief conversation  
5 with Commissioner Lara “wherein Fabian Nunez informed Commissioner Lara that we might be  
6 or were about to be representing Applied Underwriters and might reach out to him in the future in  
7 this regard.” At no point did I have a future conversation with Commissioner Lara wherein either  
8 myself or Fabian Nunez informed the Commissioner that we did in fact represent Applied  
9 Underwriters nor did I ever at any point in time reach out to him in this regard as I stated we  
10 might.

11 3. On July 9, 2019, I entered into a consulting contract with Applied Underwriters,  
12 Steven Menzies and Alan Quasha to assist them in obtaining the Department of Insurance’s  
13 approval of California Insurance Company’s (“CIC”) Form-A application, which broadly related  
14 to the transfer of ownership of CIC to Mr. Menzies.

15 4. In paragraph 5 of my December 10, 2021 declaration, I state that during the course of  
16 my assisting my clients in obtaining the Department of Insurance’s approval of the Form-A  
17 application, “I had multiple phone calls with Bryant Henley at CDI regarding CIC and Applied  
18 Underwriters.” Further, that “In these calls I informed Henley and Komjathy, among other things,  
19 that I was representing CIC and Applied Underwriters.” Further, that “Komjathy at CDI was  
20 always on the line but never said anything.” Lastly, I state that “I cannot recall the dates of these  
21 calls.” To clarify this paragraph, I make the following statements. First, although I cannot recall  
22 the exact dates of my calls with Henley and Komjathy, I can state that the first call I had with  
23 them as a representative of CIC and/or Applied Underwriters (and in which I informed them that I  
24 was representing CIC and/or Applied Underwriters) did not occur until at least two weeks after I  
25 signed the consulting agreement on July 9, 2019; that is, until after July 23, 2019. Second, I have  
26 no records or other writings that document any of these calls with Henley and Komjathy. Lastly,  
27 none of my calls with Hensley and Komjathy, whether as a representative of CIC and Applied  
28 Underwriters or otherwise, included Fabian Nunez.



1 I declare under penalty of perjury of the laws of the State of California that the foregoing is  
2 true and correct. Executed this 25<sup>th</sup> day of January, 2022 at San Francisco, California.

3   
4 Rusty Areias  
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## **EXHIBIT 37**

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*Attorneys for Respondents and Defendants Ricardo*  
8 *Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and*  
9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12  
13  
14 **CONSUMER WATCHDOG, a non-profit**  
15 **organization,**

16 Petitioner and Plaintiff,

17 v.

18 **RICARDO LARA, in his official capacity as**  
19 **the Insurance Commissioner of the State of**  
20 **California; CALIFORNIA DEPARTMENT**  
**OF INSURANCE; and DOES 1-50,**

21 Respondents and  
22 Defendants.

Case No. 20STCP00664

**DECLARATION OF BRYANT HENLEY  
IN SUPPORT OF RESPONDENTS'  
OPPOSITION TO PETITIONER'S  
MOTION TO LIFT PROTECTIVE  
ORDER AND COMPEL FOUR-HOUR  
DEPOSITION OF ROBERTA POTTER**

*Assigned to the Hon. Mitchell L. Beckloff*

Date: March 4, 2022  
Time: 9:30 a.m.  
Dept: 86

Writ Hearing Date: None Set  
Action Filed: February 18, 2020

23  
24 I, Bryant Henley, declare:

25 1. I am a Deputy Commissioner located within the Office of Special Counsel for the  
26 California Department of Insurance. If called as a witness, I could and would testify competently  
27 to the facts contained in this declaration.  
28

1           2.     I submit this declaration in support of Respondents' Opposition to Petitioner's  
2 Motion to Lift Protective Order and Compel Four-Hour Deposition of Roberta Potter.

3           3.     I have been employed by the California Department of Insurance since July of 2001.  
4 From December 2011 to April, 2019, I was employed as the Assistant Chief Counsel, Legal –  
5 Government Law Bureau. On April 15, 2019, I was appointed under the Governor's authority per  
6 the California Constitution to an executive officer position as Special Counsel to Insurance  
7 Commissioner Ricardo Lara. The special counsel position is located within the Department's  
8 Office of Special Counsel. My official title is Deputy Commissioner and Special Counsel.

9           4.     On September 3, 2019, I received a voice-mail message from Rusty Areias asking me  
10 to call him. In his message, Mr. Areias stated that he was doing some work on behalf of  
11 California Insurance Company ("CIC") concerning a Form A application that would be filed with  
12 the Department that same day involving Applied Underwriters and a request for approval of the  
13 sale of CIC.

14           5.     On September 11, 2019, I received an email from Rusty Areias asking me to call him  
15 at my earliest convenience. I responded to Mr. Areias on September 12, 2019, and I, alone,  
16 scheduled a one-half hour conference call for September 12, 2019. Laszlo Komjathy, an attorney  
17 with the Department of Insurance's Legal Branch, Corporate Affairs Bureau, joined me on the  
18 call with Mr. Areias.

19           6.     The September 11, 2019 email was the first written communication I received from  
20 Mr. Areias. The first time I ever communicated by phone with Mr. Areias was some time on or  
21 after September 3, 2019. I was not aware of Mr. Areias or his relationship with CIC or Applied  
22 Underwriters until sometime on or after September 3, 2019. I have never met Mr. Areias in any  
23 manner other than by telephone.

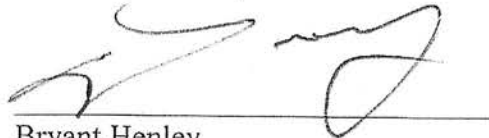
24           7.     I have never met or communicated with Fabian Nunez.

25     ///

26     ///

27     ///

1 I declare under penalty of perjury of the laws of the State of California that the foregoing  
2 is true and correct. Executed this 18th day of February, 2022, at Davis, California.

3  
4   
5 Bryant Henley

**DECLARATION OF SERVICE BY E-MAIL and U.S. Mail**

Case Name: **Consumer Watchdog v. Lara, et al.**  
Case No.: **20STCP00664**

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 with postage thereon fully prepaid that same day in the ordinary course of business.

On February 18, 2022, I served the attached:

- **DECLARATION OF BRYANT HENLEY IN SUPPORT OF RESPONDENTS' OPPOSITION TO PETITIONER'S MOTION TO LIFT PROTECTIVE ORDER AND COMPEL FOUR-HOUR DEPOSITION OF ROBERTA POTTER**

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jerry Flanagan, Esq.  
Benjamin Powell, Esq.  
CONSUMER WATCHDOG  
6330 San Vicente Blvd., Suite 250  
Los Angeles, CA 90048  
jerry@consumerwatchdog.org  
ben@consumerwatchdog.org  
Attorneys for Petitioner/Plaintiff

Kelly Aviles, Esq.  
LAW OFFICES OF KELLY AVILES  
1502 Foothill Blvd., Suite 103-140  
La Verne, CA 91750  
kaviles@opengovlaw.com  
Attorneys for Petitioner/Plaintiff

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on February 18, 2022, at Sacramento, California.

\_\_\_\_\_  
M. Garcia  
Declarant

\_\_\_\_\_  
  
Signature

## **EXHIBIT 38**

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*Attorneys for Respondents and Defendants*  
8 *Ricardo Lara, in his official capacity as Insurance*  
*Commissioner of the State of California, and the*  
9 *California Department of Insurance*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES

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15 **CONSUMER WATCHDOG, a non-profit**  
16 **organization,**

17 Petitioner and Plaintiff,

18 v.

19 **RICARDO LARA, in his official capacity as**  
20 **the Insurance Commissioner of the State of**  
**CALIFORNIA; CALIFORNIA DEPARTMENT**  
21 **OF INSURANCE; and DOES 1-50,**

22 Respondents and  
23 Defendants.

Case No. 20STCP00664

**RESPONDENTS' ANSWER TO  
VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY RELIEF**

Dept: 86  
Trial Date: None set  
Action Filed: February 27, 2020

24 Respondents and Defendants Ricardo Lara, in his official capacity as the Insurance  
25 Commissioner of the State of California, and the California Department of Insurance, hereby  
26 answer the Verified Petition for Writ of Mandate and Complaint for Declaratory Relief (hereafter,  
27 "Petition"), by admitting, denying, and alleging as follows:  
28



1           1.     Answering the allegations contained in paragraph 1 of the Petition, Respondents  
2 admit that Petitioner is suing Respondent Ricardo Lara in his official capacity. Respondents  
3 further admit that Petitioner is seeking a writ of mandate for production of records sought in  
4 response to two California Public Records Act (“PRA”) requests submitted by Petitioner. Except  
5 as expressly admitted, Respondents deny the remaining allegations of the paragraph.

6           2.     Answering the allegations contained in paragraph 2 of the Petition, Respondents deny  
7 the first sentence of the paragraph. With respect to the second sentence of the paragraph,  
8 Respondents admit that the Department of Insurance is responsible for regulating the insurance  
9 industry in California and enforcing compliance with the California Insurance Code, including  
10 regulating the availability and cost of insurance. Respondents admit the third sentence of  
11 paragraph 2. Except as expressly admitted, Respondents deny the remaining allegations of the  
12 paragraph.

13          3.     Answering the allegations contained in the first sentence of paragraph 3 of the  
14 Petition, Respondents deny that the PRA gives access to all information in possession of public  
15 agencies. The remaining sentences of the paragraph contain legal argument and, to that extent,  
16 require no response. Except as expressly admitted, Respondents deny the remaining allegations of  
17 the paragraph.

18          4.     Answering the allegations contained in paragraph 4 of the Petition, Respondents  
19 admit that Petitioner sent PRA requests to the Department and that those requests are attached as  
20 Exhibits 7 and 9 to the Petition; Respondents state that the requests speak for themselves. Further,  
21 answering the allegations contained in the first sentence of the paragraph, Respondents admit that  
22 the Commissioner pledged not to take contributions from companies regulated by the Department  
23 of Insurance. With respect to the second sentence of the paragraph, Respondents admit the  
24 Commissioner received contributions from relatives of insurance industry executives, but  
25 subsequently refunded the contributions. Respondents state that Exhibit 16 to the Petition, which  
26 contains the campaign finance report for the Commissioner’s 2022 re-election campaign,  
27 identifies the contributions made to the Commissioner’s campaign. Respondents lack information  
28 or knowledge sufficient to form a belief as to the truth of the allegations stated in the third

1 sentence of the paragraph and on that basis deny them. Except as expressly admitted,  
2 Respondents deny the remaining allegations of the paragraph.

3 5. Answering the allegations contained in paragraph 5 of the Petition, Respondents  
4 admit that the link provided in footnote 1 to the paragraph contains a July 25, 2019 interview with  
5 the Commissioner. Respondents admit that during this interview, the Commissioner stated that he  
6 met with, among others, the President of Applied Underwriters, Steven M. Menzies. Further, that  
7 during that meeting, Mr. Menzies asked to see if Department staff could meet with him to review  
8 the cases involving Applied Underwriters that were before the Department. In further response to  
9 the paragraph, Respondents state that Petitioner has failed to identify the “four proceedings”  
10 referenced in the paragraph. Based on information and belief as to the alleged “four proceedings,”  
11 Respondents admit that the Commissioner took actions to reverse rulings from administrative law  
12 judges (ALJs) to be consistent with his predecessor’s rulings. Except as expressly admitted,  
13 Respondents deny the remaining allegations of the paragraph.

14 6. Answering the allegations contained in the first and second sentences of paragraph 6  
15 of the Petition, Petitioner has mischaracterized the orders issued by the ALJs and the  
16 Commissioner in the alleged “four proceedings” and, on that basis, Respondents deny the  
17 allegations of those sentences. Respondents lack information or knowledge sufficient to form a  
18 belief as to the truth of the allegations contained in the third sentence of the paragraph and on that  
19 basis deny them.

20 7. Answering the allegations contained in paragraph 7 of the Petition, Respondents  
21 admit that the Insurance Code mandates that before any person acquires control of a California  
22 domestic insurer, such person receive approval from the Commissioner. Respondents lack  
23 information or knowledge sufficient to form a belief as to the truth of the allegations in the first  
24 sentence of the paragraph regarding Mr. Menzies and on that basis deny those allegations.  
25 Respondents admit that Exhibit 1 to the Petition is a copy of a November 4, 2019 Order  
26 Appointing Insurance Commissioner as Conservator, and that paragraph 6 of that Order states,  
27 “The Conservator is authorized to assist CIC in addressing their Form A deficiencies with the  
28

1 goal of obtaining Form A approval and settlement of disputes with CDI.” Except as expressly  
2 admitted, Respondents deny the remaining allegations of the paragraph.

3 8. Answering the allegations contained in paragraph 8 of the Petition, Respondents lack  
4 information or knowledge sufficient to form a belief as to the truth of the allegations of the  
5 paragraph and on that basis deny those allegations. To the extent the paragraph contains legal  
6 argument, no response is required.

7 9. Answering the allegations contained in paragraph 9 of the Petition, Respondents  
8 admit that Petitioner agreed to narrow one of its two PRA requests to focus on specific  
9 individuals and companies, and that Respondents produced documents in response to Petitioner’s  
10 two requests, including the Commissioner’s master calendar. Respondents further admit that the  
11 Department withheld and/or redacted certain records under applicable statutory and case law, and  
12 that under *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, declined to provide Petitioner with a  
13 privilege log. Except as expressly admitted, Respondents deny the remaining allegations of the  
14 paragraph.

15 10. Answering the allegations contained in paragraph 10 of the Petition, Respondents  
16 lack information or knowledge sufficient to form a belief as to Petitioner’s state of mind and/or  
17 interpretation of the disclosed records and as to any actions on the part of Applied Underwriters  
18 and/or IHC, and on that basis deny the allegations of the first sentence. Respondents deny the  
19 remaining allegations of the paragraph.

20 11. Answering the allegations contained in paragraph 11 of the Petition, the paragraph  
21 contains legal argument and, to that extent, requires no response.

22 12. Answering the allegations contained in paragraph 12 of the Petition, the paragraph  
23 contains legal argument and, to that extent, requires no response. To the extent any response is  
24 required, Respondents deny the allegations in paragraph 12.

25 13. Answering the allegations contained in paragraph 13 and subparts a through k of the  
26 Petition, Respondents admit that Petitioner is a non-profit group. Respondents lack information or  
27 knowledge sufficient to form a belief as to the remaining allegations of the first sentence of the  
28 paragraph, and on that basis deny those allegations. Respondents lack information or knowledge

1 sufficient to form a belief as to the second through fifth sentences of the paragraph, and on that  
2 basis deny those allegations. Answering the allegations of the sixth sentence of the paragraph,  
3 Respondents admit that Petitioner has conducted education and advocacy, but lack information or  
4 knowledge sufficient to form a belief as to Petitioner's state of mind or belief in conducting such  
5 education and advocacy and on that basis deny the allegations of the sixth sentence. With respect  
6 to subparagraphs a through k of the sixth sentence of the paragraph, Respondents admit that  
7 Petitioner has created websites, published reports and articles, chronicled the devastating  
8 wildfires in California, been involved in efforts to pass legislation, and filed complaints with the  
9 Fair Political Practices Commission. Petitioner, regardless of its mission, has no more right to  
10 privileged and protected records than any other person in California. To the extent the remaining  
11 allegations require any response, Respondents deny those allegations.

12 14. Answering the allegations contained in paragraph 14 of the Petition, Respondents  
13 admit the first and second sentences of the paragraph. The third and fourth sentence of the  
14 paragraph contain legal argument and therefore require no response. To the extent any response is  
15 required, Respondents deny the allegations of the third and fourth sentences.

16 15. Answering the allegations contained in the first sentence of paragraph 15 of the  
17 Petition, Respondents lack information or knowledge sufficient to form a belief as to the truth of  
18 the allegations stated, and on that basis deny them. Respondents admit the second and third  
19 sentences of the paragraph. Respondents further admit that California voters passed Proposition  
20 103 in 1988, expanding the Department's authority and changing the Commissioner from an  
21 appointee of the Governor to an independent statewide officer elected by popular vote. To the  
22 extent the remaining allegations require any response, Respondents deny those allegations.

23 16. Answering the allegations contained in paragraph 16 of the Petition, Respondents  
24 lack information or knowledge sufficient to form a belief as to the truth of the allegations stated,  
25 and on that basis deny the allegations of the paragraph.

26 17. Answering the allegations contained in paragraph 17 of the Petition, the paragraph  
27 contains legal argument and, to that extent, requires no response.  
28

1       18. Answering the allegations contained in paragraph 18 of the Petition, the paragraph  
2 contains legal argument and, to that extent, requires no response.

3       19. Answering the allegations contained in paragraph 19 of the Petition, the paragraph  
4 contains legal argument and, to that extent, requires no response.

5       20. Answering the allegations contained in paragraph 20 of the Petition, Respondents  
6 admit that the court has jurisdiction to issue a writ of mandate in this action pursuant to Code of  
7 Civil Procedure section 1085, subdivision (a), and Government Code section 6259, subdivision  
8 (a). Respondents further admit that the Commissioner's primary residence is in Los Angeles, and  
9 that he works in the Department's Los Angeles office, among other Department offices. Except as  
10 expressly admitted, Respondents deny the remaining allegations in the paragraph.

11       21. Answering the allegations of paragraph 21 of the Petition, Respondents admit that  
12 venue is proper in this court.

13       22. Answering the allegations contain in paragraph 22 of the Petition, Respondents admit  
14 the allegations contained therein. With respect to footnote 4 of the paragraph, Respondents admit  
15 that the Petition relates solely to Request 1 of Petitioner's June 4, 2019 request, as subsequently  
16 modified on July 23, 2019, and to Petitioner's July 19, 2019 request.

17       23. Answering the allegations contained in paragraph 23 of the Petition, Respondents  
18 admit that a representative of the Department sent an email acknowledging receipt of Petitioner's  
19 June 4, 2019 request, and that the email stated in part, "Upon reviewing this request, we have  
20 determined that the request, as currently written, is overbroad and will be unduly burdensome on  
21 staff to search for responsive records." Further, Respondents admit that a copy of the email is  
22 attached to the Petition as Exhibit 3. Except as expressly admitted, Respondents deny the  
23 remaining allegations of the paragraph.

24       24. Answering the allegations contained in paragraph 24 of the Petition, Respondents  
25 admit the allegations of the first sentence of the paragraph. With respect to the second sentence of  
26 the paragraph, Respondents admit that during counsels' telephone conference on June 11, 2019,  
27 attorneys for Respondents asked Petitioner's counsel to narrow the request to include a timeframe  
28 and the names of participants and/or subject matter of the conference. Respondents deny the

1 allegations of the third sentence of the paragraph. Respondents admit the fourth sentence of the  
2 paragraph, and that a copy of Petitioner's June 11, 2019 letter to the Department is attached as  
3 Exhibit 4 to the Petition. Except as expressly admitted, Respondents deny the remaining  
4 allegations of the paragraph.

5 25. Answering the allegations contained in paragraph 25 of the Petition, Respondents  
6 admit that a representative from the Department sent an email dated July 5, 2019, to Petitioner's  
7 counsel and that the email contains, in part, the language quoted in paragraph 25. Except as  
8 expressly admitted, Respondents deny the remaining allegations of the paragraph.

9 26. Answering the allegations contained in paragraph 26 of the Petition, Respondents  
10 admit that counsel for Petitioner sent a letter to the Department on July 11, 2019, that contained,  
11 in part, Petitioner's position regarding the Department's July 5, 2019 email. Respondents admit  
12 that Exhibit 5 to the Petition contains a copy of the July 5, 2019 email and the July 11, 2019  
13 letter. Except as expressly admitted, Respondents deny the remaining allegations of the  
14 paragraph.

15 27. Answering the allegations contained in paragraph 27 of the Petition, Respondents  
16 admit that Petitioner sent a letter to the Department on July 11, 2019, wherein the Petitioner  
17 revised Request 1 of its June 4, 2019 PRA request as quoted in the paragraph. Respondents lack  
18 information or knowledge sufficient to form a belief as to the truth of Petitioner's disagreement  
19 with the Department or reasons for revising the request as alleged in the first and second  
20 sentences of the paragraph and on that basis deny the allegations. Respondents admit the third  
21 sentence of the paragraph. Except as expressly admitted, Respondents deny the remaining  
22 allegations of the paragraph.

23 28. Answering the allegations contained in paragraph 28 of the Petition, Respondents  
24 admit that on July 22, 2019, a representative from the Department sent an email to counsel for  
25 Petitioner stating, in part, "Since there are approximately 1,300 CDI employees, if there are  
26 specific CDI employees you would like for us to check for records, would you please provide us  
27 with a list of names? In the meantime, we will continue to conduct a reasonable search of our  
28 records and let you know within 14 days if we have responsive records to this amended request."

1 Respondents further admit that Exhibit 6 to the Petition is a copy of the email exchange. Except  
2 as expressly admitted, Respondents deny the remaining allegations of the paragraph.

3 29. Answering the allegations contained in the first and second sentences of paragraph 29  
4 of the Petition, Respondents admit that on July 23, 2019, counsel for Petitioner revised its  
5 Request 1 of the June 4, 2019 PRA request ( "July 23, 2019 Revised Request"), and that Exhibit 7  
6 to the Petition is a copy of the July 23, 2019 letter. Respondents admit the third sentence of the  
7 paragraph. Except as expressly admitted, Respondents deny the remaining allegations of the  
8 paragraph.

9 30. Answering the allegations contained in the first sentence of paragraph 30 of the  
10 Petition, Respondents state that on August 31, 2019, Department staff sent a CD of records to  
11 Petitioner in response to the July 23, 2019 Revised Request, and that on September 4, 2019, staff  
12 sent the same records to Petitioner electronically. In response to the second sentence of the  
13 paragraph, Respondents admit that on September 5, 2019, counsel for Petitioner sent an email to a  
14 representative of the Department. Except as expressly admitted, Respondents deny the remaining  
15 allegations of the paragraph.

16 31. Answering the allegations contained in the first sentence of paragraph 31 of the  
17 Petition, Respondents admit that on September 13, 2019, the Department sent Petitioner a copy of  
18 the Commissioner's master calendar for the time period of January 7, 2019, through August 31,  
19 2019. Respondents admit that Exhibit 8 to the Petition contains a copy of the master calendar and  
20 that on certain dates, such as Saturday, January 12, 2019, the date reflects "No responsive  
21 calendar entries." Except as expressly admitted, Respondents deny the remaining allegations of  
22 the paragraph.

23 32. Answering the allegations contained in the first sentence of paragraph 32 of the  
24 Petition, Respondents admit that for certain meetings, the Commissioner's calendar entries  
25 included details of the Commissioner's planned events, meetings, and appointments. With respect  
26 to the remaining allegations of the first sentence, the allegations are vague and ambiguous such  
27 that Respondents lack information or knowledge sufficient to form a belief as to the truth of the  
28

1 allegations stated and on that basis deny those allegations. Respondents deny the second sentence  
2 of the paragraph.

3 33. Answering the allegations contained in paragraph 33 of the Petition, Respondents  
4 admit the allegations of the paragraph.

5 34. Answering the allegations contained in paragraph 34 of the Petition, Respondents  
6 admit that on September 16, 2019, the Department produced disclosable records in response to  
7 Petitioner's July 19, 2019 Request, and that the Department informed Petitioner that it was  
8 withholding certain information under applicable privileges and exemptions. Respondents admit  
9 that a copy of the Department's September 16, 2019 letter and a copy of the record production are  
10 attached as Exhibit 10 to the Petition. Except as expressly admitted, Respondents deny the  
11 remaining allegations of the paragraph.

12 35. Answering the allegations contained in paragraph 35 of the Petition, Respondents  
13 admit that counsel for Petitioner sent a letter to the Department on September 17, 2019,  
14 requesting that the Department provide Petitioner with a "privilege log" for both PRA requests.  
15 Respondents lack information or knowledge sufficient to form a belief as to the truth of the  
16 allegations stated with respect to the reason for the request, and on that basis deny those  
17 allegations. Respondents admit that a copy of the September 17, 2019 letter is attached to the  
18 Petition as Exhibit 11. Except as expressly admitted, Respondents deny the remaining allegations  
19 of the paragraph.

20 36. Answering the allegations contained in paragraph 36 of the Petition, Respondents  
21 admit that on September 27, 2019, the Department sent a letter to Petitioner's counsel, which  
22 stated, in part, that the Department would not provide a privilege log. Respondents admit that a  
23 copy of the September 27, 2019 letter is attached to the Petition as Exhibit 12. Except as  
24 expressly admitted, Respondents deny the remaining allegations of the paragraph.

25 37. Answering the allegations contained in paragraph 37 of the Petition, Respondents  
26 admit that on October 22, 2019, counsel for Petitioner sent a letter to the Department and  
27 demanded that the Department provide additional information to Petitioner, including that the  
28 Department give the Commissioner's master calendar to Petitioner in its native format.



1 Respondents lack information and knowledge sufficient to form as belief as to the reasons for  
2 Petitioner's demands, and on that basis deny those allegations. Respondents admit that a copy of  
3 the October 22, 2019 letter is attached to the Petition as Exhibit 13. Except as expressly admitted,  
4 Respondents deny the remaining allegations of the paragraph.

5 38. Answering the allegations contained in paragraph 38 of the Petition, Respondents  
6 admit that on October 31, 2019, the Department sent a letter to Petitioner's counsel, and declined  
7 to provide Petitioner with a privilege log or to give Petitioner a copy of the Commissioner's  
8 master calendar in its native format. Respondents lack information or knowledge sufficient to  
9 form a belief as to the truth of the allegations stated with respect to the reasons for Petitioner's  
10 request and on that basis deny those allegations. Respondents admit that a copy of the October 31,  
11 2019 letter is attached to the Petition as Exhibit 14. Except as expressly admitted, Respondents  
12 deny the remaining allegations of the paragraph.

13 39. Answering the allegations contained in paragraph 39 of the Petition, Respondents  
14 admit that the July 11, 2019 letter is attached to the Petition as Exhibit 5. Respondents lack  
15 information or knowledge sufficient to form a belief as to the truth of the remaining allegations  
16 and on that basis deny them, and inasmuch as the paragraph contains legal argument, no response  
17 is required. Respondents deny any violation of the PRA as alleged in footnote 5, applicable to  
18 paragraphs 39 through 45.

19 40. Answering the allegations contained in paragraph 40 of the Petition, Respondents  
20 admit the first, second, fourth and fifth sentences of the paragraph. In response to the third  
21 sentence of the paragraph, Respondents admit that Steven M. Menzies is the President of  
22 Constitution Insurance Company. Except as expressly admitted, Respondents deny the remaining  
23 allegations of the paragraph.

24 41. Answering the allegations contained in the first sentence of paragraph 41 of the  
25 Petition, Respondents admit that three of the individuals listed in the two PRA requests—Stephen  
26 and Carole Acunto and Theresa DeBarbrie—made contributions to the Commissioner's 2022 re-  
27 election campaign, which the Commissioner subsequently refunded. The remaining allegations of  
28 the first sentence are vague and ambiguous such that Respondents lack information or knowledge

1 sufficient to form a belief as to the truth of the allegations stated and on that basis deny them.  
2 Respondents admit the second sentence of the paragraph. Respondents lack information or  
3 knowledge sufficient to form a belief as to the truth of the allegations stated in the third, fourth  
4 and fifth sentences of the paragraph and on that basis deny them.

5 42. Answering the allegations contained in the first and fourth sentences of paragraph 42  
6 of the Petition, Respondents admit that Exhibit 16 to the Petition is a report filed with the  
7 California Secretary of State for the Commissioner's 2022 re-election campaign, and that the  
8 report lists Ms. Acunto as the president of a media company in Connecticut, and as having  
9 contributed \$15,500. Respondents further state that upon learning of the contributions, the  
10 Commissioner returned them. Respondents lack information or knowledge sufficient to form a  
11 belief as to the truth of the allegations stated in the second and third sentences of the paragraph  
12 and on that basis deny them.

13 43. Answering the allegations contained in the first and fourth sentences of paragraph 43  
14 of the Petition, Respondents admit that Exhibit 16 to the Petition is a report filed with the  
15 California Secretary of State for the Commissioner's 2022 re-election campaign, and that the  
16 report lists Darlene Graber as a homemaker, and as having contributed \$7,800. Respondents  
17 further state that upon learning of the contribution, the Commissioner returned it. Respondents  
18 lack information or knowledge sufficient to form a belief as to the truth of the allegations stated in  
19 the second, third, fifth and sixth sentences of the paragraph and on that basis deny them. Except  
20 as expressly admitted, Respondents deny the remaining allegations of the paragraph and  
21 inasmuch as the allegations contain legal argument, no response is required.

22 44. Answering the allegations contained in paragraph 44 of the Petition, the paragraph  
23 contains argument and to that extent requires no response. Further, Respondents lack information  
24 or knowledge sufficient to form a belief as to the truth of the allegations stated and on that basis  
25 deny them.

26 45. Answering the allegations contained in paragraph 45 of the Petition, the paragraph  
27 contains argument and, to that extent, requires no response. Further, Respondents lack  
28

1 information or knowledge sufficient to form a belief as to the truth of the allegations stated and on  
2 that basis deny them.

3 46. Answering the allegations contained in paragraph 46 of the Petition, the paragraph  
4 contains argument and, to that extent, requires no response. To the extent the paragraph requires a  
5 response, Respondents deny the allegations of the paragraph. Respondents also deny any  
6 violation of the PRA as alleged in footnote 8, applicable to paragraphs 46 through 54.

7 47. Answering the allegations contained in paragraph 47 of the Petition, Respondents  
8 admit that the Department produced documents and records to Petitioner. With respect to the first  
9 and second sentences of the paragraph, Respondents admit that Eric Serna is a former New  
10 Mexico Superintendent of Insurance and that the Commissioner and Mr. Serna attended the same  
11 conference in late February 2019 in Santa Fe. Respondents deny that Mr. Serna was involved in  
12 the Commissioner's review of the sale of California Insurance Company to Steve Menzies as  
13 alleged in the first sentence. Respondents lack information or knowledge sufficient to form a  
14 belief regarding the remaining allegations of the first and second sentences of the paragraph, and  
15 on that basis deny those allegations. Respondents deny the allegations of the third sentence of the  
16 paragraph. Except as expressly admitted, Respondents deny the remaining allegations of the  
17 paragraph.

18 48. Answering the allegations contained in paragraph 48 of the Petition, Respondents  
19 admit the first and third sentences of the paragraph. With respect to the second sentence of the  
20 paragraph, Respondents admit the stated attendees at the lunch, but lack information or  
21 knowledge sufficient to form a belief regarding the remaining allegations of the sentence and on  
22 that basis deny those allegations.

23 49. Answering the allegations contained in the first sentence of paragraph 49 of the  
24 Petition, Petitioners mischaracterize the content of the email and on that basis deny the sentence.  
25 Respondents admit the second and third sentences of the paragraph.

26 50. Answering the allegations contained in paragraph 50 of the Petition, Respondents  
27 admit that Dan Weitzman was the Commissioner's political fundraiser. Except as expressly  
28 admitted herein, Respondents deny the remaining allegations of the paragraph.

1           51. Answering the allegations contained in paragraph 51 of the Petition, Respondents  
2 deny the allegations of the paragraph.

3           52. Answering the allegations contained in the first sentence of paragraph 52 of the  
4 Petition, Respondents state that Bates 00038 is an April 25, 2019 (not April 24, 2019) text  
5 message that includes Senator Lena Gonzalez's name, appears to be from a Department  
6 employee's phone, and states "Working to schedule lunch with Lena Gonzales and Steve Menzies  
7 on May 6th in LA that's the only time you have in the next few weeks." Respondents admit the  
8 second sentence of the paragraph. With respect to the third and fourth sentences of the paragraph,  
9 Respondents lack information or knowledge sufficient to form a belief as to the allegations stated  
10 with regard to what individuals allegedly linked with Applied Underwriters did or did not do and  
11 as to what Senator Lena Gonzalez did or did not do and on that basis deny those allegations.  
12 Except as expressly admitted, Respondents deny the remaining allegations of the paragraph.

13           53. Answering the allegations contained in paragraph 53 of the Petition, Respondents  
14 admit that the email thread attached as part of Exhibit 18 (Bates 00050-51) to the Petition  
15 contains the language quoted in the paragraph. Except as expressly admitted, Respondents deny  
16 the remaining allegations of the paragraph.

17           54. Answering the allegations contained in the first sentence of paragraph 54 of the  
18 Petition, Respondent deny the sentence. Respondents admit the second sentence of the paragraph.

19           55. Answering the allegations contained in paragraph 55 of the Petition, Respondents  
20 incorporate their responses to paragraphs 1 through 54 as though fully set forth herein.

21           56. Answering the allegations contained in paragraph 56 of the Petition, the paragraph  
22 contains legal argument and, to that extent, requires no response.

23           57. Answering the allegations contained in paragraph 57 of the Petition, the paragraph  
24 contains legal argument and, to that extent, requires no response.

25           58. Answering the allegations contained in paragraph 58 of the Petition, the paragraph  
26 contains legal argument and, to that extent, requires no response.

27           59. Respondents deny the allegations contained in paragraph 59 of the Petition.  
28

1       60. Answering the allegations contained in paragraph 60 of the Petition, Respondents  
2 lack information or knowledge sufficient to form a belief as to the truth of the allegations stated,  
3 and on that basis deny them. Further, inasmuch as the allegations contain legal argument, they  
4 require no response.

5       61. Answering the allegations contained in paragraph 61 of the Petition, the paragraph  
6 contains legal argument and, to that extent, requires no response.

7       62. Respondents deny the allegations contained in paragraph 62 of the Petition.

8       63. Answering the allegations contained in paragraph 63 of the Petition, Respondents  
9 incorporate their responses to paragraphs 1 through 62 as though fully set forth herein.

10       64. Answering the allegations contained in paragraph 64 of the Petition, Respondents  
11 admit that a controversy exists between Petitioner and Respondents; Respondents further admit  
12 that Petitioner contends that Respondents are withholding records subject to disclosure under the  
13 PRA, which Respondents deny. Except as expressly admitted herein, Respondents deny the  
14 remaining allegations of the paragraph.

15       65. Answering the allegations of paragraph 65 of the Petition, Respondents deny the  
16 allegations of the paragraph.

## 17                                   **AFFIRMATIVE DEFENSES**

### 18                                   **FIRST AFFIRMATIVE DEFENSE**

19       The Petition fails to state facts sufficient to constitute a cause of action for relief.

### 20                                   **SECOND AFFIRMATIVE DEFENSE**

21       Petitioner has an adequate remedy at law.

### 22                                   **THIRD AFFIRMATIVE DEFENSE**

23       Petitioner has failed to exhaust its administrative remedies under the California Public  
24 Records Act.

### 25                                   **FOURTH AFFIRMATIVE DEFENSE**

26       Respondents properly performed their statutory duties and acted throughout in full  
27 accordance with applicable law.

1 FIFTH AFFIRMATIVE DEFENSE

2 The procedure set forth in Government Code sections 6258 and 6259 is the exclusive  
3 procedure for litigating the issue of a public agency's obligation to disclose records to a member  
4 of the public under the circumstances of this case.

5 SIXTH AFFIRMATIVE DEFENSE

6 The Petition is uncertain.

7 SEVENTH AFFIRMATIVE DEFENSE

8 Any documents withheld from disclosure and or produced to Petitioner in a redacted form  
9 are privileged and/or exempted from disclosure under Insurance Code sections 735.5 and 12919,  
10 Government Code sections 6254, subdivisions (a), (c), (d), (f) and (k), and 6255, Evidence Code  
11 sections 1040 and 1041, Civil Code section 1798.24, and/or the deliberative process privilege.

12 WHEREFORE, Respondents Ricardo Lara, in his official capacity as the Insurance  
13 Commissioner of the State of California, and the California Department of Insurance, pray that:

- 14 1. The Petition for Writ of Mandate be denied;  
15 2. The Complaint for Declaratory Relief be dismissed with prejudice;  
16 3. The Respondents be awarded costs in this proceeding; and  
17 4. The Court take such further action as it may deem necessary and proper.

18 Dated: March 30, 2020

Respectfully Submitted,

20 XAVIER BECERRA  
Attorney General of California  
21 MOLLY K. MOSLEY  
Supervising Deputy Attorney General

22   
23

24 DEBBIE J. VOROUS  
Deputy Attorney General  
25 *Attorneys for Respondents and Defendants*  
26 *Ricardo Lara, in his official capacity as the*  
27 *Insurance Commissioner of the State of*  
*California, and the California Department*  
*of Insurance*

28 SA2020101202

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Consumer Watchdog v. Lara, et al.**  
Case No.: **20STCP00664**

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 with postage thereon fully prepaid that same day in the ordinary course of business.

On March 30, 2020, I served the attached:

- **RESPONDENTS' ANSWER TO VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF**

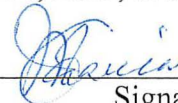
by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Jerry Flanagan  
Benjamin Powell  
CONSUMER WATCHDOG  
6330 San Vicente Blvd., Suite 250  
Los Angeles, CA 90048  
Attorneys for Petitioner/Plaintiff

Kelly Aviles  
LAW OFFICES OF KELLY AVILES  
1502 Foothill Blvd., Suite 103-140  
La Verne, CA 91750  
Attorneys for Petitioner/Plaintiff

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 March 30, 2020, at Sacramento, California.

\_\_\_\_\_  
M. Garcia  
Declarant

\_\_\_\_\_  
  
Signature

## **EXHIBIT 39**



REPLY TO

ROOM 4016  
STATE CAPITOL  
SACRAMENTO 95814  
(916) 445-6492

LEGISLATIVE OFFICE  
225 ALBERT BUILDING  
SAN RAFAEL 94901  
(415) 456-2421

# Assembly California Legislature

WILLIAM T. BAGLEY  
MEMBER OF ASSEMBLY, SEVENTH DISTRICT  
MARIN-SONOMA COUNTIES  
CHAIRMAN  
COMMITTEE ON REVENUE AND TAXATION

AB 1981  
COMMITTEES  
REVENUE AND TAXATION  
WAYS AND MEANS  
CHAIRMAN  
JOINT COMMITTEE ON  
NATIONAL TAX POLICY  
CHAIRMAN  
SPECIAL COMMITTEE ON  
STATEWIDE INFORMATION POLICY  
MEMBER  
SELECT COMMITTEE ON  
ADMINISTRATION OF JUSTICE

August 20, 1970

Honorable Ronald Reagan  
Governor of California  
State Capitol Building  
Sacramento, California

Dear Governor:

I respectfully request your consideration and approval of AB 1981 which I introduced this session.

AB 1981 brings the four business regulatory departments of the Business and Transportation Agency within the scope of the 1968 Public Records Act. When that Act was passed, during the 1968 Legislative Session, there was insufficient knowledge of the internal processes of these departments to be able to include them within the disclosure provisions of the Act. It was considered appropriate at that time to enact an exemption provision (Section 6254-D of the Government Code) into the law which exempted "trade secrets."

Since that time, two developments have made AB 1981 possible. The interim hearings of the special Assembly Committee on Statewide Information Policy conducted in 1969, brought the four departments concerned into substantial agreement on how to incorporate needed confidentiality provisions into the Public Records Act. The language which AB 1981 would amend into Section 6254 of the Government Code is that drafted by the combined counsel of the departments. Secondly, litigation bringing the Public Records Act into question has evidenced the broad nature of the "trade secrets" exemption.

The language in AB 1981, replacing the former "trade secrets" exemption, establishes a more workable definitional test of openness or

LEGISLATIVE INTENT SERVICE (800) 666-1917

Honorable Ronald Reagan  
Governor of California

August 20, 1970

Page Two

confidentiality of a record. It is a more specific definition less subject to individual differences of interpretation. The new subsection (D) of Section 6254, isolates the process of the departments at stages where a lack of confidentiality would be detrimental to the parties being regulated. This limited confidentiality then would disappear when that process is advanced so that disclosure no longer jeopardizes the parties involved. This solution is eminently more workable than the blanket trade secrets exemption.

Although there have been many inquiries as to the affect of eliminating the trade secrets exemption, everyone has been satisfied that AB 1981 is an improvement in the law. As it is presently drafted, all the affected departments support the bill. There is no known opposition. AB 1981 passed the Senate and Assembly without difficulty. It is also supported by the California Newspaper Publishers Association.

This measure is a product of many hours of interim hearings, and I respectfully ask your approval.

Sincerely,



WILLIAM T. BAGLEY

WTB:par





# LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695  
(800) 666-1917 • Fax (530) 668-5866 • [www.legintent.com](http://www.legintent.com)

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## DECLARATION OF ANNA MARIA BERECZKY-ANDERSON

I, Anna Maria Bereczky-Anderson, declare:

I am an attorney licensed to practice in California, State Bar No. 227794, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 1981 of 1970. Assembly Bill 1981 was approved by the Legislature and was enacted as Chapter 1231 of the Statutes of 1970.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Assembly Bill 1981 of 1970. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.\*

### **ASSEMBLY BILL 1981 OF 1970:**

1. All versions of Assembly Bill 1981 (Bagley et al.-1970);
2. Procedural history of Assembly Bill 1981 from the 1970 *Assembly Final History*;
3. Analysis of Assembly Bill 1981 prepared for the Senate Committee on Governmental Organization;
4. Material from the legislative bill file of the Senate Committee on Governmental Organization on Assembly Bill 1981;
5. Two analyses of Assembly Bill 1981 prepared by the

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\* At this time, due to the public health emergency with regard to the novel coronavirus (COVID-19), our ability to provide some files and documents has been delayed. We will follow up with additional files and other documents, if any, as soon as we gain access to them.

- Legislative Analyst;
6. Material from the legislative bill file of Assemblymember William T. Bagley on Assembly Bill 1981 – *currently unavailable*;
  7. Post-enrollment documents regarding Assembly Bill 1981 as follows:
    - a. Previously Obtained Material,
    - b. Updated Collection of Material;
  8. Press Release #452 issued by the Office of the Governor on September 17, 1970, to announce that Assembly Bill 1981 had been signed;
  9. Excerpt regarding Assembly Bill 1981 from the 1970 *Summary Digest of Statutes Enacted and Resolutions Adopted*, prepared by Legislative Counsel;
  10. Preliminary Excerpt of a transcript of Hearing of the California State Assembly Statewide Information Policy Committee, held in Sacramento, CA, September 2, 1969;
  11. *A Final Report of the California State Assembly Statewide Information Policy Committee*, published by the Assembly California Legislature, March 1970;
  12. Excerpt regarding Assembly Bill 1981 from *California AFL-CIO News*, published by the California Labor Federation, AFL-CIO, Vol. 12, No. 17, April 24, 1970.

+ Because it is not unusual for more materials to become publicly available after our earlier research of legislation, we re-gathered these file materials, denoting them as “updated collection of material.”

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of October, 2020 at Woodland, California.

---

ANNA MARIA BERECKZY-ANDERSON

## **EXHIBIT 40**

[All content](#)

Evidence Code s 1060

[California](#)Search Tips  
Advanced

## § 1060. Privilege to protect trade secret

CA EVID § 1060 • West's Annotated California Codes • Evidence Code (Approx. 2 pages)

Document

Notes of Decisions (19)

History (2)

Citing References (631)

Context &amp; Analysis (84)

[Fullscreen](#)

§

1 of 103 results

[Original terms](#)[West's Annotated California Codes](#)[Evidence Code \(Refs & Annos\)](#)[Division 8. Privileges \(Refs & Annos\)](#)[Chapter 4. Particular Privileges \(Refs & Annos\)](#)[Article 11. Trade Secret \(Refs & Annos\)](#)

West's Ann.Cal.Evid.Code § 1060

## § 1060. Privilege to protect trade secret

[Currentness](#)

If he or his agent or employee claims the privilege, the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.

### Credits

(Stats.1965, c. 299, § 2, operative Jan. 1, 1967.)

### Editors' Notes

#### LAW REVISION COMMISSION COMMENTS

This privilege is granted so that secret information essential to the continued operation of a business or industry may be afforded some measure of protection against unnecessary disclosure. Thus, the privilege prevents the use of the witness' duty to testify as the means for injuring an otherwise profitable business where more important interests will not be jeopardized. See generally 8 Wigmore, **Evidence** § 2212(3) (McNaughton rev. 1961). Nevertheless, there are dangers in the recognition of such a privilege. Copyright and patent laws provide adequate protection for many of the matters that might otherwise be classified as trade secrets. Recognizing the privilege as to such information would serve only to hinder the courts in determining the truth without providing the owner of the secret any needed protection. Again, disclosure of the matters protected by the privilege may be essential to disclose unfair competition or fraud or to reveal the improper use of dangerous materials by the party

asserting the privilege. Recognizing the privilege in such cases would amount to a legally sanctioned license to commit the wrongs complained of, for the wrongdoer would be privileged to withhold his wrongful conduct from legal scrutiny.

Therefore, the privilege exists under this section only if its application will not tend to conceal fraud or otherwise work injustice. The limits of the privilege are necessarily uncertain and will have to be worked out through judicial decisions.

Although no California case has been found holding **evidence** of a trade secret to be privileged, at least one California case has recognized that such a privilege may exist unless its holder has injured another and the disclosure of the secret is indispensable to the ascertainment of the truth and the ultimate determination of the rights of the parties. [Willson v. Superior Court](#), 66 Cal.App. 275, 225 Pac. 881 (1924) (trade secret held not subject to privilege because of plaintiff's need for information to establish case against the person asserting the privilege). Indirect recognition of such a privilege has also been given in [Code of Civil Procedure Section 2019](#), which provides that in discovery proceedings the court may make protective orders prohibiting inquiry into "secret processes, developments or research." [7 Cal.L.Rev.Comm. Reports 1 (1965)].

## Relevant Additional Resources

Additional Resources listed below contain your search terms.

### CROSS REFERENCES

Air toxics emission inventories, see [Health and Safety Code § 44346](#).

Apiaries, evidentiary privilege, see [Food and Agricultural Code § 29041](#).

Disclosure of secret to court, see [Evidence Code § 915](#).

General provisions relating to privileges, see [Evidence Code § 910](#).

Green chemistry, trade secrets, identification in accordance with this section, see [Health and Safety Code § 25257](#).

Hazardous materials management, release of required information leading to disclosure of trade secrets, see [Health and Safety Code § 25538](#).

Hazardous materials release response plans and inventory, business and area plans, see [Health and Safety Code § 25511](#).

Health care services contract records of the Department of Corrections and Rehabilitation or the California Medical Assistance Commission, open to inspection notwithstanding this section, see [Government Code § 6254.14](#).

Influenza vaccine, reporting of shipments, trade secrets, see [Health and Safety Code § 120155](#).

Organic foods, see [Food and Agricultural Code § 46029](#).

Organic products, see [Health and Safety Code § 110845](#).

Overhearing and recording confidential communication, see [Penal Code § 632](#).

Pesticides, emissions, health effects, see [Food and Agricultural Code § 14022](#).

Public employees' health benefits, disclosure of cost, utilization, actual claim payments, and contract allowance amounts for health care services rendered, see [Government Code § 22854.5](#).

Records maintained by auxiliary organizations, information related to fundraising plans, fundraising research, and solicitation strategies not subject to disclosure, see [Education Code §§ 72696, 89916](#).

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On July 5, 2022, I served the foregoing document described as

**PETITIONER'S OPENING BRIEF IN SUPPORT OF PETITION FOR WRIT OF MANDATE,  
INJUNCTION, AND DECLARATORY RELIEF REGARDING VIOLATIONS OF THE  
CALIFORNIA PUBLIC RECORDS ACT; DECLARATION OF BENJAMIN POWELL;  
EXHIBITS 1-40**

on the interested parties in this action as listed in the attached service list by the following means:

Debbie Vorous  
Daniel Robertson  
Deputy Attorney General  
Office of the Attorney General  
1300 I Street, 10th Floor  
Sacramento, CA 95814  
Debbie.Vorous@doj.ca.gov  
Daniel.Robertson@doj.ca.gov  
*Attorneys for Respondents/Defendants Ricardo Lara, et al.*

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 5, 2022  
at Los Angeles, California.

Kaitlyn Gentile