

**In the
Supreme Court of the United States**

WHISPERING OAKS RESIDENTIAL
CARE FACILITY LLC, ET AL.,

Petitioners,

v.

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, ET AL.,

Respondents.

**On Petition for a Writ of Certiorari to the
Court of Appeal of California, Sixth Appellate District**

**BRIEF IN OPPOSITION OF RESPONDENTS
TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA
AND JOSEPH TANCREDY**

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QUESTION PRESENTED

The California Court of Appeal determined that it “need not choose between Missouri and California law, because our analysis is the same.” (Petitioner’s Appendix (“Pet. App.”) 9.) The California Court of Appeal determined that Respondents were entitled to summary judgment under the laws of both Missouri and California. The question presented is:

Whether this Court should grant certiorari to review an unpublished state-court judgment that applied both interested States’ law, reached the same result under both, and therefore presents no constitutional choice-of-law question.

PARTIES TO THE PROCEEDINGS

Petitioners and Plaintiffs-Appellants below

- Whispering Oaks Residential Care Facility LLC
- Whispering Oaks RCF Management Co Inc.
- Naren Chaganti

Respondents and Defendants-Respondents below

- Travelers Property Casualty Company of America
- Joseph Tancredy

CORPORATE DISCLOSURE STATEMENT

Pursuant to this Court's Rule 29.6, Respondent TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA states that it is 100% owned by The Phoenix Insurance Company, which is 100% owned by The Travelers Indemnity Company, which is 100% owned by Travelers Insurance Group Holdings Inc., which is 100% owned by Travelers Property Casualty Corp., which is 100% owned by The Travelers Companies, Inc. The Travelers Companies, Inc. is the only publicly held company in the corporate family (NYSE: TRV). No individual or corporation owns 10% or more of the stock of The Travelers Companies, Inc.

JOSEPH TANCREDY is an individual.

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THE PETITION SHOULD BE DENIED

The petition's constitutional theory depends on the assertion that the California courts applied California law to a dispute that should have been governed by Missouri law. Petitioner repeatedly states and/or implies that the California courts failed to apply Missouri law. *See for example:*

- “[The California courts’] ultimate decision thereby rests on the forum state’s law, yielding an outcome that is arbitrary, unfair, confusing, and constitutionally deficient”. Petitioner’s Brief at 2.
- “This Court’s review is warranted to correct the lower court’s clear departure from *stare decisis* and from this Court’s long-established guidelines prohibiting the application of forum law to a distant dispute”. Petitioner’s Brief at 8.
- “The California Court of Appeal’s application of forum state’s law to a remote dispute cannot be squared with this Court’s long-standing precedents”. Petitioner’s Brief at 11.
- “This Court has summarily reversed state courts that ignored or refused to apply controlling precedents”. Petitioner’s Brief at 13.

The record is to the contrary. The Court of Appeal held that it “need not choose between Missouri and California law, because [its] analysis is the same.” (Pet. App. 9.) The Court of Appeal determined that irrespective of whether California or Missouri law applied, Respondents were entitled to summary judgment. The Court of Appeal addressed the laws of each state in reaching its Opinion. (*See generally*, Pet. App. 1-37.) Because the Court of Appeal already addressed Missouri law in reaching its Opinion, Petitioner has not demonstrated grounds for this Court to review the decision of the Court of Appeal. For the same reason, Petitioner’s arguments are perceived misstatements raised herein pursuant to this Court’s Rule 15.2.



CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

/s/ Aaron C. Agness

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