

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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No. S281510

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KATHERINE ROSENBERG-  
WOHL,  
Plaintiff, Appellant, and  
Petitioner

v.

STATE FARM FIRE AND  
CASUALTY COMPANY, et  
al.,  
Defendant and  
Respondent.

Superior Court of California  
San Francisco County  
No. CGC-20-587264  
Hon. Ann-Christine Massullo

Court of Appeal of State of California  
First District – Division 2  
No. A163848

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**REPLY ISO PETITION FOR  
REVIEW**

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## SOL

State Farm's argument is that if a party has a homeowner's policy, she cannot bring a claim challenging its business practices. That confuses standing to bring any claim with the nature of the claim she brings.

## Prudential

Petitioner does not argue that *Prudential* is unsettled, or that courts apply it inconsistently. Petitioner argues that it has been interpreted consistently but *incorrectly*, and that this improper interpretation has been extended and compounded by lower state courts and federal courts alike.

## Why Address the Issues in the Context of This Petition?

Given how many years have passed and how many decisions have issued, it will take a case with an unusual posture to provide this Court with the chance to clarify what it meant in *Prudential's* footnote 5.

A Petition for Review is not the time to deal with the trial court's brief assertion that plaintiff's showing was factually insufficient – an assertion with which petitioner takes exception – which is why this Petition does not deal with that fillip of the appellate court's decision. The fact that the appellate court did not fairly characterize the factual record below can be

easily – and comprehensively – addressed in substantive briefing, if permitted.

Dated: September 18, 2023

Hershenson Rosenberg-Wohl, APC  
Respectfully submitted,

By \_\_\_\_\_/s/\_\_\_\_\_  
David M. Rosenberg-Wohl

Attorneys for Plaintiff, Appellant, and  
Petitioner Katherine Rosenberg-Wohl

**CERTIFICATE OF COMPLIANCE**

This brief is set using 13-pt Georgia. According to Word, the computer program used to prepare this brief, this brief contains 197 words, excluding the tables, the cover information, this certificate, any signature block and attachment, pace California Rules of Court, rule 8.204(c).

The undersigned certifies that this brief complies with the form requirements set by the California Rules of Court, rule 8.204(b) and contains fewer words than permitted by rule 8.204(c).

Dated: September 18, 2023

Hershenson Rosenberg-Wohl, APC  
Respectfully submitted,

By \_\_\_\_/s/\_\_\_\_\_  
David M. Rosenberg-Wohl

Attorneys for  
Petitioner Katherine Rosenberg-Wohl

## **PROOF OF SERVICE**

I declare:

At the time of service I was at least 18 years of age and not a party to this legal action. My business address is 3080 Washington St., San Francisco, CA 94115. I served document(s) described as Petitioners' Petition for Review as follows:

On September 18, 2023, I served via TrueFiling, and no error was reported, a copy of the document(s) identified above on:

- First Appellate District
- Judge Ann-Christine Massullo, San Francisco Superior Court Judge
- Megan O'Neill and Lauren Hudecki  
(for State Farm Fire and Casualty Company)
- Adelina Acuna  
(for California Department of Justice)

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

Hershenson Rosenberg-Wohl,  
A Professional Corporation

Dated: September 18, 2023

By: /s/ David M Rosenberg-Wohl

David M. Rosenberg-Wohl  
Attorneys for Petitioners

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **ROSENBERG-WOHL v. STATE FARM FIRE AND CASUALTY COMPANY**  
Case Number: **S281510**  
Lower Court Case Number: **A163848**

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2. My email address used to e-serve: **david@hrw-law.com**
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9/18/2023

Date

/s/David Rosenberg-Wohl

Signature

Rosenberg-Wohl, David (132924)

Last Name, First Name (PNum)

Hershenson Rosenberg-Wohl, A Professional Corporation

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Law Firm