

Case No. S239510

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA
EN BANC

SUPREME COURT
FILED

SEP 21 2017

Jorge Navarrete Clerk

PITZER COLLEGE,

Deputy

Plaintiff and Petitioner,

v.

INDIAN HARBOR INSURANCE COMPANY,

Defendant and Respondent.

After Order Certifying Questions by the U.S. Court of Appeals for the
Ninth Circuit

**NOTICE OF ERRATA FOR BRIEF OF AMICI CURIAE
COMPLEX INSURANCE CLAIMS LITIGATION
ASSOCIATION AND AMERICAN INSURANCE
ASSOCIATION IN SUPPORT OF DEFENDANT AND
RESPONDENT INDIAN HARBOR INSURANCE
COMPANY**

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*Counsel for Amici Curiae Complex
Insurance Claims Litigation Association
and American Insurance Association*

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SEP 21 2017

CLERK SUPREME COURT

TO THE COURT, EACH PARTY, AMICI CURIAE, AND COUNSEL OF
RECORD FOR THE PARTIES AND AMICI CURIAE:

Please take notice that Complex Insurance Claims Litigation Association and American Insurance Association seek to substitute the attached pages to correct errata in their *amici curiae* brief filed on September 20, 2017:

1. A substitute cover page is attached because the cover of the brief indicates, after Laura A. Foggan's name, "*pro hac pending*" and should instead now state, "*(admitted pro hac vice)*";

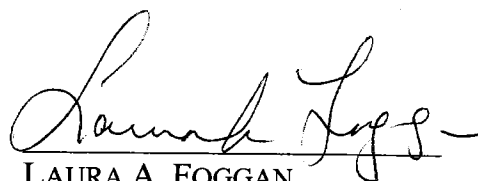
2. A substitute signature page is attached because the signature page of the brief, originally provided as a proposed brief with the motion for leave to appear as *amici*, is not dated or signed; and

3. A substitute Certification of Word Count of the brief is attached because, as the brief originally was provided as a proposed brief with the motion for leave to appear as *amici*, the original is not dated or signed.

Therefore, the corrected cover page, and pages 21 and 22 of the *amici curiae* brief are attached for substitution.

Dated: September 21, 2017

CROWELL & MORING LLP

A handwritten signature in black ink, appearing to read "Laura A. Foggan". The signature is written in a cursive style with a horizontal line underneath it.

LAURA A. FOGGAN

Counsel for Amici Curiae
Complex Insurance Claims
Litigation Association and
American Insurance Association

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CLAIMS LITIGATION ASSOCIATION AND
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OF DEFENDANT AND RESPONDENT INDIAN
HARBOR INSURANCE COMPANY**

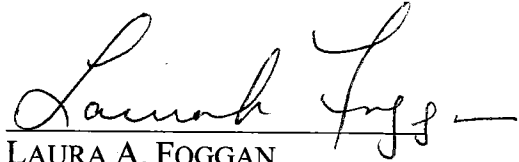
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Dated: September 20, 2017

CROWELL & MORING LLP

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LAURA A. FOGGAN

Counsel for *Amici Curiae*

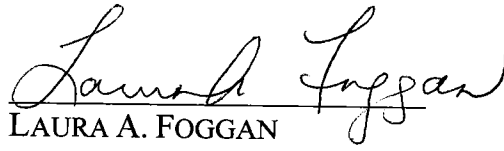
Complex Insurance Claims Litigation
Association and American Insurance
Association

CERTIFICATION OF WORD COUNT

The text of this *Amici Curiae* Brief contains 4,973 words, according to the word count generated by the word-processing program used to prepare the brief.

Dated: September 20, 2017

CROWELL & MORING LLP



LAURA A. FOGGAN

Counsel for *Amici Curiae*

Complex Insurance Claims Litigation
Association and American Insurance
Association

PROOF OF SERVICE

I, William Harry Morris, state:

My business address is 3 Embarcadero Center, 26th Floor, San Francisco, CA 94111. I am over the age of eighteen years and not a party to this action.

On the date set forth below, I served the foregoing document(s) described as:

**NOTICE OF ERRATA FOR BRIEF OF AMICI CURIAE
COMPLEX INSURANCE CLAIMS LITIGATION
ASSOCIATION AND AMERICAN INSURANCE
ASSOCIATION IN SUPPORT OF DEFENDANT AND
RESPONDENT INDIAN HARBOR INSURANCE
COMPANY**

on the following person(s) in this action:

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- BY FIRST CLASS MAIL:** I am employed in the City and County of San Francisco where the mailing occurred. I enclosed the document(s) identified above in a sealed envelope or package addressed to the person(s) listed above, with postage fully paid. I placed the envelope or package for collection and mailing, following our ordinary business practice. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
- BY MESSENGER SERVICE:** I served the document(s) identified above by placing them in an envelope or package addressed to the person(s) listed above and providing them to a professional messenger service for service.
- BY OVERNIGHT DELIVERY:** I enclosed the document(s) identified above in a sealed envelope or package addressed to the person(s) listed above, in an envelope or package designated by the overnight delivery carrier with delivery fees paid or provided for. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier, or by delivering to a courier or driver authorized by the overnight delivery carrier to receive documents.
- BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept service by electronic mail, I caused the document(s) identified above to be transmitted electronically to the person(s) at the e-mail address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on September 21, 2017, at San Francisco, California.



William Harry Morris