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23 STATE FARM GENERAL INSURANCE

24 COMPANY

25 **BEFORE THE INSURANCE COMMISSIONER**

26 **OF THE STATE OF CALIFORNIA**

27 In the Matter of the Rate Applications of

28 STATE FARM GENERAL INSURANCE  
COMPANY,

Applicant.

File Nos.: PA-2024-00011, PA-2024-00012,  
PA-2024-00013

**STATE FARM GENERAL INSURANCE  
COMPANY'S MOTION TO COMPEL  
FURTHER DISCOVERY FROM  
CALIFORNIA DEPARTMENT OF  
INSURANCE**

1 Applicant State Farm General Insurance Company (“SFG” or “Applicant”) respectfully  
2 submits this Motion to Compel, which follows several valuable discussions with California  
3 Department of Insurance (CDI) attorneys regarding SFG’s Requests for Discovery.

4 SFG filed this rate application using “Variance 6”, the “financial condition” variance set  
5 forth in 10 CCR section 2644.27(f)(6). The first listed element of Variance 6 (subpart (A)) requires  
6 “[a] showing of the insurer’s condition, based on generally accepted standards such as the National  
7 Association of Insurance Commissioners’ Insurance Regulatory Information System[.]”

8 To that end, and based on an understanding of how the state-based financial surveillance  
9 system is supposed to work, SFG requested from CDI communications between CDI and the  
10 Illinois Department of Insurance (the “Illinois Department” or “IL DOI”), since January 1, 2025,  
11 concerning State Farm General’s financial condition. (SFG Request No. 1.) SFG expressly stated  
12 in its request that it was not seeking documents described in the various statutes providing for  
13 confidentiality, listing statutes. CDI’s log, produced in response to SFG’s request, discloses that it  
14 certainly has such documents. But CDI has not produced them based on its inapposite interpretation  
15 of certain statutes that do not apply in this context.

16 In this Motion, SFG requests an order compelling CDI to produce the documents on its log  
17 for *in camera* inspection, so that the ALJ can determine whether the documents, or redacted  
18 versions, can be produced. In particular, the logged documents are expected to include highly  
19 relevant statements by the Illinois Department that its domiciliary company, SFG, is a “troubled”  
20 company in “hazardous” condition (or statements of similar meaning).

21 SFG intends to again provide evidence of its financial condition based on analysis of  
22 publicly available information, as it did in the interim hearing, in the “full” hearing on this rate  
23 application. A determination of SFG’s financial condition made by SFG’s solvency regulator,  
24 which is the IL DOI, would be dispositive in proving up subpart (A) of Variance 6. This very likely  
25 exists, based on a review of CDI’s log.

26 CDI’s privilege log demonstrates that the Illinois Department of Insurance has in fact  
27 evaluated State Farm General’s financial condition following the Los Angeles wildfires, including  
28 as recently as June of this year, and has communicated with CDI regarding State Farm General’s

1 financial condition. *See, e.g.*, Wells Decl., filed herewith, Ex. 23, CDI Privilege Log (“CDI Log”).  
2 Indeed, the privilege log demonstrates that the Illinois Department of Insurance has determined that  
3 *further regulatory action is required due to State Farm General’s weakened financial condition.*  
4 *Id.* at 21A (describing “company action level event”). On information and belief, given the  
5 privilege log and the fact of State Farm General’s weakened financial condition as demonstrated in  
6 the interim rate hearing, the Illinois Department of Insurance has determined that State Farm  
7 General is in a “hazardous” financial condition, and has shared that information with CDI. *See*  
8 Wells Decl. Ex. 22, May 13, 2025 Proposed Decision Approving Stipulation, as adopted by the  
9 Commissioner at 26-28 (establishing weakened financial condition); Ex. 23, CDI Privilege Log  
10 Nos. 1, 2A, 21A, 22 (showing communications between California Department of Insurance and  
11 Illinois Department of Insurance related to State Farm General’s weakened financial condition);  
12 215 ILCS § 5/123B-2 (defining “hazardous financial condition”); *see also* Hammer Decl., filed  
13 herewith, at 5 (“The communications in [CDI’s] log are of the sort that that would occur when  
14 regulators have found the subject insurer to be a potentially ‘troubled company.’”).)

15 State Farm General submits that the Illinois Department of Insurance’s determination that  
16 State Farm General’s financial condition is “hazardous” is dispositive as to the first prong of the  
17 Variance 6 inquiry, which requires “[a] showing of the insurer’s condition, based on generally  
18 accepted standards such as the National Association of Insurance Commissioners’ Insurance  
19 Regulatory Information System.” 10 CCR § 2644.27(f)(6)(A). It is the job of the Illinois  
20 Department of Insurance to evaluate State Farm General’s financial condition. The Illinois  
21 Department of Insurance has in fact made that evaluation and has shared that information with CDI,  
22 as disclosed by the CDI log.

23 State Farm General understands the benefit to the public record of airing the question of  
24 State Farm General’s financial condition based on public materials, as occurred in the interim rate  
25 hearing and as State Farm General is prepared to address again in the full rate hearing. But there  
26 is no authority for parties to challenge, in an adjudicatory rate hearing, a determination made by  
27 the lawful solvency regulator exercising an executive function. The Illinois Department’s  
28

1 evaluation must be respected.<sup>1</sup>

2 **I. STATEMENT OF FACTS**

3 SFG requested a rate increase on June 27, 2024, for its homeowners non-tenant and  
4 renter/condo tenant lines, and on July 5, 2024, for its rental dwelling lines. (SFG-VW-2, SFG's  
5 Rate Application (No. 24-1271); SFG-VW-3, SFG's Rate Application (No. 24-1273); and SFG-  
6 VW-4, SFG's Rate Application (No. 24-1330), respectively.)<sup>2</sup> A hearing on SFG's rate  
7 applications was set to commence by June 1, 2025. (SFG-VW-19, CDI's Mar. 17, 2025 Notice of  
8 Hearing at p. 7:16–18.) To help ensure its continuing financial strength and prevent a ratings  
9 downgrade prior to the resolution of its rate applications, SFG requested an emergency interim rate  
10 of 21.8% for its homeowners non-tenant (File No. 24-1271), 15% for renter/condo tenant (File No.  
11 24-1273), and 38% for rental dwelling lines (File No. 24-1330). On March 14, 2025, the  
12 Commissioner "provisionally granted" SFG's request pursuant to a "two-way stipulation between  
13 the Department and State Farm" under 10 CCR § 2656.1(g). (SFG-VW-5, Commissioner's Mar.  
14 14, 2025 Emergency Interim Rate Order at p. 2:20.)

15 The Commissioner asked the ALJ to set a hearing on April 8, 2025, to "hear from State  
16 Farm regarding its emergency interim rate requests," including through "evidence and argument  
17 provided at the hearing." (*Id.* at p. 2:18-24.) On May 13, 2025, the ALJ issued its Proposed  
18 Decision Approving Stipulation, which approved SFG's interim rates. That same day the  
19 Commissioner adopted the ALJ's decision.

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20 <sup>1</sup> Of course it would be desirable to have a direct statement from IL DOI, which could be in  
21 the form of a stipulation which does not disclose information protected by statute, rather than  
22 interpreting CDI's withheld document log along with publicly available materials. State Farm  
23 General believes that Illinois Department would provide such a statement or stipulation if requested  
24 by CDI, and believes that is still a potential avenue. But nothing has materialized prior to the  
25 deadline for filing a Motion to Compel. As an avenue (other than a stipulation) for discovering a  
26 definitive statement, State Farm General sought discovery with respect to communications between  
27 the Illinois Department of Insurance and CDI regarding State Farm General's financial condition  
28 since January 1, 2025, carefully excluding from the request anything protected by the specific  
controlling statutes. Although CDI has asserted privilege over these documents, State Farm  
General believes that *in camera* review is appropriate to determine whether there are documents or  
portions of documents that can be redacted and produced to establish the requirement of Section  
2644.27(f)(6)(A), if there is no other way to obtain for the record in this case the Illinois regulator's  
determinations regarding State Farm General's financial condition.

<sup>2</sup> Given the voluminous nature of these records, the records from the Interim Rate Hearing  
are not being attached as exhibits to this Motion.

1 The parties are currently engaged in discovery in preparation for the full rate hearing,  
2 currently scheduled for December 2, 2025. On June 30, 2025, SFG propounded its first set of  
3 Requests for Discovery on CDI. SFG propounded only four requests, including Request No. 1  
4 seeking information related to SFG's financial condition that CDI received from the Illinois  
5 Department of Insurance. CDI served its objections and responses to SFG's Requests for Discovery  
6 on July 30, 2025.

7 While CDI has responded in one way or another to three out of the four requests, CDI has  
8 refused to respond and/or produce documents responsive to SFG's Request No. 1:

9 DOCUMENTS AND COMMUNICATIONS RELATING TO STATE FARM  
10 GENERAL'S financial condition received by YOU from, or made by Commissioner Lara  
11 to any person at, the Illinois Department of Insurance since January 1, 2025. This request  
12 does not include DOCUMENTS identified in California Insurance Code sections 739.8(a),  
923.6(f), 935.8, 1215.8, or Illinois Compiled Statutes Chapter 215 sections 5/129.8,  
5/131.22, 5/136(6)(b) and (d), 5/35A-50.

13 In response, CDI objected to the request as seeking documents not relevant to the subject  
14 matter of the proceeding and claiming that the documents sought would not be admissible in the  
15 proceeding. CDI also objected to the request as seeking confidential documents which are  
16 statutorily barred from production. Finally, CDI objected to the request as seeking documents  
17 protected by various privileges, including the deliberative process privilege, the attorney-client  
18 privilege, the attorney work product doctrine and/or the settlement communication privilege.

19 On August 13, 2025, CDI served its privilege log, withholding various documents and the  
20 grounds for withholding each, including references to California Insurance Code sections 735.5,  
21 739.8, 1215.8, and 12919, Evidence Code sections 1040 and 1041, Code of Civil Procedure section  
22 2018.030, the NAIC Master Information Sharing and Confidentiality Agreement<sup>3</sup>, and Illinois  
23 Insurance Code (215 ILCS § 5/404). The vast majority of the documents on CDI's privilege log  
24 are responsive to SFG's Request No. 1.

25 On August 12 and August 19, 2025, SFG met and conferred with CDI regarding CDI's  
26 withholding of documents responsive to Request No. 1. CDI has indicated that it has interpreted

27  
28 <sup>3</sup> CDI refused to provide a copy of the NAIC Master Information Sharing and Confidentiality  
Agreement to SFG but did not include a basis for not doing so.

certain statutes as imposing confidentiality obligations that CDI believes would prevent disclosure here, notwithstanding the fact that the documents are likely highly relevant to this proceeding.

## **II. LEGAL STANDARD**

Pursuant to California Government Code § 11507.7(a), “[a]ny party claiming the party’s request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6.” As a result, SFG brings this Motion pursuant to Section 11507.7, outlining CDI’s inability to comply with Section 11507.6, describing the matters sought to be discovered, detailing why such matters are discoverable, explaining how a reasonable and good-faith effort has been made to reach an informal resolution of the issue, and noting CDI’s grounds of refusal so far as known to SFG.

The California Code of Regulations provides a procedure for disputing a party’s response to discovery requests. *See* 10 CCR § 2655.1(b)-(d). Following meet and confer discussions where CDI and SFG could not resolve the discovery dispute, SFG is permitted to “file and serve a motion to compel discovery accompanied by a copy of the original discovery request and response thereto.” *Id.* § 2655.1(d). “The motion to compel discovery shall contain a statement specifying why the requested information is sought, and include facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion.” *Id.* State Farm General similarly brings this Motion pursuant to Section 2655.1, outlining CDI’s lack of production of the information sought to be discovered, explaining why such information is being sought, and providing facts showing a reasonable and good faith attempt to reach an informal resolution.

## **III. ARGUMENT**

Despite good-faith efforts by SFG to resolve this discovery dispute, CDI’s response remains a complete block to discovery and its privilege log does not remedy the issue. Critically, SFG’s actual request *excluded* materials protected from disclosure by each and every one of the statutes of which SFG is aware that may create confidentiality barriers. SFG emphasizes that it did not request any such protected materials. But, still, CDI has withheld documents. SFG requests an order that would require production of the documents on the CDI log for *in camera* review by the

1 ALJ in accordance with 10 CCR section 2655.1(e). To make this process efficient, SFG proposes  
2 that the ALJ begin with *in camera* review of 4 specific document families as an initial step—

- 3 1. CDI Log No. 1 (email from IL DOI to CDI) and 1A (“Illinois Department of Insurance  
4 / Insurer Profile Summary / State Farm General Insurance Company / As of December  
5 31, 2024, Updated as of March 25, 2025”) (dated May 1, 2025)
- 6 2. CDI Log. No. 13 (email from IL DOI RE: “Commissioner Lara adopts judge’s ruling  
7 on State Farm emergency rates, balancing consumer protections and financial  
8 solvency”) (dated May 13, 2025)
- 9 3. CDI Log No. 17 (email from IL DOI to CDI – “Re: State Farm General”) (dated January  
10 15, 2025)
- 11 4. CDI Log No. 22 (Memo from IL DOI to “all licensed states” regarding SFG) (dated  
12 March 4, 2025)

13 As discussed in Section III-A below, the material in this selection (and in the other logged  
14 documents) appears to be highly relevant to SFG’s financial condition and SFG’s invocation of  
15 Variance 6. Furthermore, CDI’s legal objections appear to be both inapplicable to the context of  
16 the logged documents and otherwise do not prohibit disclosure here (*see* Sections III-B and III-C).

17 The ALJ should grant this Motion, review the 4 specific document families identified above  
18 and—if some disclosure is warranted for any of those documents—proceed to review the other  
19 approximately 24 documents (including attachments) on the log that are responsive to SFG Request  
20 No. 1 to similarly confirm (i) that such documents are indeed relevant to IL DOI’s assessment of  
21 SFG’s financial condition and (ii) that the stated statutes in the log do not require withholding here,  
22 or that the documents could be redacted to preserve confidentiality concerns while establishing  
23 what is important here, which is the determination by SFG’s solvency regulator (IL DOI) that SFG  
24 is a “troubled” company, based on all of the required disclosures to the IL DOI and IL DOI’s  
25 analysis of those disclosures.<sup>4</sup>

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26  
27 <sup>4</sup> Requested subset for initial *in camera* review: CDI Log Nos. 1 (and 1A), 13, 17, 22.  
28 Requested further review of logged documents responsive to SFG’s Request No. 1: CDI Log Nos.  
2 (and 2A), 3, 4 (and 4A), 5 (and 5A), 6 (and 6A), 7, 8, 9, 11, 12, 14, 15, 16, 18, 19 (and 19A), 20  
(and 20A), and 21 (and 21A).

1           **A.     SFG’s Discovery Request Seeks Relevant Information.**

2           SFG’s request at issue seeks information directly relevant to the rate hearing. Specifically,  
3 it is not a secret that SFG is suffering from an impaired financial condition—everyone knows,  
4 especially SFG’s solvency regulator, the Illinois Department of Insurance, and California’s  
5 Department of Insurance, Financial Surveillance Branch. It is inconceivable that CDI can hold  
6 incontrovertible evidence that SFG is in dire circumstances but not produce *any* information it  
7 has—and it clearly has such information—even as to the conclusion. SFG’s financial condition is  
8 a known fact to CDI and must be proven as a part of its Variance 6 application, which requires a  
9 “showing of the insurer’s condition, based on generally accepted standards such as the National  
10 Association of Insurance Commissioners’ Insurance Regulatory Information System.” 10 CCR  
11 § 2644.27(f)(6)(A).

12           Based on CDI’s privilege log, it is clear that responsive documents exist in response to this  
13 specific request, which, as indicated above, are necessary for SFG to establish material elements of  
14 its rate application. Specifically, CDI has logged various communications with the Illinois  
15 Department of Insurance regarding SFG. Pursuant to the guidance set forth in detail below, SFG  
16 has reason to believe that these communications between the two regulators are common when the  
17 insurance company—SFG in this case—is domiciled in Illinois but also does business in California.  
18 SFG also has reason to believe that such communications increase when an insurance company is  
19 in a “troubled” financial condition. While not entirely clear from the description of the documents  
20 logged on CDI’s privilege log, but given SFG’s deteriorating financial condition that was outlined  
21 in the interim rate hearing, SFG expects that the logged communications with the Illinois  
22 Department of Insurance since January 1, 2025 include pertinent information relating to SFG’s  
23 financial condition. (*See* Hammer Decl. at 5.)

24           SFG is domiciled in Illinois and is regulated by the Illinois Department of Insurance. The  
25 Illinois Department of Insurance therefore has the authority to determine SFG’s financial condition.  
26 *See* 215 ILCS § 5/131.21(1) (vesting authority in Illinois Director of Insurance to ascertain financial  
27 condition); § 5/123B-2 (defining “hazardous financial condition”); § 5/186.1 (providing range of  
28 possible actions Director may take if a company is in a “hazardous financial condition”). Moreover,



1 pursuant to 215 ILCS § 5/129.8(c)(1), the Illinois Department of Insurance shares “documents,  
2 materials, or other ORSA-related information . . . with other state, federal, and international  
3 financial regulatory agencies,” including CDI and other California government agencies.<sup>5</sup>

4 In sum, SFG reasonably believes that the logged communications with the Illinois  
5 Department of Insurance include relevant communications between the Illinois Department of  
6 Insurance and CDI that relate to SFG’s financial condition.

7 **B. CDI’s Objections Do Not Apply to the Financial Condition Documents Sought**  
8 **by SFG in This Motion.**

9 CDI’s July 30, 2025 objections repeatedly state that SFG has the burden of proof in this  
10 matter, but that is not an objection—discovery is how a litigant obtains information to meet its  
11 burden of proof. SFG is entitled to obtain critical evidence in CDI’s possession that would help  
12 SFG meet its burden. The Illinois Department of Insurance, SFG’s regulator, has and continues to  
13 oversee SFG’s financial condition, including all of the requirements imposed on an insurer in SFG’s  
14 condition. CDI’s log shows consistent communication from Illinois to CDI.

15 CDI objected to SFG’s Request No. 1 as seeking confidential documents which are  
16 statutorily barred from production under various statutes. However, as set forth explicitly in the  
17 text of the request, the “request does not include DOCUMENTS identified in California Insurance  
18 Code sections 739.8(a) [(“RBC Reports”), 923.6(f) [(“Actuarial Reports”), 935.8 [(“ORSA”  
19 information)], 1215.8 . . . ,” clearly indicating that it is not seeking such statutorily protected  
20 information.

21 Finally, CDI objects to the request because it seeks documents protected by various  
22 privileges, including the deliberative process privilege, the attorney-client privilege, the attorney  
23 work product doctrine and/or the settlement communication privilege. Given that these documents  
24 relate specifically to SFG’s financial condition—a factual issue—it seems difficult to justify such  
25 privileges as applicable to these documents. If CDI continues to claim such privilege protections

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26 <sup>5</sup> CDI has cited the “NAIC Master Information Sharing and Confidentiality Agreement” in  
27 its privilege log as a basis for withholding many documents, but CDI has indicated that it is unable  
28 to share that agreement with SFG. Without presenting that agreement or, at a bare minimum,  
relevant provisions from it, CDI’s objections to production cannot be sustained on the basis of that  
document.

1 over the documents, SFG requests that the ALJ ask CDI to produce a revised and adequate privilege  
2 log that includes such bases as grounds for withholding.

3 **C. CDI's Grounds for Withholding Documents Are Inapplicable or Cannot Be**  
4 **Assessed with the Limited Information Provided.**

5 SFG acknowledges the importance of the various confidentiality provisions set forth in the  
6 California Insurance Code. As indicated above, SFG's request does not include documents  
7 identified in California Insurance Code sections 739.8(a), 923.6(f), 935.8, 1215.8, or Illinois  
8 Compiled Statutes Chapter 215 sections 5/129.8, 5/131.22, 5/136(6)(b) and (d), 5/35A-50. While  
9 CDI lists a couple of these statutes as the basis for withholding the documents on its log (sections  
10 739.8 and 1215.8)<sup>6</sup>, the log does not include sufficient information in order for SFG to determine  
11 whether the documents are indeed subject to the protection of such statutes. For example, the  
12 description of CDI Log No. 22 on CDI's log reads "Regarding State Farm General Insurance (NAIC  
13 #25151)." SFG cannot make a determination about whether this document falls under section 739.8  
14 or section 1215.8 from this inadequate description. The same is true for a number of other  
15 documents and their attachments: CDI Log Nos. 1, 2, 3, 4, 7, 21, 22 ("Email 'RE: State Farm  
16 General Insurance Company – Request for Insurer Profile Summary as of 12/31/24'"); CDI Log  
17 Nos. 5, 6 ("Email 'RE: Confidential Regulator Communication – State Farm General Insurance  
18 Company (IL-25151)'"); CDI Log No. 8 ("Email 'Call on State Farm General'"); CDI Log No. 9  
19 ("Subject 'Meet with Insurance Director Dana Popish Severinghaus of Illinois Department of  
20 Insurance (Virtual)'"); among others.

21 Furthermore, in its log, CDI cites to California Insurance Code section 12919 as another  
22 basis for withholding the logged materials, but that statute is inapposite here. Section 12919  
23 protects Californians complaining about insurers or insurance agents or brokers. It would not be  
24 consistent with the clear purpose of the statute if it were to apply to communications from other

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25  
26 <sup>6</sup> CDI also cites California Insurance Code section 735.5 in its log, but that section protects  
27 documents "produced by, obtained by, or disclosed to the commissioner or any other person" during  
28 a market conduct examination. Since CDI is withholding documents solely in response to SFG's  
Request No. 1—which concerns SFG's financial condition and is unrelated to market conduct  
examinations—section 735.5 does not apply.

1 regulators.<sup>7</sup> The Insurance Code is replete with specific instructions on sharing between regulators,  
2 specifically including the documents of the type presumably at issue, which are clearly separate  
3 and independent from an obviously unrelated provision. *See, e.g.*, Cal. Ins. Code § 935.8(c)(1)-(2)  
4 (allowing Commissioner to share and receive ORSA materials with “other state, federal, and  
5 international financial regulatory agencies [and] . . . with the NAIC . . .”); *id.* § 1215.8(b)(1)-(3)  
6 (similar provisions regarding confidential and trade secret materials obtained in course of  
7 examination).

8 With respect to its use of Evidence Code sections 1040 and 1041, CDI similarly has not  
9 provided SFG with sufficient information to make the determination that the withheld documents  
10 indeed fall under such provisions. To the extent this conclusion is based on section 12919, regulator  
11 communications are not the subject of 12919.

12 In sum, SFG respectfully requests that the ALJ require CDI to submit to the ALJ the  
13 withheld documents for *in camera* review as to the claimed grounds for withholding.

14 **V. CONCLUSION**

15 For the foregoing reasons, SFG respectfully requests that this Motion be granted.  
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22 <sup>7</sup> *See Sierra Nat. Ins. Holdings, Inc. v. Altus Fin., S.A.*, No. CV 01-01339 AHM (CWX), 2001  
23 WL 1343855, at \*2-\*3 (C.D. Cal. June 20, 2001) (examining section 12919 and determining it  
24 “was designed to encourage confidential communications to the Commissioner and immunize the  
25 maker of these communications from liability, such as for defamation, to the persons or businesses  
26 about whom the communication was made”). The first and final lines of section 12919 make clear  
27 this section was intended to apply to individuals, rather than entities. *Id.* at \*3. The first line’s  
28 “express reference to and reliance on statutory provisions protecting informers confirms that it is  
meant to encourage third party informers to communicate to the Commissioner regarding license  
applicants or holders, and to protect them.” *Id.*; *see also* Cal. Ins. Code § 12919; Cal. Evid. Code  
§ 1041 (outlining privilege for identity “of a person”). The final line further adds that, while there  
is no liability for making the statement, “he [the one who made the statement] may still be required  
to attend a hearing or produce evidence supporting his allegations, lest the Commissioner pursue  
an alleged wrongdoer without support.” *Altus Fin., S.A.*, 2001 WL 134855 at \*3; Cal. Ins. Code §  
12919.

1 Dated: August 20, 2025

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