

[Court Refuses Requests to Depublish Decision Affirming Rescission of Health Insurance Policy](#)

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On April 28, 2010, the [California Supreme Court](#) declined to review the Second District Court of Appeal's decision in [Nieto v. Blue Shield of California Life & Health Insurance Company](#), 181 Cal. App. 4th 60 (2010) ([previously discussed here](#)). The Supreme Court also [declined to depublish the Nieto decision](#), despite numerous requests from consumer groups and a specific request from the Los Angeles City Attorney's office.

The Supreme Court's decision confirms the *Nieto* court's holding that the underwriting standards addressed by the Second District in [Hailey v. California Physicians' Service](#), 158 Cal. App. 4th 452 (2007), have no application to health insurers in California. It also confirms the holding in *Nieto* that advising applicants in the application, and in the policy, that an insurance policy is issued in reliance on the application statements will satisfy the requirements of the California *Insurance Code* attachment statutes to "endorse" the application on the policy.

Finally, the *Nieto* decision is also being widely reviewed for its holding concerning when successive motions for summary judgment can be filed.

Further discussions on the *Hailey* and *Nieto* decisions can be found here:

- [Victory in Health Care Rescission Case](#)
- [California Court of Appeal Upholds Rescission of Health Insurance Policy](#)
- [Court Finds Triable Issue of Fact as to Rescission of Health Insurance, but Upholds Dismissal of Bad Faith and Punitive Damage Claims](#)