

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Supreme Court No. 30,165

Ct. App. No. 26,058

Appealed from the District Court of Sandoval County
(Louis P. McDonald, District Judge)

**JOAN FERRELL, MARIA C. CAPPUZZELLO,
ELIZABETH MARTINEZ, and JAKE SALAZAR,**
Petitioners,

v.

**ALLSTATE INSURANCE COMPANY and
ALLSTATE INDEMNITY COMPANY,**

Respondents.

**MOTION FOR LEAVE TO FILE BRIEF
FOR AMICUS CURIAE CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA
IN SUPPORT OF RESPONDENTS**

Pursuant to New Mexico Rule of Appellate Procedure 12-215, amicus curiae the Chamber of Commerce of the United States of America respectfully moves for leave to file a brief in support of Respondents. The brief proposed to be filed has been concurrently lodged herewith.

The Chamber of Commerce of the United States of America ("Chamber") is the world's largest business federation. It represents an underlying membership of more than three million businesses and organizations of every size, in every sector, and from every region of the country.

The Chamber actively represents the interests of its members in court on issues of concern to the business community, and few legal issues are of greater concern to the business community than those relating to class certification. The Chamber regularly participates as an amicus curiae in federal and state cases presenting questions about the propriety of class certification, including, for example, Amchem Products, Inc. v. Windsor, 521 U.S. 591 (1997); State Farm Mutual Auto Insurance Co. v. Speroni, 525 U.S. 922 (1998); Miles v. Merrill Lynch & Co. (In re Initial Public Offering Securities. Litigation), 471 F.3d 24 (2d Cir. 2006); Castano v. American Tobacco Co., 84 F.3d 734 (5th Cir. 1996); and Sperry v. Crompton Corp., 863 N.E.2d 1012 (N.Y. 2007).

The Chamber's regular participation in issues relating to class certification render it a valuable amicus curiae participant in this case. The brief proposed to be filed is concise and targeted to address and respond to the main issues on appeal, as well as the national policy implications of a reversal in this case.

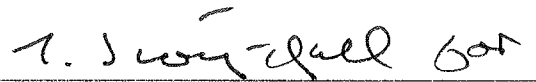
Counsel for respondents have consented to the filing of this submission. Counsel for petitioners have indicated that they take no position on this motion.

For the foregoing reasons, the Chamber of Commerce respectfully requests the Court grant it leave to file a brief amicus curiae in the above-captioned case.

Respectfully submitted,

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June 18, 2007

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