CAIIA

Status Report

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March 2020

Trail Immunity

Credit to Tyson and Mendez, La Jolla, CA

Is a landowner entitled to a "trail immunity" defense under California *Government Code*, Section 831.4 if a pathway is not exclusively used for recreational purposes? In *Loeb v. County of San Diego*, 255 Cal.Rptr.3d 860, the California Court of Appeal, Fourth District, answered the question in the positive. Unsurprisingly, the Court held that a landowner is entitled to immunity when a trail is used for recreational purposes, even if that trail is not exclusively used for such purposes.

The Facts

Plaintiff Sally Loeb sued the County of San Diego ("County") for personal injuries she allegedly sustained when she tripped and fell on an uneven concrete pathway in a County park. (*Loeb v. Cnty. of San Diego*, 255 Cal.Rptr.3d 860, 863 (2019)). After multiple motions for summary judgment focused on the same issue, the lower court granted nonsuit in favor of the County, based on the plaintiff's admission that the pathway was used for recreational purposes. The court concluded, therefore, the County was entitled to a "trail immunity" defense to plaintiff's claim. (*Id.* at 863—866).

Subsequently, plaintiff appealed to the Court of Appeal, Fourth District. The Court of Appeal affirmed the lower court's ruling.

The Court of Appeals' Opinion

The main issue in *Loeb* was whether the pathway in question constituted a "trail" under the trail immunity statute.

Plaintiff argued the lower court erred by concluding, based only on plaintiff's concession the pathway was partially used for recreational purposes, that the trail immunity defense applied. (*Id.* at 867).

A public entity is generally liable for an injury caused by a dangerous condition of its property, if the plaintiff establishes that the property was in a dangerous condition at the time of the injury and that the public entity had actual or constructive notice of the dangerous condition. (*Id.* (citing *Montenegro v. City of Bradbury*, 215 Cal.App.4th 924, 929 (2013))). However, a landowner may be entitled to a "trail immunity" defense for all manner of defects in a trail's condition. Government Code section 831.4, the "trail immunity" statute, provides:

A public entity, public employee, or a grantor of a public easement to a public entity . . . is not liable for an injury caused by the condition of (a) any unpaved road which provides access to fishing, hunting, camping, hiking, riding . . . , water sports, recreational or scenic areas . . . or (b) any trail used for the above purposes.

The Appellate Court noted the "purpose of the immunity for recreational activities on public land is to encourage public entities to open their property for public recreational use, because 'the burden and expense of putting such

continued on page 4

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Inside this issue…..

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President's Message

Presidents Message – March 2020

It is late February and it is forecast to be in the mid-70s by the middle of this week. It is "February" folks in Northern California!!! When I was younger, I remember actual cold weather and storms in February. My how times and the planet have changed.

The doom and gloom of climate change aside, I have to admit I love swimming and cycling in sunny weather. If any of you swim all year-round, you realize what separates the true stalwarts from the amateurs are those that show up at 6:00AM in the morning in January. Of course, I'm bragging and pumping my chest while it's 38° outside in late January and I'm hopping into an 80° pool, one of my coaches and a few other swimmers on my team are hopping into San Francisco Bay (actually several of them would have already been in for an hour at that point). If I am not mistaken the temperature in the bay in late January is typically about 48°-50°. These athletic heroes or delusional individuals (depending on your outlook) have been trying to get me to swim in the bay for ages. While I have comfortably developed an additional layer of padding over the years (not really comfortable with it but apparently it is just aging?!), I just cannot get myself to do a bay swim. I just do not get the appeal. While I have been advised that there is quite a bit of drinking and alcohol afterwards, it is still not my cup of tea.

John Ratto
CAIIA President

That brings me to my point (and I do have one) about claims handling. Be careful taking on something that you are not comfortable in handling, whether it be a field of adjusting you are not familiar with or just taking on more than you can chew. As it relates to the former, I have observed over the years that there are few adjusters who can successfully crossover from GL to property and visa-versa. While it is ok for a property adjuster to take on the occasional settlement conference (often times just a "warm body"), it is difficult to transition to a complex multiparty liability analysis. Those adjusters who can do both at a high level are a rare breed indeed. Even those adjusters that do both, are generally better at one than the other. As for "biting off" more than you can chew, I have spoken about this several times. More often than not as independent adjusters, we take on more work than we can handle. The old justification of the "feast or famine" cycle, in other words, take it while you can get it because claims could dry-up next month. However, the "famine" portion of this cycle seems to be disappearing as our industry has fewer independent adjusters. I was often guilty of doing this early on in my career and even as a new business owner. There are obvious downsides, everything from my family having to deal with an especially grumpy person to my clients who could eventually see through it when timely returning telephone calls or getting reports out on time was a challenge. If you are good at what you do as an adjuster, you will get the work. I have spoken with many other IA business owners, and they are in desperate need for good adjusters. Often times that means simply an adjuster who can stay on top of the workload. To that end, employers/owners you have a duty to your employees not to overload them. Finding a balance that works for you and your team is always the goal!
Hang in there and enjoy the weather!

Reminders:

- The CAIIA is proud to be exhibiting and sponsoring at the following upcoming event: March 3 & 4, 2019 Combined Claims Conference, Hyatt Regency, Orange County.

- April 23 & 24 is the CAIIA Midterm Meeting, Hilton Garden Inn, Burbank. It could not be easier to attend because it is right next to the Burbank airport. We will have more details under separate cover including educational courses for that morning of the 24th… Would love to see you there for all or part of our mid - term….

John Ratto
CAIIA President

NEWS OF AND FOR OUR MEMBERS

SAVE THE DATE

The CAIIA is proud to be exhibiting at or sponsoring the following upcoming event:

March 3 & 4, 2019 Combined Claims Conference, Hyatt Regency, Orange County

April 23 & 24 CAIIA Midterm Meeting, Hilton Garden Inn, Burbank

Important Amendment to the Insurance Code:

Assembly Bill No. 188
CHAPTER 59

An act to amend Section 2051 of the Insurance Code, relating to insurance.

[Approved by Governor July 09, 2019. Filed with Secretary of State July 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 188, Daly. Fire insurance: valuation of loss.

Existing law generally regulates classes of insurance, including fire insurance. Existing law provides that the measure of indemnity in fire insurance under an open policy is the expense to replace the thing lost or injured in its condition at the time of the injury, with the expense computed as of the start of the fire. Existing law also provides that under an open policy that requires payment of actual cash value, the measure of the actual cash value recovery is the policy limit or the fair market value of the structure, whichever is less, in the case of a total loss to the structure. In the case of a partial loss to the structure or loss to its contents, the actual cash value recovery under existing law is the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less. Under existing law, in the case of a partial loss to the structure, a deduction for physical depreciation applies only to components of a structure that are normally subject to repair and replacement during the useful life of that structure.

This bill would delete the provisions regarding the actual cash value of the claim of total loss to the structure and would instead require that the actual cash value of the claim, for either a total or partial loss to the structure or its contents, be the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less. The bill would extend the restrictions that apply to a deduction for physical depreciation to a total loss to a structure.

DIGEST KEY
Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.
Section 2051 of the Insurance Code is amended to read:

2051.
(a) Under an open policy, the measure of indemnity in fire insurance is the expense to the insured of replacing the thing lost or injured in its condition at the time of the injury, the expense being computed as of the time of the commencement of the fire.

(b) Under an open policy that requires payment of actual cash value, the measure of the actual cash value recovery, in whole or partial settlement of the claim, for either a total or partial loss to the structure or its contents, shall be the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less. A deduction for physical depreciation shall apply only to components of a structure that are normally subject to repair and replacement during the useful life of that structure.

Continued from page 1
property in a safe condition and the expense of defending claims for injuries would probably cause many public entities to close such areas to public use.'" (*Loeb* at 867 (citing *Burgueno v. Regents of University of California*, 243 Cal.App.4th 1052, 1059 (2015))).
Whether a pathway is considered a "trail" for purposes of the trail immunity statute "turns on a number of considerations, including (1) the accepted definitions of the property, (2) the purpose for which the property is designed and used, and (3) the purpose of the immunity statute." (*Loeb* at 867 (citing *Lee v. Dept. of Parks & Recreation*, 38 Cal.App.5th 206, 211 (2019))).
Plaintiff argued that a court should consider the second factor — the purpose for which the pathway is *designed* and *used* — in determining whether the pathway is a trail. On the other hand, the County argued a court only needs to consider *how* the pathway is used. (*Loeb* at 869).
The Appellate Court agreed with the County. It held that as long as a pathway is *used* for recreational purposes, it is irrelevant whether the pathway was *designed* for a recreational purpose, or whether it is secondarily used for such purposes. Further, the Court noted there are many cases holding mixed use trails are entitled to immunity. (*Loeb* at 870).
The Court also focused on the purpose of the trail immunity statute, which is to encourage public entities to make their property available to the public for recreational use, providing a public policy justification for its ruling.

Takeaway

The Court in *Loeb* focused heavily on the use of the pathway as opposed to the design of the pathway. Moreover, the Court followed precedent and held mixed use trails are entitled to immunity.
It remains to be seen whether *Loeb's* progeny will further define the sufficient amount of recreational use to allow a landowner to avail itself of the trail immunity defense. The court's holding in *Loeb* begs the question — how much use is sufficient? If a pathway in a park is only used 2% of the time for recreational purposes, is that sufficient to deem that pathway a trail and to trigger trial immunity? What if a pathway has only been used only once for a recreational purpose?
Until courts answer these questions, landowners in similar situations should gather evidence showing the recreational use of pathways on their property. Additionally, landowners who open their property to the public should investigate so that they are aware of the manner in which the pathways on their property are used.

CA DOI Press Release

La Mesa IHOP cook arrested for workers' compensation fraud

Cook allegedly filed a false insurance claim to collect unearned workers' comp benefits after play wrestling on the job

SAN DIEGO, Calif. — California Department of Insurance detectives arrested Jonathan Quezada, 28, on multiple felony counts of insurance fraud and workers' compensation insurance fraud after he allegedly falsified an insurance claim to receive unearned workers' compensation benefits costing Californians over $22,000.

"The workers' compensation system is intended to help honest workers who get hurt while doing their jobs get the benefits and assistance they need to support themselves and their families while they recover," said Insurance Commissioner Ricardo Lara. "When people file fraudulent workers' compensation claims they take advantage of this system and cost Californians millions of dollars every year in higher premiums."

Quezada was working as a cook at an IHOP in La Mesa when he fractured his clavicle. He filed a workers' compensation claim with his employer stating he got hurt at work while performing his normal job duties and told his employer and insurance representatives that he was cleaning grill grates in the IHOP kitchen when he slipped and fell.

After receiving a referral from the Preferred Employers Insurance Company, the California Department of Insurance launched an investigation which revealed Quezada lied about the circumstances of his injury. Surveillance video showed he was injured at work, but that his injury was a result of play wrestling with a coworker, not performing his normal job duties as he claimed. Quezada's allegedly false statements allowed him to receive workers' compensation benefits he was not entitled to, which cost Californians $22,781.

Quezada was arrested on February 12, 2020, and was booked at the Sacramento County Jail. Bail was set at $25,000. The San Diego District Attorney's Office is prosecuting this case.

Habitability

Credit to Tyson & Mendes, La Jolla, CA

This article aims to shed some light on a common subject tenants raise: "habitability issues."

California Civil Code Section 1941.1 states that a dwelling is incapable of being lived in if it *substantially lacks* any of the described standards. The key word in the law is *substantially*. Section 1941.1 provides a list of issues that will be considered substantial:

1. Effective waterproofing of roofing, exterior walls, windows, and doors;
2. Plumbing to provide hot and cold water maintained in good working order, and connected to a sewer disposal system;
3. Heating facilities;
4. Electrical lighting maintained in good working order;
5. Building and common areas kept clean, sanitary, and free from all accumulations of debris, garbage, rodents, and vermin;
6. Adequate garbage receptacles;
7. Floors, stairways, and railings maintained in good order.

Section 1941.1 also references Sections 17920.3 or 17920.10 of the Health and Safety Code, which describes more conditions that are considered habitability issues. These secondary issues include sanitation and structural hazards, such as lack of running water, pest infestation, or a sagging roof that may fall. Therefore, cosmetic issues such as peeling paint, torn screens, or broken kitchen drawers, while frustrating and annoying, will not relieve a tenant from paying the full agreed upon rent amount.

So, is a leaky sink alone a habitability issue? Probably not.
Is a broken water heater a habitability issue? More likely.

If you believe that your dwelling has habitability problems, you should notify your landlord in writing as soon as possible and make sure to keep a copy of any letters or emails you send. A tenant will have a hard time later proving that verbal notice was actually given. Because most people have easy access to a smartphone or digital camera, it is a very good idea to take photos and video of the conditions, to preserve a record of them. After providing notice, a tenant should give the landlord time to fix the issue. A tenant may be able to repair the issues him or herself and deduct the amount of repair from the rent if the landlord then does not fix the issues. This process is known as "repair and deduct."

Keep in mind that even a dwelling with habitability issues still provides some level of habitable space, so it still has a fair rental value. For that reason, a court will never reduce the rent owed to zero. Common habitability reductions range from 10% to 25% of the full rent until repairs are made for issues considered "bad," up to 50% for issues considered "extreme."

Where flowers bloom, so does hope.
- Lady Bird Johnson

Antitrust Walker Process Claims not Covered under Personal Injury Coverage

Credit to Haight, Brown and Bonesteel, Los Angeles, CA

In *Travelers Property Casualty Co. of America v. KLA-Tencor Corp.* (No. H044890; filed 1/16/20, ord. pub. 2/13/20), a California appeals court ruled that commercial general liability insurance for personal and advertising injury, defined to include malicious prosecution, does not cover a *Walker Process* antitrust cause of action under the Sherman Act and the Clayton Act for using a fraudulently procured patent to attempt to monopolize the market.
Travelers insured KLA under commercial liability policies with coverage for personal and advertising injury liability, which was defined as "injury, other than 'advertising injury', caused by. . . (2) Malicious prosecution."
KLA and Xitronix manufactured competing products and the two companies had a history of legal disputes. In 2014, Xitronix filed a federal antitrust action for damages against KLA in federal court in Texas alleging a single *Walker Process* cause of action for "Attempted Monopolization" in violation of the Sherman and Clayton Acts. The claim derives its name from *Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp.* (1965) 382 U.S. 172, in which the United States Supreme Court recognized an antitrust cause of action under the Sherman and Clayton Acts for using a fraudulently procured patent to attempt to monopolize the market. The 2014 *Xitronix* action was based on allegations that, from 2011 to 2014, KLA had "fraudulently prosecut[ed] through issuance certain patent claims" that KLA knew had been ruled to be invalid in an earlier 2008 action and that KLA did so with the intent to "monopolize and destroy competition. . . ."

Referring to a specific patent that had been obtained by KLA, Xitronix alleged that KLA had engaged in "fraudulent conduct before the United States Patent and Trademark Office ('the PTO')" in KLA's "prosecution of the '260 patent" before the PTO. Xitronix alleged that KLA's "fraudulent prosecution" "and procurement" of the '260 patent had been "undertaken in bad faith" to monopolize the market and preclude Xitronix from competing with KLA. Xitronix contended that KLA's "entire prosecution of the '260 patent was without any objectively reasonable basis." It asserted that KLA's "continued prosecution of patent claims" created a "potential litigation threat" that deterred potential investors in Xitronix.

KLA asked Travelers to defend and indemnify the 2014 *Xitronix* action, but Travelers declined on the ground that there was no potential for coverage, and brought a declaratory relief action to resolve its duties to defend and/or indemnify. On cross-motions for summary judgment, the trial court granted summary judgment for Travelers, saying that "No one could reasonably construe that complaint's allegations of a '*Walker Process*' violation, fraudulent behavior in a nonjudicial proceeding before the Patent and Trademark Office, as a claim for 'malicious prosecution' under California law … covered by the policy as a 'personal injury.'"
The appeals court affirmed, rejecting KLA's claim that "malicious prosecution" is ambiguous based on the decision in *Lunsford v. American Guar. & Liab. Ins. Co.* (9th Cir. 1994) 18 F.3d 653. In *Lunsford*, the Ninth Circuit Court of Appeals found "malicious prosecution" ambiguous with regard to the difference between the torts of malicious prosecution and abuse of process. But the *Travelers v. KLA* court said that "[t]he mere fact that 'malicious prosecution' was deemed ambiguous in *Lunsford* does not mean that it is ambiguous in this case. Our inquiry is whether it is objectively reasonable for an insured to understand 'malicious prosecution' to include *Walker Process* claims."
The court stated that: "Unlike a malicious prosecution claim or an abuse of process claim, both of which are commonly understood to be premised on actions in legal proceedings, a *Walker Process* claim does not necessarily involve any legal proceedings. A *Walker Process* claim arises from fraud on the PTO, not any court, and the use of a fraudulently procured patent to attempt to monopolize the market. Neither the fraud element nor the use element necessarily involves any legal proceedings. Since 'malicious prosecution' is commonly understood to refer to legal proceedings, an objectively reasonable insured could not expect 'malicious prosecution' coverage to extend to claims that, unlike malicious prosecution and abuse of process claims, do not necessarily involve any legal proceedings."
Continued on page 7

Continued from page 6

The *Travelers v. KLA* court also rejected an argument that the 2014 *Xitronix* action grew out of the parties' prior litigation, which was a legal proceeding, saying that "The mere fact of prior litigation between two parties does not mean that all subsequent actions necessarily or even potentially will come within coverage for 'malicious prosecution.'" Likewise, the "implied threat" of litigation and "potential liability to suit" were deemed insufficient, with the court stating that "such an allegation does not have the potential to fall within the policy's "malicious prosecution" coverage because it is not premised on any actual legal proceedings."

VAPING

Credit to Tyson & Mendes, La Jolla, CA

Vaping

The electronic cigarette, also known as an e-cigarette, allows people to enjoy the behavioral aspects of smoking, including the hand-to-mouth action of smoking with without burning tobacco. Using an e-cigarette is commonly known as "vaping." When someone vapes, the battery-operated e-cigarette heats liquid into a vapor which can be inhaled. The vapor may contain nicotine (the addictive drug in tobacco), flavoring, and other chemicals. E-cigarettes can also be used with marijuana, hash oil, or other substances.

Vaping activity has risen considerably within the last several years. Particularly, vaping has surged in the past two years among teenagers and young adults. According to the federal centers for Disease Control and Prevention, more than 20% of high school students reported vaping in 2018 – almost twice the 2017 rate[1]. This translates to 3 million high school students using e-cigarettes in 2018 – more than double the number who reported using traditional cigarettes[2].The rise in vaping has been accompanied by the rise of vaping-related injuries and corresponding lawsuits. However, recent studies on vaping have unfolded discoveries which may be helpful in defending these lawsuits.

THC-containing Vaping Products

Reports have recently confirmed that most patients with e-cigarette product use-associated lung injury – known as EVALI – used THC products in their e-cigarettes. According to a Centers for Disease Control and Prevention ("CDC") press release, new cases of the illness have continued to decline. In the press release CDC Director Robert R. Redfield commented, "These reports build on the continued scientific progress CDC and our partners have made to reduce the number of EVALI cases." "It is also critically important that we continue to do all we can do to protect Americans — particularly young people — from this serious health threat."

The CDC and U.S. Food and Drug Administration now recommend not using any THC-containing vaping products. In particular, the CDC and U.S. Food and Drug Administration recommend not using such products from informal sources including in-person or online dealers. These recent recommendations slightly ease the CDC's October 2019 message, when the agency encouraged people to not use vaping products altogether. According to a recent report, 82% of EVALI patients nationwide in America reported using vaping products containing THC, while 57% reported using nicotine-containing products. Of those, 33% reported using exclusively THC-containing products and 14% reported using exclusively nicotine-containing products.

Nicotine-Containing Products

Another recent report from the CDC highlighted findings from people suffering from EVALI in Illinois, where nine out of 121 patients reported using only nicotine-containing products. According to the CDC, the findings support earlier data suggesting that, while products containing THC and vitamin E acetate play a major role in the outbreak, there is not enough evidence to rule out contribution from other chemicals of concern. The CDC reported a "breakthrough" in November when it found that the common vitamin supplement, vitamin E acetate, had been found in 29 samples taken from patients.

Continued from page 7

Current Statistics

As of January 14, 2020, there have been 60 deaths in 27 states and 2,668 hospitalizations or deaths from EVALI in all 50 states, D.C., Puerto Rico and the U.S. Virgin Islands, according to a report from the CDC. The number of EVALI cases has continued to decline. However, new cases and deaths are still being reported, according to the CDC.

In light of the EVALI outbreak, several states have imposed bans on vaping. Some of these bans have been tied up in the courts. At the federal level, the FDA's handling of e-cigarette regulations is ongoing. A federal judge very recently tossed a vaping trade group's bid to postpone a court-mandated deadline to begin enforcement action on vapes.

Conclusion

The information recently discovered regarding the illness, EVALI, can be used to defend lawsuits for personal injures from vaping. Specifically, the recent discoveries can play a key role in defending against a manufacturer's liability in a suit where the plaintiff has suffered from EVALI. The defense can point to the recent studies which indicate THC-containing products might instead be the cause of the illness. All individuals involved in vaping lawsuits should keep themselves apprised of the most recent studies to effectively arm themselves with information for defending claims.

Insurer has Right to Appeal Default Judgement in Small Claims Action

Credit to Smith Smith & Feeley, Newport Beach CA

Pursuant to Code of Civil Procedure section 116.710, a liability insurer has a right to appeal a default judgment entered against its insured in a small claims action. (*Pacific Pioneer Ins. Co. v. Superior Court* (2020) — Cal.App.5th —)

Facts

Following an auto accident, Vanessa Gonzalez filed a small claims against Jonathan Johnson. Johnson did not show up for the small claims hearing, and the small claims court thus entered a default judgment against Johnson for $10,000, plus $140 in costs.

Johnson's auto insurer, Pacific Pioneer Insurance Company, filed a timely notice of appeal to the superior court. However, the superior court struck Pacific Pioneer's notice of appeal, reasoning that Code of Civil Procedure section 116.710 precludes a non-appearing "defendant" from appealing a small claims judgment.

Pacific Pioneer sought relief in the California Court of Appeal, arguing that while Code of Civil Procedure section 116.710 precludes a non-appearing defendant from appealing a small claims judgment, the statute nevertheless gives the defendant's insurer the right to appeal. Pacific Pioneer thus asked the appellate court to issue an order requiring the superior court to reinstate Pacific Pioneer's notice of appeal.

Holding

The appellate court held that Pacific Pioneer was entitled to appeal the default judgment entered against Johnson in the small claims court. In so holding, the appellate court relied on Code of Civil Procedure section 116.710, which governs appeals in small claims actions. Subdivision (c) expressly gives "the insurer of the defendant" the right to appeal any small claims judgment over $2,500, while subdivision (d) precludes "a defendant" who does not appear at the hearing from appealing the judgment. Thus, pursuant to the clear statutory language, "the defendant" who fails to appear at the smalls claims hearing gives up the right to appeal (subdivision (d)), but "the insurer of the defendant" still has a right to appeal (subdivision (c)). Accordingly, the appellate court issued an order requiring the superior court to reinstate Pacific Pioneer's appeal of the small claims default judgment against Johnson.

Comment

The purpose of Code of Civil Procedure section 116.710 is to protect an insurer in situations where the insured is either unable or unmotivated to defend against a small claims action. Allowing the insurer to appeal assures that someone will scrutinize the plaintiff's damage claim and diminishes the likelihood that the plaintiff and defendant will act in collusion.

On the Lighter Side :

Summary of Life

GREAT TRUTHS THAT LITTLE CHILDREN HAVE LEARNED:
1) No matter how hard you try, you can't baptize cats..
2) When your Mom is mad at your Dad, don't let her brush your hair.
3) If your sister hits you, don't hit her back. They always catch the second person.
4) Never ask your 3-year old brother to hold a tomato.
5) You can't trust dogs to watch your food..
6) Don't sneeze when someone is cutting your hair..
7) Never hold a Dust-Buster and a cat at the same time.
8) You can't hide a piece of broccoli in a glass of milk.
9) Don't wear polka-dot underwear under white shorts.
10) The best place to be when you're sad is Grandma's lap.

GREAT TRUTHS THAT ADULTS HAVE LEARNED:
1) Raising teenagers is like nailing jelly to a tree.
2) Wrinkles don't hurt.
3) Families are like fudge...mostly sweet, with a few nuts
4) Today's mighty oak is just yesterday's nut that held its ground...
5) Laughing is good exercise. It's like jogging on the inside.
6) Middle age is when you choose your cereal for the fiber, not the toy..

GREAT TRUTHS ABOUT GROWING OLD
1) Growing old is mandatory; growing up is optional...
2) Forget the health food. I need all the preservatives I can get.
3) When you fall down, you wonder what else you can do while you're down there.
4) You're getting old when you get the same sensation from a rocking chair that you once got from a roller coaster.
5) It's frustrating when you know all the answers but nobody bothers to ask you the questions...
6) Time may be a great healer, but it's a lousy beautician
7) Wisdom comes with age, but sometimes age comes alone.

THE FOUR STAGES OF LIFE:
1) You believe in Santa Claus.
2) You don't believe in Santa Claus.
3) You are Santa Claus..
4) You look like Santa Claus.

SUCCESS:
At age 4 success is .. . . . Not piddling in your pants.
At age 12 success is . .. . Having friends.
At age 17 success is . . Having a driver's license.
At age 35 success is . . . ..having money.
At age 50 success is . . . Having money..
At age 70 success is . .. . Having a drivers license.
At age 75 success is . ... . Having friends.
At age 80 success is . . .. Not piddling in your pants.

Always remember to forget the troubles that pass your way;
BUT NEVER forget the blessings that come each day.

Have a wonderful day with many *smiles*

Take the time to live!!!