

The Burger Court Opinion Writing Database

Underwriters National Assurance Co. v. North Carolina Life & Accident & Health Insurance Guaranty

455 U.S. 691 (1982)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 13, 1981

Re: No. 80-1496 - Underwriters' National Assurance Co.
v. North Carolina Life and Accident, Etc. Association

Dear Bill:

I am now in a join three posture in this one.

Sincerely,

HAB.

Mr. Justice Rehnquist

cc: The Conference

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

From: Mr. Justice Rehnquist

Circulated: MAY 8 1981

Recirculated: _____

No. 80-1496 Underwriters National Assurance Co. v.

North Carolina Life and Accident and Health Insurance Guaranty

Association, et al.

JUSTICE REHNQUIST, dissenting.

The North Carolina courts in this case purported to adjudicate the rights of the various parties to an asset after an Indiana court had not only already done so, but after the Indiana court specifically determined that it had jurisdiction to do so. Because I believe there is a serious question whether the North Carolina courts erred in declining to give full faith and credit to the Indiana court decrees, see U.S. Const. Art. IV, § 1, I dissent from the denial of certiorari.

Petitioner Underwriters National Assurance Co. (UNAC) is an Indiana insurance company which in 1973 was licensed to do

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SUPREME COURT OF THE UNITED STATES

Resubmitted: _____

UNDERWRITERS NATIONAL ASSURANCE COMPANY
 v. NORTH CAROLINA LIFE AND ACCIDENT
 AND HEALTH INSURANCE GUARANTY
 ASSOCIATION, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS
 OF NORTH CAROLINA

No. 80-1496. Decided May —, 1981

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Petitioner Underwriters National Assurance Co. (UNAC) is an Indiana insurance company which in 1973 was licensed to do business in 45 States, including North Carolina. The asset in question is a \$100,000 deposit which UNAC was required to make in North Carolina for the benefit of North Carolina policyholders as a condition of doing business in that State. Respondent North Carolina Life and Accident and Health Insurance Guaranty Association (GA) is an association of all insurance companies doing business in North Carolina. GA is responsible to fulfill the insurance obligations of any of its members which becomes insolvent or otherwise fails to fulfill its policy obligations.

In 1974 the Indiana Department of Insurance commenced a rehabilitation proceeding pursuant to Indiana law concerning UNAC, on the ground that UNAC's reserves were inadequate to meet its future policy obligations. All interested parties were given notice of the rehabilitation proceedings,