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Hidalgo County District Clerks
Reviewed By: Alfonso Fuentes

MDL NOS. 13-0123, 13-0130 and 13-0418

IN RE MARCH 29, 2012 AND APRIL 20, 2012 HAIL STORM LITIGATION	§	IN THE DISTRICT COURT
	§	
	§	HIDALGO COUNTY, TEXAS
	§	
	§	206TH JUDICIAL DISTRICT

ORDER ADOPTING RECOMMENDATIO NO. 5 OF SPECIAL MASTER REGARDING REVISED MASTER DISCOVERY FOR RESIDENTIAL CASES

On this day, the Court having received Recommendation No. 5 of Special Master Regarding Revised Master Discovery for Residential Cases dated January 14, 2014, hereby approves such Recommendation.

IT IS THEREFORE ORDERED that the Court adopts the Recommendation of the Special Master and hereby approves the following sets of revised written "Master Discovery" to be utilized in these MDL proceedings:

Exhibit 1 Discovery to Plaintiffs, including Interrogatories and Requests for Production of Documents;

Exhibit 2 Claim Specific Requests for Production of Documents to Defendant Insurer;

Exhibit 3 Claim Specific Interrogatories to Defendant Insurer;

Exhibit 4 Institutional Requests for Production of Documents to Defendant Insurer;

Exhibit 5 Institutional Interrogatories to Defendant Insurer;

Exhibit 6 Requests for Production of Documents to Defendant Adjusting Company;

Exhibit 7 Interrogatories to Defendant Adjusting Company;

Exhibit 8 Requests for Production of Documents to Individual Defendant;

Exhibit 9 Interrogatories to Individual Defendant.

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IT IS FURTHER ORDERED that all parties shall retain the right to object in response to the Revised Residential Master Discovery after being served with such discovery, following completion of mediation as required by Section VI of Case Management Order No. 1. The parties further agree that responses and objections shall be served in accordance with the time and manner required by the TEXAS RULES OF CIVIL PROCEDURE.

IT IS SO ORDERED.

SIGNED and ENTERED this 1/17/2014.

Hon. Judge Rose Guerra Reyna

AGREED:

THE MOSTYN LAW FIRM

*/s/ J. Steven Mostyn**
J. Steven Mostyn
State Bar No. 00798389
Amber Anderson Mostyn
State Bar No. 90001704
Molly K. Bowen
State Bar No. 24069898
3810 W. Alabama Street
Houston, Texas 77027
(713) 861-6616 (Office)
(713) 861-8084 (Facsimile)

LIAISON COUNSEL FOR THE PLAINTIFFS

THOMPSON, COE, COUSINS & IRONS, L.L.P.

/s/ George H. Arnold
George H. Arnold
State Bar No. 00783559
One Riverway, Suite 1600
Houston, Texas 77056
Telephone: (713) 403-8210
Facsimile: (713) 403-8299

Jennifer M. Kearns
State Bar No. 24049865
701 Brazos, Suite 1500
Austin, Texas 78701
Telephone: (512) 708-8200
Facsimile: (512) 708-8777

LIAISON COUNSEL FOR THE DEFENDANTS

**Signed with permission*

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IN RE MARCH 29, 2012 AND APRIL 20, 2012 HAIL STORM LITIGATION	§	IN THE DISTRICT COURT
	§	
	§	
	§	HIDALGO COUNTY, TEXAS
	§	
	§	
	§	206TH JUDICIAL DISTRICT

RECOMMENDATION NO. 5 OF SPECIAL MASTER REGARDING REVISED MASTER DISCOVERY FOR RESIDENTIAL CASES

Pursuant to my appointment as Special Master in the above-referenced MDL proceedings, I hereby recommend that the following sets of written discovery, attached hereto as Exhibits 1 through 9, be released as Revised Master Discovery for Residential Cases to be utilized in these proceedings:

Exhibit 1 Discovery to Plaintiffs, including Interrogatories and Requests for Production of Documents;

Exhibit 2 Claim Specific Requests for Production of Documents to Defendant Insurer;

Exhibit 3 Claim Specific Interrogatories to Defendant Insurer;

Exhibit 4 Institutional Requests for Production of Documents to Defendant Insurer;

Exhibit 5 Institutional Interrogatories to Defendant Insurer;

Exhibit 6 Requests for Production of Documents to Defendant Adjusting Company;

Exhibit 7 Interrogatories to Defendant Adjusting Company;

Exhibit 8 Requests for Production of Documents to Individual Defendant;

Exhibit 9 Interrogatories to Individual Defendant.

This revised set has been adopted in order to address typographical errors and an omission. It is expressly understood and agreed that all parties shall retain the right to object in response to the Revised Master Discovery for Residential Cases after being served with the

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discovery, following completion of early mediation as required by Section VI of Case Management Order No. 1. The parties further agree that responses and objections shall be served in accordance with the time and manner required by the TEXAS RULES OF CIVIL PROCEDURE.

IT IS SO RECOMMENDED.

SIGNED this date 1/14/14.

ROBERTO L. RAMIREZ
Special Master

MDL NOS. 13-0123, 13-0130 and 13-0418

IN RE MARCH 29, 2012 AND APRIL 20, 2012 HAIL STORM LITIGATION	§	IN THE DISTRICT COURT
	§	
	§	HIDALGO COUNTY, TEXAS
	§	
	§	
	§	206TH JUDICIAL DISTRICT

MASTER DISCOVERY TO PLAINTIFF(S)

Definitions

1. "You" or "Your" means the party responding to these requests.

2. "The Policy" means the insurance policy that is the basis of claims made against Defendant in this lawsuit.

3. "Insured Location" means the real property at the location described in the Policy declarations.

4. "Subject Hail Storm" means the hail storm occurring either on or about March 29, 2012 or April 20, 2012.

5. "Insured Property" means the residence or dwelling and any Other Structures located at the Insured Location at the time of the Subject Hail Storm.

6. "Other Structures" means any structures located at the Insured Location during the Subject Hail Storm that are set apart from the Subject Property by a clear space, including those connected only by a fence, utility line, or similar connection.

7. "Personal Property" means any or all of the Personal Property or contents described in the Policy declarations.

9. "Your Counsel" means the attorney or attorneys who are representing or have represented You either with regard to the claim or in this lawsuit.

10. "The Claim" means the insurance claim made the basis of this lawsuit.

11. "Written Communication" means the conveyance of information by a writing, whether by letters, e-mails, memoranda, handwritten notes and/or faxes.

12. "Document" means letters, words or numbers or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic or electronic impulse, mechanical or electronic recording, or other form of data compilation. "Document" specifically includes information that exists in electronic or magnetic form.

EXHIBIT
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13. "Date" means the exact date, month and year, if ascertainable, or, if not, the best available approximation.

Instructions

1. You are requested to produce color photographs, video recordings and audio recordings that were created or stored electronically and are responsive to the Requests for Production below.

2. You are requested to produce electronic or magnetic data responsive to the Requests for Production below in tiff or pdf searchable format, including e-mail, instant message and pdf forms of the documents.

3. All requests seek non-privileged information and/or documents.

INTERROGATORIES

INTERROGATORY NO. 1:

Please state the name, address and telephone number of each person who will be called as a trial witness and give brief statement of each person's connection with the case.

RESPONSE:

INTERROGATORY NO. 2:

What date did You first report Your claim to the insurance company and in what manner (*e.g.,* telephone, in person, written communication) and who did You speak to if You know?

RESPONSE:

INTERROGATORY NO. 3:

Were You or anyone acting on Your behalf present during any inspection performed by the insurance company? If yes, identify the date(s) of such inspection(s), describe any statements made by You during such inspection(s), and state each area of the interior and exterior and item of contents (if any) that was inspected. For anyone present on Your behalf, state that person's name, address, telephone number and relationship to You, if any (i.e., parent, child, relative, neighbor, friend, contractor or public adjuster).

RESPONSE:

INTERROGATORY NO. 4:

For each person identified in Your Answer to Interrogatory 3 above, please state whether each of them speaks English. This interrogatory is to be answered only if You do not speak English.

RESPONSE:

INTERROGATORY NO. 5:

Following the inspection(s), did You engage in any additional communications (*e.g.*, telephone, in person, written communication) with the insurance company? If yes, provide the following information:

a. the date of such communication(s);

b. the manner of such communication(s);

c. the person to whom You communicated;

d. the reason for the communication(s); and

e. for any telephonic communication(s), identify who initiated the phone call and the telephone number from which You called or on which You received the call;

f. the general substance of the communication.

RESPONSE:

INTERROGATORY NO. 6:

If You purchased the Insured Property between March 28, 2007 and the present, please identify the following:

a. Date of purchase;

b. Amount of purchase;

c. Agent(s) and/or broker(s) who represented You (identify by name and contact information);

d. Person or person(s) who sold the Insured Property (identify by name and contact information);

e. State whether an appraisal or inspection was performed;

f. State whether You have a copy of the earnest money contract, closing statement, disclosure statement, HUD statement or any other Written Communications concerning the purchase of the Insured Property.

RESPONSE:

INTERROGATORY NO. 7:

Did You make any attempts to sell the Insured Property between March 28, 2007 and the present? If yes, provide the following information:

a. Date(s) of attempted sale;

b. Initial asking price and any subsequent asking prices;

c. Identify whether there were any offers to purchase, and if so, identify the amount(s) of the offers;

d. Identify the person(s) who made the offer(s) (identify by name and contact information); and

e. Identify the agent(s) and/or broker(s) who represented You (identify by name and contact information).

RESPONSE:

INTERROGATORY NO. 8:

Do You currently own the Insured Property? If yes, please identify any other non-parties (*e.g., spouses, ex-spouses, adult or minor children, other relatives or other non-parties*) who may have an insurable interest in the Insured Property.

RESPONSE:

INTERROGATORY NO. 9:

Did You make any repairs, renovations or improvements greater than $500.00 to any of those areas of the Insured Property that are being claimed as damaged in this Lawsuit between March 28, 2007 and the present (excluding any repairs, renovations or improvements made for damages caused by the Subject Hail Storm)? If yes, for each item of repair, renovation or improvement, state the following:

a. The date(s) and scope of such repair(s), renovation(s) or improvement(s);

b. The nature of and reason or cause for such repair(s), renovation(s), or improvement(s);

c. The entity (or entities) who made such repair(s), renovation(s), or improvement(s) (identify by name and contact information);

d. The cost actually spent to make such repair(s) renovation(s) or improvement(s).

RESPONSE:

INTERROGATORY NO. 10:

In the five years preceding the Subject Hail Storm, were any of those areas of the Insured Property that are being claimed as damaged in this Lawsuit damaged, or otherwise in need of repair greater than $500.00? If yes, state the following:

a. Describe all such damage (including exact location of such damage, *e.g., kitchen, roof, fence*);

b. State the date(s) and manner (*e.g., windstorm, hurricane, flood, pipe leak, hail storm, explosion, wear and tear, age, etc.*) in which such damage occurred;

c. State whether a claim was made for such damage to any insurance company, and if so, identify the name of the insurance company, policy number and claim number;

d. If a claim was made for such damage to any insurance company, state the amount money, if any, You received as a result of said claim; and

e. If no money was paid to You for the claim or if the claim was denied, state Your understanding of the reason(s) why the insurance company did not pay anything on the claim or denied the claim.

RESPONSE:

INTERROGATORY NO. 11:

Do You have an outstanding loan secured by the Insured Property? If yes, state the name and address of the current mortgagee.

RESPONSE:

INTERROGATORY NO. 12:

If You are making a claim for Personal Property damaged or destroyed by the Subject Hail Storm and for which You seek damages in this lawsuit, identify the following:

a. Description of the Personal Property (including quantity, age, make, and model);

b. Nature of the damage;

c. State whether You notified the insurance company of such damage, and provided the insurance company with an inventory list of damaged Personal Property;

d. State the actual cost of repair or replacement for each item (including date such cost was incurred and method of payment) (PLEASE NOTE THAT THIS SUBPART MAY BE SATISFIED BY FULL RESPONSE AND REFERENCE TO REQUEST FOR PRODUCTION NO. 1);

RESPONSE:

INTERROGATORY NO. 13:

If You are making a claim for additional living expenses or loss of use incurred as a result of the Subject Hail Storm and for which You seek damages in this lawsuit, identify the following:

a. The date(s) which You claim the home was uninhabitable and the reason(s) why You contend the home was uninhabitable;

b. The additional living expenses, meaning any necessary and reasonable increase in living expense You incurred so that Your household could maintain its normal standard of living, You paid for during this time period, including but not limited to (1) meals; (2) lodging; (3) mileage (including the number of miles and basis for computation); (4) other travel (including identity and purpose); (5) utilities; and (6) any other additional living expense You incurred; and

c. State whether You notified Your insurance company of such additional living expenses.

RESPONSE:

INTERROGATORY NO. 14:

If You are making a claim for damages to Your Insured Property that You contend were caused by the Subject Hail Storm, state the following:

a. Description of the damage (including exact location of such damage to the insured property, *e.g. kitchen, roof,* fence, and approximate date such damage was first observed);

b. State whether You notified the insurance company of such damage, and if so, the date You notified the insurance company and in what manner; and

c. Identify all persons (by name, address, telephone number and relation to You, if any) who inspected the damages after the Subject Hail Storm, the Date of all such inspections and whether or not You received any Written Communication or Document resulting from any such inspection. This inquiry is not seeking information concerning inspections conducted by the insurance company or anyone acting on its behalf.

RESPONSE:

INTERROGATORY NO. 15:

Did You obtain any construction bids, reports, appraisals, quotes or estimates concerning the damage identified in Interrogatory No. 14 above? If yes, state the following:

a. The entity (or entities) who provided such bid, report, appraisal, quote or estimate (identify by name and contact information);

b. The date such entity inspected the Insured Property;

c. The date such bid, report, appraisal, quote or estimate was provided to You;

d. The cost actually spent, if any, for such bid, report, appraisal, quote or estimate; and

e. Whether You provided such bid, report, appraisal, quote or estimate to Your insurance company, and if so, the date upon which such document(s) was/were provided.

RESPONSE:

INTERROGATORY NO. 16:

Have You made any repairs, renovations or replacements to the items of damage listed in Interrogatory No. 14 above? If yes, state the following for each item of damage listed in Interrogatory No. 14 above that has since been repaired, renovated or replaced:

a. The nature and date(s) of such repair(s), renovation(s) ore replacement(s);

b. The entity (or entities) who made such repair(s), renovation(s) or replacement(s) (identify by name and contact information);

c. The cost actually spent to make such repair(s), renovation(s) or replacement(s);

d. If some, but not all, damage has been repaired, renovated or replaced, the remaining damage that has not been repaired, renovated or replaced; and

e. State whether You notified Your insurance company of such repair(s), renovation(s) or replacement(s), and if so, the date You notified the insurance company and in what manner.

RESPONSE:

INTERROGATORY NO. 17:

For each and every element of damages other than economic damages sought and fully disclosed in response to Defendant's Request for Disclosure 194.2(d), please identify the element of damage sought, state the total amount sought and/or the amount for which You will ask the jury to award You, and state the method and basis for calculating said amount.

RESPONSE:

INTERROGATORY NO. 18:

When was the date You anticipated litigation?

RESPONSE:

INTERROGATORY NO. 19:

Identify all person(s) or entity(ies) performing any repairs, renovations or improvements greater than $500.00 to the Insured Property from March 28, 2007 to the present (including the name, date and description of work, address and telephone number).

RESPONSE:

INTERROGATORY NO. 20:

Identify all contractor(s), engineer(s) or other person(s) or entity(ies) who inspected or provided You with a bid or estimate greater than $500.00, an evaluation or a report concerning the subject property from March 28, 2007 to the present (including the name, date and description of work, address and telephone number).

RESPONSE:

INTERROGATORY NO. 21:

Pursuant to Rule 192.3(e) of the Texas Rules of Civil Procedure, for each consulting expert, or expert who is not expected to be called as a witness but whose work product 1) forms the basis either in whole or in part of the opinions of an expert who is to be called as a witness and/or 2) has been reviewed or relied upon by a testifying expert witness, please state:

a. Name, address and telephone number of such expert;

b. The opinions related to this case, such expert has communicated to Your testifying experts;

c. The materials the expert has reviewed and what tests the expert has performed;

d. The number of times that expert has been retained by a plaintiff in any case;

e. The number of times that expert has been retained by a defendant in any case;

f. The number of times that expert has been retained by the attorney representing any Plaintiffs in this suit;

g. The number of times that expert has been retained by the attorney representing any Defendants in this suit; and

h. The amount of compensation received or to be received in this case.

RESPONSE:

INTERROGATORY NO. 22:

If You have been a party to a lawsuit or criminal complaint or information or had ever filed a claim before, please state the cause number, style of the suit, Court it was filed in or who the claim was made to and the nature of the case or claim.

RESPONSE:

INTERROGATORY NO. 23:

If You contend the insurance company or anyone acting on its behalf made any misrepresentation(s) regarding the Policy or the damage resulting from Subject Hail Storm, please state the following:

a. The identity of the person who made any such alleged misrepresentation(s), the date and location such was made, and the identity of all individuals present when the communication(s) was made; and

b. State the specific misrepresentation(s) made and why You contend such was a misrepresentation(s).

c. The steps You took or did not take in reliance upon the representation or statement;

d. The damage(s) You contend were caused by Your reliance on that representation or statement; and

RESPONSE:

INTERROGATORY NO. 24:

If You contend the insurance company or anyone acting on its behalf committed fraud, state the specific conduct or activity and the factual bases for Your contention that such conduct or activity was fraudulent.

RESPONSE:

INTERROGATORY NO. 25:

Since March 28, 2007 to the present, please identify all individuals (by name, address, telephone number and relation to You) who resided at the Insured Location and state whether or not each such individual was residing at the Insured Location on the Date of the Subject Hail Storm.

RESPONSE:

INTERROGATORY NO. 26:

Identify all evidence that may be used to impeach, by proof of final conviction of any felony or crime of moral turpitude, of any witness, including any party witness, by stating the following identifying information, pursuant to Tex. R. Evid. 609:

a. The name of the accused;

b. The charged offense;

c. Whether the crime was a felony or involved moral turpitude;

d. The date of final conviction; and

e. The style, case number, and county of the proceeding.

RESPONSE:

INTERROGATORY NO. 27:

Please state, to Your knowledge, the age of each category of damaged property, (i.e. roof, gutters, siding, fence, sheetrock, paint, flooring, cabinets, electrical, specific contents items) which You contend were damaged as a result of the March/April 2012 Hidalgo County hail storm(s).. To the extent the category of the damaged property is the same age as the home, simply so indicate.

RESPONSE:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

If You are making a claim for Personal Property that You contend was damaged or destroyed by the Subject Hail Storm and for which You seek damages in this lawsuit, produce the following:

a. Any and all manuals and/or warranty cards You have for such Personal Property;

b. Any and all photographs and/or videos reflecting damage to such Personal Property;

c. Any and all inventories of such Personal Property prepared by You before and after the Subject Hail Storm;

d. Any and all inventories of such Personal Property prepared by others on Your behalf before and after the Subject Hail Storm;

e. Any and all Written Communications, appraisals, quotes, estimates and cancelled checks (front and back) concerning value or replacement cost of such Personal Property within the last 5 years;

f. Purchase receipts;

g. If no documentation responsive to (f) is available on a particular item, please provide bank, debit card, credit card or online service account statements reflecting payment for that item (redacting all other personal and private information, *i.e., other purchases and payments*, contained thereon); and

h. Any and all Written Communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company concerning Your claim for damages to Personal Property, including but not limited to any and all proofs of loss (as that term is used in the applicable policy).

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

If You have cleaned, repaired or replaced any of Personal Property You contend was damaged or destroyed by the Subject Hail Storm, produce the following:

a. Purchase orders and invoices for all cleaning, repair and replacement;

b. Purchase receipts for all cleaning, repair and replacement expenses;

c. Any and all cancelled checks (front and back), bank, credit or debit statements, or online service account statements which reflect payment for such repairs, renovations and replacements (redacting all other personal and private information, *i.e., other purchases and payments*, contained thereon); and

d. Photographs and videos of all cleaned, repaired and replaced items.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

If You are making a claim for additional living expenses (meaning any necessary and reasonable increase in living expense You incurred so that Your household could maintain its normal standard of living), or loss of use that You contend You incurred as a result of the Subject Hail Storm and for which You seek damages in this lawsuit, produce the following:

a. All lease and rental agreement(s) entered for the period of time in which You claim the home was uninhabitable;

b. All utility bills for which You claim as part of Your additional living expenses or loss of use claim;

c. All mileage logs or other written computation for which You claim as part of Your additional living expenses or loss of use claim;

d. Any and all other documents reflecting any other additional expense You incurred (*i.e., additional insurance charges*) and for which You claim as part of Your additional living expenses or loss of use claim;

e. All receipts, cancelled checks (front and back), bank, credit or debit statements, or online service account statements which reflect payment for those additional living expenses You are claiming in this lawsuit (redacting all other personal and private information, *i.e., other purchases and payments*, contained thereon);

f. Any and all Written Communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company concerning Your claim for additional living expenses or loss of use, including but not limited to any and all proofs of loss (as that term is used in the applicable policy); and

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

If You are making a claim for damages to Your Insured Property that You contend were caused by the Subject Hail Storm and for which You seek damages in this lawsuit, produce the following:

a. All photographs and/or videos reflecting damage to such property;

b. All construction bids, contracts, reports, appraisals, quotes, repair estimates and receipts for materials concerning the damage to such property (whether the repairs and replacements have taken place yet or not);

c. Any and all Written Communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company concerning Your claim for damages to Your Insured Property, including but not limited to any and all proofs of loss (as that term is used in the applicable policy).

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

If You have made any repairs, renovations or replacements to the items of damage to Your Insured Property that You contend were caused by the Subject Hail Storm, produce the following:

a. Purchase orders, contracts or invoices for such repairs, renovations or replacements; and

b. All receipts, cancelled checks (front and back), bank, credit or debit statements, or online service account statements which reflect payment for such repairs, renovations or replacements.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

If You are making a claim for lost wages and for which You seek damages in this lawsuit, produce all documents, including but not limited to payroll records, business records or other tangible things which support Your claim.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

If You are making a claim for personal injuries or mental anguish and for which You seek damages in this lawsuit, produce all documents, including but not limited to medical records, medical expenses or other tangible things reflecting such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

If You are making a claim for any additional consequential damage and for which You seek damages in this lawsuit, produce all documentation, records or other tangible things which support Your claim.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Any and all written record(s), calendar(s), diary or journal reflecting any of the events, including any communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company, concerning Your claim for damages following the subject Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Concerning the Insured Location at any time between March 28, 2007 and the present, produce the following:

a. All engineering reports;

b. All non-privileged photographs and videos that depict damage to those areas of the Insured Location that are being claimed as damaged in this Lawsuit, taken both prior to and following the Subject Hail Storm; and

c. All building diagrams or floor plans.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Concerning repairs, renovations or improvements greater than $500.00 made between March 28, 2007 and the present to any of those areas of the Insured Property that are being claimed as damaged in this Lawsuit, excluding repairs made for damages caused by the Subject Hail Storm, produce the following:

a. Contracts, estimates, bids, invoices, receipts and other written agreements related to the repairs, renovations or improvements;

b. Written Communications related to the repairs, renovations and improvements (including communications between You and any mortgagee); and

c. Photographs and videos of the area of the Insured Property that was repaired, renovated or improved.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Concerning any attempted or actual sale or any purchase of the Insured Location and/or improvements by You between March 28, 2007 and the present, produce the following:

a. Earnest money contracts, Closing Statements, Disclosure Statements, and HUD-1 statements;

b. Written Communications and agreements concerning the condition of the Insured Property and any areas of the Insured Property in need of repair at the time of the attempted or actual sale; and

c. Appraisal and inspection reports (including photos).

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Produce all policies providing insurance at the time of the Subject Hail Storm on the Insured Location made the basis of this lawsuit, excluding the Policy, unless the Policy in Your possession is different than the Policy produced by Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Produce any and all Documents, including Written Communications, sent by You or by anyone representing You to the insurance company or to anyone representing the insurance company.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Produce any and all Documents, including Written Communications, sent to You or to anyone representing You by the insurance company or by anyone representing the insurance company.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

If You have filed for Bankruptcy since January 1, 2012, please produce a copy of the Bankruptcy petition and any Documents reflecting the discharge of the Bankruptcy.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

All Documents relating to any actual foreclosure of the Insured Location since January 1, 2012.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert, all documents or tangible things that have been provided to, reviewed by, or prepared for the testifying expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19:

Pursuant to Texas Rule of Evidence 609(f), provide all documents evidencing conviction of a crime which You intend to use as evidence to impeach any party or witness.

RESPONSE:

CLAIM SPECIFIC REQUEST FOR PRODUCTION TO INSURER

1. The following insurance documents issued for the Property as identified in the Petition:
   a. the policy at issue for the date of loss as identified in the Petition; and
   b. the policy declarations page for the 3 years preceding the storm.

   RESPONSE:

2. Produce underwriting files and documents relating to the underwriting for all insurance policies for the Property identified in the Petition. This request is limited to the past 5 years. To the extent Defendant contends that the underwriting file or documents older than 5 years impact the damages or coverage, produce that underwriting file or document.

   RESPONSE:

3. All documents relating to the condition or damages of the Property or any insurance claim on the Property identified in the Petition.

   RESPONSE:

4. All documents relating to any real property insurance claims made by the Plaintiff(s). This request is limited to the past 5 years. To the extent Defendant contends that documents older than 5 years impact the damages or coverage, produce that document.

   RESPONSE:

5. All requests for information to any third party about the Property, the Plaintiff(s), or the claims made the basis of this Lawsuit.

   RESPONSE:

6. All documents used to instruct, advise, guide, inform, educate, or assist provided to any person handling the claim made the basis of this Lawsuit that related to the adjustment of this type of claim, i.e., hail property damage.

   RESPONSE:

EXHIBIT
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7. All documents obtained from any person(s) or entity(ies) and governmental agencies on behalf of Defendant or by Defendant relating to the Plaintiff(s), the Property, the Policy, or the claims made the basis of this Lawsuit. This request includes all documents obtained by way of deposition on written questions.

RESPONSE:

8. All documents received (prior to litigation) directly or indirectly from Plaintiff(s) or created by Plaintiff(s) related to the Property made the basis of this lawsuit. This request is limited to the past 5 years. To the extent Defendant contends that any document older than 5 years impact the damages or coverage, produce that document.

RESPONSE:

9. Produce a copy of all price lists used to prepare any estimates for the claim made the basis of this Lawsuit. To the extent the pricelist is an unmodified pricelist from a third party, you can reference the vendor and version of the pricelist with a stipulation that it is unmodified.

RESPONSE:

10. To the extent Defendant created or altered any prices used in the preparation of an estimate in the claim made the basis of this Lawsuit, produce all documents related to the creation or alteration of the price, including the original price for that item and the factual bases for the creation or alteration.

RESPONSE:

11. A complete copy the personnel file related to performance (excluding medical and retirement information) for all people and their managers and/or supervisors who directly handled the claim made the basis of this Lawsuit, including all documents relating to applications for employment, former and current resumes, last known address, job title, job descriptions, reviews, evaluations, and all drafts or versions of requested documents. This request is limited to the past 5 years.

RESPONSE:

12. All organizational charts, diagrams, lists, an/or documents reflecting each department, division or section of Defendant's company to which the claim made the basis of this Lawsuit was assigned.

RESPONSE:

13. All Texas insurance licenses and/or certifications in effect that the time of the claims arising out of the Hidalgo County hail storms which occurred on or about March 29, 2012 and/or April 20, 2012 for all persons who worked on the claim made the basis of this Lawsuit, including any document relating to the application, issuance or review of those licenses and/or certifications. This request excludes those who performed merely ministerial acts, i.e. people who answer phones, file clerks whose only job duty is to stamp "received," etc.

RESPONSE:

14. If an engineer and/or engineering firm evaluated the Property, produce all reports written at the request of Defendant by that engineer or engineering firm within the last 3 years. This request is limited to the extent that the engineer and/or engineering firm was used during claims handling.

RESPONSE:

15. Produce all documents showing amounts billed and paid to any engineer and/or engineering firm identified in response to Request for Production No. 17 above within the last three years. A summary is acceptable in lieu of actual invoices or payments.

RESPONSE:

16. All documents reflecting the pre-anticipation of litigation reserve(s) set on the claim made the basis of this Lawsuit, including any changes to the reserve(s) along with any supporting documentation.

RESPONSE:

17. All documents relating to issues of honesty, criminal actions, past criminal record, criminal conduct, fraud investigation and/or inappropriate behavior which resulted in disciplinary action by Defendant of any person(s) or entity(ies) who handled the claim made the basis of this Lawsuit, the Plaintiff(s) or any person assisting on the claim made the basis of this Lawsuit.

RESPONSE:

18. All documents relating to work performance, claims patterns, claims problems, commendations, claims trends, claims recognitions, and/or concerns for any person who handled the claim made the basis of this Lawsuit.

RESPONSE:

19. All XactAnalysis reports that include this claim in any way, this Policy, the amount paid on this Policy and/or referencing any person who handled the claim made the basis of this Lawsuit relating to claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

20. Any email or document that transmits, discusses, or analyzes any report produced in response to Request for Production No. 19 above.

RESPONSE:

21. All Simsol Management reports that include this claim in any way, this Policy, the amount paid on this Policy and/or referencing any person who handled the claim made the basis of this Lawsuit relating to claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

22. Any email or document that transmits, discusses, or analyzes any report produced in response to Request for Production No. 21 above.

RESPONSE:

23. For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert: all documents or tangible things that have been provided to, reviewed by, or prepared for the testifying expert.

RESPONSE:

24. Pursuant to Texas Rule of Evidence 609(f), provide all documents evidencing conviction of a crime which you intend to use as evidence to impeach any party or witness.

RESPONSE:

25. All indemnity agreements in effect at the time of Plaintiffs' claim between Defendant and any person(s) and/or entity(ies) who handled the claim made the basis of the Lawsuit.

RESPONSE:

26. All contracts in effect at the time of Plaintiffs' claim between Defendant and any person(s) and/or entity(ies) who handled the claim made the basis of the Lawsuit.

RESPONSE:

27. All confidentiality agreements and/or instructions regarding confidentiality in effect at the time of Plaintiffs' claim between Defendant and any person(s) and/or entity(ies) who handled the claim made the basis of the Lawsuit.

RESPONSE:

28. All documents between Defendant and any person(s) and/or entity(ies) who handled the claim made the basis of the Lawsuit regarding document retention policy in effect at the time of Plaintiffs' claim.

RESPONSE:

29. To the extent the claim involves rescinding of the policy, all documents regarding Defendant's standards for investigating and rescinding and/or voiding a policy.

RESPONSE:

CLAIM SPECIFC INTERROGATORIES TO DEFENDANT INSURER

1. Identify all persons, address, including job title, dates of employment, and a description of each individual's role in the claim made the basis of this Lawsuit, if any, for all persons providing information for the answers these interrogatories.

ANSWER:

2. Identify all persons and/or entities who handled the claim made the basis of the Lawsuit on behalf of Defendant.

ANSWER:

3. State the following concerning notice of claim and timing of payment:

   a. The date and manner in which Defendant received notice of the claim;
   b. The date and manner in which Defendant acknowledged receipt of the claim;
   c. The date and manner in which Defendant commenced investigation of the claim;
   d. The date and manner in which Defendant requested from the Plaintiffs all items, statements, and forms reasonably necessary that Defendant reasonably believed, at the time, would be required from the Plaintiffs; and
   e. The date and manner in which Defendant notified the claimant(s) in writing of the acceptance or rejection of the claim.
   f. To the extent Defendant felt it was applicable to this claim, did Defendant request an additional 45 days to accept or reject the claim, and if so, for what reason and state the date and manner in which Defendant made that request.
   g. The date and manner in which you notified Plaintiff of acceptance or rejection of coverage for all or any portion of Plaintiffs' claim; and
   h. The date and manner of all payments made to insured, identifying whether payment was made under structure, additional structure, contents and/or ALE provisions.

ANSWER:

4. Identify each inspection of the Property made the basis of this Lawsuit by:
   a. The name and job title of each person who inspected the Property;
   b. The date of each inspection;
   c. The purpose of each inspection; and
   d. Any documents generated during or as a result of each inspection, including the persons and/or entities in possession of those documents.

ANSWER:

EXHIBIT 3

5. If Defendant is aware of documents that are not in Defendant's possession that are related the Claim and were gathered by a person or entity working on behalf of Defendant (directly or indirectly), identify the documents, including the persons and/or entities in possession of those documents with last known addresses.

ANSWER:

6. State all dates on which Defendant closed Plaintiffs' claim and to the extent Defendant asserts statute of limitations as a defense, state all dates and manners in which Defendant notified Plaintiff(s).

ANSWER:

7. Does Defendant contend that Plaintiff(s) failed to provide proper notice of the claim made the basis of this Lawsuit under either the policy or the Texas Insurance Code, and, if so, describe how the notice was deficient, identifying any resulting prejudice caused to Defendant.

ANSWER:

8. At the time the claim made the basis of this Lawsuit was investigated by Defendant (and prior to the anticipation of litigation), describe Defendant's understanding of areas of the property (i.e., roof, interior) Defendant was investigating, identifying the coverage sections (i.e., dwelling, other structure, ALE, contents, and/or code upgrade) of the Policy upon which the claim was paid or denied.

ANSWER:

9. Does Defendant contend that at the time the claim made the basis of this Lawsuit was investigated by Defendant (and prior to anticipation of litigation), Plaintiffs failed to protect the property from further damage or loss, make reasonable and necessary repairs or temporary repairs required to protect the Property as provided under the Policy?

ANSWER:

10. At the time the claim made the basis of this Lawsuit was investigated by Defendant (and prior to anticipation of litigation), state whether the Plaintiff(s) failed to exhibit/provide access to the Property as reasonably requested by Defendant, and, if so, describe how Plaintiff failed to do so, identifying any resulting prejudice caused to Defendant.

ANSWER:

11. At the time the claim made the basis of this Lawsuit was investigated (and prior to anticipation of litigation), identify all documents and information requested from Plaintiff(s) stating the date and manner in which the request was made to Plaintiffs. If Defendant contends that Plaintiff(s) failed to provide Defendant with requested documents and/or information, identify all requests Plaintiffs did not respond and if Defendant denied any portion of the claim based on Plaintiffs' failure to respond.

ANSWER:

12. At the time the claim made the basis of this Lawsuit was investigated (and prior to the anticipation of litigation), did Defendant request or take any statements and/or examinations under oath of Plaintiff(s) as provided under the policy. If so, state the date and manner in which Defendant made the request, the date on which any statements or examinations under oath were taken and the manner in which they were recorded or documented, identifying all persons who requested and/or took the statement or examination under oath. If Defendant contends that Plaintiff(s) failed to provide Defendant with a requested statement or examination, describe how Plaintiff failed to comply with any requests, to the extent it was relied upon to deny any portion of Plaintiffs' claim.

ANSWER:

13. At the time the claim made the basis of this Lawsuit was investigated and the Property inspected (and prior to anticipation of litigation), describe all damage attributable to the storm observed at the Property by Defendant or any persons or entities on behalf of Defendant.

ANSWER:

14. If you contend Plaintiff's damages claimed in this lawsuit are the result of a prior insurance claim or prior unrepaired damage, please list all such prior claims on the property made in the last ten years, including claim number, date of loss, type of loss, and payments, if any, and identify which prior claim or claims you contend pertain to such damage.

ANSWER:

15. Identify all exclusions under the Policy applied to the claim made the basis of this Lawsuit, and for each exclusion identified, state the reason(s) that Defendant relied upon to apply that exclusion.

ANSWER:

16. Describe how Defendant determined whether overhead and profit ("O&P") should be applied to the claim made the basis of this Lawsuit, identifying the criteria for that determination.

ANSWER:

17. State whether sales tax was paid by Defendant on all materials and/or labor and the method of calculation. To the extent this information is reflected on an estimate, Defendant can refer Plaintiff(s) to such estimate.

ANSWER:

18. Identify all items on the claim made the basis of this Lawsuit to which Defendant applied depreciation, stating for each item the criteria used and the age of the item.

ANSWER:

19. To the extent Defendant utilized an estimating software and modified the manufacturer's settings with respect to Plaintiffs' claim, identify those modifications.

ANSWER:

20. State whether Defendant applied depreciation to the tear off of the damaged roof and/or other debris removal in the claim made the basis of this Lawsuit, identifying the basis for that depreciation and the applicable policy section under which the tear off was paid under.

ANSWER:

21. Identify all price lists used to prepare all estimates on the claim made the basis of this Lawsuit, stating the manufacturer, version, date and geographical area. For any price list developed by a third party vendor, identify any additions, deletions, alterations or modifications made by Defendant, describing the change and purpose of the change for preparing an estimate on the claim made the basis this Lawsuit.

ANSWER:

22. State whether of any persons and/or entities who handled the claim made the basis this Lawsuit failed to follow any rules, guidelines, policies, or procedures implemented by Defendant for the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 in regards to the adjustment of this claim. If so, identify each person and the specific rule, guideline, policy, or procedure that was violated.

ANSWER:

23. To the extent Defendant is aware, state whether the estimate(s) prepared for the claim made the basis this Lawsuit failed to identify, note, or document any storm related damage at the Property. If so, identify each item of damage that was not properly identified, noted, or documented.

ANSWER:

24. To extent Defendant is aware, state whether the estimate(s) prepared for the claim made the basis of lawsuit wrongly included or excluded any item or payment. If so, identify each item or payment and state whether it should have been included or excluded from the estimates prepared on the claim made the basis this Lawsuit.

ANSWER:

25. To the extent Defendant is aware, state any violations of Texas Insurance Code Section 541 that were discovered on this claim during the claims handling process.

ANSWER:

26. To the extent Defendant is aware, state any violations of Texas Insurance Code Section 542 that were discovered on this claim during the claims handling process.

ANSWER:

27. To the extent Defendant is aware, state any violations of the requirements or obligations owed to Plaintiff(s) under the Policy relating the claim made the basis of this Lawsuit that were discovered during the claims handling process.

ANSWER:

28. State the date Defendant first anticipated litigation.

ANSWER:

29. Identify all evidence that may be used to impeach, by proof of final conviction of any felony or crime of moral turpitude, of any witness, including any party witness, by stating the following identifying information, pursuant to Tex. R. Evid. 609:

a. the name of the accused;
b. the charged offense;
c. whether the crime was a felony or involved moral turpitude;
d. the date of final conviction; and
e. the style, case number, and county of the proceeding.

ANSWER:

30. Identify any and all witnesses who may be called to testify at trial pursuant to Rule 192.3(d) of the Texas Rules of Civil Procedure.

ANSWER:

31. Pursuant to Rule 192.3(e) of the Texas Rules of Civil Procedure, for each consulting expert, or expert who is not expected to be called as a witness but whose work product 1) forms the basis either in whole or in part of the opinions of an expert who is to be called as a witness and/or 2) has been reviewed or relied upon by a testifying expert witness, please state:

a. The name, address, and telephone of such expert;
b. The number of times that expert has been retained by a defendant in any case;
c. The number of times that expert has been retained by a plaintiff in any case;
d. The number of times that expert has been retained by the attorney representing any Defendants in this suit;
e. The number of times that expert has been retained by the law firm representing any Defendants in this suit; and
f. The amount of compensation received or to be received in this case.

ANSWER:

32. If you contend that the Policy is void for any reason, state the specific factual bases for that contention, identifying any and all investigations, the factors considered and the conclusion reached and the evidence that is the basis for that conclusion.

ANSWER:

33. If you contend that the Plaintiff(s) made any misrepresentation regarding the Policy or the claim made the basis of this Lawsuit, state what specific misrepresentation(s) was/were made and the factual bases for your contention.

ANSWER:

INSTITUTIONAL REQUESTS FOR PRODUCTION TO INSURER

1. Your written procedures or policies (including document(s) maintained in electronic form) that pertain to the handling of windstorm and/or hail claims in Texas from September 1, 2010 to September 1, 2012.

   RESPONSE:

2. All XactAnalysis and/or Simsol management reports regarding claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. Defendant may redact names and any other identifying information of insureds unrelated to this lawsuit.

   RESPONSE:

3. All documents identifying generalized problems regarding claims handling, concerns, lessons learned, and/or remedial measures analyzing Defendant's, adjuster's and/or adjusting company's handling of the claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

   RESPONSE:

4. Any approved vendors list and/or documents containing criteria to qualify persons or entities for an approved vendors list utilized by Defendant. This request includes any lists of contractors, roofing companies, engineers, appraisers, and/or adjusters, who are maintained on a roster for possible employment relating to Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012.

   RESPONSE:

5. All documents to and from the Texas Department of Insurance, the Texas Insurance Commissioner and/or their agents, relating to the handling of hail and/or windstorm claims within the last three (3) years. This request includes all bulletins received by Defendant.

   RESPONSE:

6. As required by the Texas Department of Insurance, provide a list of all complaints made against Defendant regarding claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

7. All advertisements, marketing or promotional items that addressed the handling of claims, published, used and/or distributed by Defendant in Hidalgo County, Texas within the last three (3) years.

RESPONSE:

8. All instructions regarding how to use the computer programs utilized by adjusters for estimating and adjusting claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 on behalf of Defendant.

RESPONSE:

9. All documents relating to pricing of labor and/or materials, and/or any price list for claims arising out of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. To the extent the pricelist is an unmodified pricelist from a third party, you can reference the vendor and version of the pricelist with a stipulation that it is unmodified.

RESPONSE:

10. An organizational chart, diagram, or list reflecting each person, department, division, and/or section of Defendant's company that handled claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

11. All documents reflecting summaries of total payments made by Defendant on claims for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

12. All documents regarding the generalized assessment, review, evaluation and/or summary of Defendant's handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

13. Any document general in nature which applies to more than one claim created, gathered, or reviewed by Defendant relating to Hidalgo County hail storm claims occurring on or about March 29, 2012 and/or April 20, 2012, including any analysis of the total amount paid on claims, time open, responsiveness, compliance with company policies and procedures, compliance with the Texas Insurance Code, the number of reopened claims, the reason for reopening the claim, and the total amount paid on reopened claims. This request includes any follow-up documents.

RESPONSE:

14. All engineering reports prepared on behalf of Defendant general in nature which apply to more than one claim for Hidalgo County hail storm claims occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

15. All documents relating to weather data general in nature which applies to more than one claim in Defendant's possession for Hidalgo County hail storm claims occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

16. Any documents and/or summaries that show the average amount paid per claim per adjuster for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

17. Any documents and/or summaries that show the average amount paid per roof per adjuster for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

18. Any documents and/or summaries that show the average amount paid for overhead and profit for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

19. Any documents and/or summaries that show the average amount paid for overhead and profit per adjuster for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

20. Any documents and/or summaries that show the average percentage of depreciation applied to claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

21. Any documents and/or summaries that show the average percentage of depreciation applied to claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

22. Any documents and/or summaries that show the average percentage of depreciation applied to roofs for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

23. Any documents and/or summaries that show the average percentage of depreciation applied to sheetrock for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

24. Any documents and/or summaries that show the average percentage of depreciation applied to carpet for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

25. Any documents and/or summaries that show the average percentage of depreciation applied to paint for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

26. Any documents and/or summaries that show the average percentage of depreciation applied to labor for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

27. A document showing the total number of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 that were reported to Defendant.

RESPONSE:

28. A document showing the total number of people employed by Defendant (directly or indirectly) for each month to handle any aspect of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

29. In general, all documents received regarding adequacy of prices used on the price list for roofs in handling Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

30. In general, all documents showing the applicable building codes given to anyone adjusting claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 on behalf of Defendant.

RESPONSE:

31. A document setting forth the criteria for sending claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 to the fraud investigation unit.

RESPONSE:

INSTITUTIONAL INTERROGATORIES TO DEFENDANT INSURER

1. Identify the name, job title, dates of employment, job description and address for all persons providing information for the answers these interrogatories.

   ANSWER:

2. State the total number of Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012 that were reported to Defendant, identifying the number reported in each month. To the extent this information is reflected in a document produced to Plaintiffs, Defendant can refer to such document.

   ANSWER:

3. State the total number of claims personnel employed by Defendant (directly or indirectly) to handle any aspect of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. To the extent this information is reflected in a document produced to Plaintiffs, Defendant can refer to such document.

   ANSWER:

4. Identify all divisions, departments, and/or sections of Defendant's company that handled any aspect of the claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. For each division, section, or department, identify the high-ranking persons, supervisors, and managers by name, job title, and job description. To the extent this information is reflected in a document produced to Plaintiffs, Defendant may refer to such document.

   ANSWER:

5. Identify adjusting companies, third party administrators, and/or engineering firms, hired or contracted by Defendant to handle any aspect of the claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

   ANSWER:

EXHIBIT
5

6. Identify all estimating software (including the manufacturer and version) used by Defendant or any person(s) or entity(ies) hired by Defendant adjusting claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

7. Identify all claims management software (including the manufacturer and version) used by Defendant or any persons or entities hired by Defendant to handle any aspect of the claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

8. State whether Defendant used XactAnalysis and/or Simsol management reports to handle, supervise, manage or analyze any aspect of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. Further, identify each person who ran any reports and their job title.

ANSWER:

9. Identify all email or electronic communication systems that were used by Defendant and any employee of Defendant handling claims for Defendant to communicate regarding the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

10. Identify all seminars, continuing education classes and/or training classes held by Defendant or any person(s) or entity(ies) hired by Defendant that related to handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. For each seminar and/or training session, identify the date, time and location.

ANSWER:

11. Identify all price lists used by Defendant for the handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. For each price list, identify the manufacturer, version, date and geographical area.

ANSWER:

12. If Defendant created or modified any price list for the handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012, describe the process used to create each price list, identifying the author, person(s) participating, version, date and geographical area.

ANSWER:

13. In general, state Defendant's criteria for determining the applicability of overhead and profit, identifying categories of items that were excluded from the application of overhead and profit in the preparation of estimates for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

14. State Defendant's criteria for determining whether to apply sales tax to labor and materials, identifying categories of items that were excluded from the application of sales tax in the preparation of estimates for claims arising out of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

15. State Defendant's general criteria and methodology used in determining whether and how to apply depreciation to labor and/or materials for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

16. State Defendant's policy on applying depreciation to labor for the removal of roofs and/or other debris in the preparation of estimates for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

REQUESTS FOR PRODUCTION TO ADJUSTING COMPANY

1. All documents relating to the Plaintiff, the Property, and the claim made the basis of this Lawsuit.

   RESPONSE:

2. All documents meant to instruct, advise, guide, inform, educate, assist or reference material made available for review or provided to Defendant by the defendant insurance company relating to the handling of claims for Hidalgo County hail and/or windstorms occurring in 2012.

   RESPONSE:

3. Your non-insurer specific written procedures or policies (including document(s) maintained in electronic form) that pertain to the handling of windstorm and/or hail claims in Texas from September 1, 2010 to September 1, 2012.

   RESPONSE:

4. Produce a copy of all price lists used to prepare any estimates for the claim made the basis of this Lawsuit. To the extent the pricelist is an unmodified pricelist from a third party, you can reference the vendor and version of the pricelist with a stipulation that it is unmodified.

   RESPONSE:

5. All documents relating to pricing of labor and/or materials, and/or any price list for Hidalgo County hail claims used in the adjustment of the defendant insurer's claims occurring on or about March 29, 2012 and/or April 20, 2012. To the extent the pricelist is an unmodified pricelist from a third party, you can reference the vendor and version of the pricelist with a stipulation that it is unmodified.

   RESPONSE:

6. An organizational chart, diagram, or list reflecting each person, department, division, and/or section of Defendant's company that handled claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

   RESPONSE:

EXHIBIT 6

7. All documents regarding analysis and/or status of Hidalgo County hail and/or windstorm claims (opened or closed) assigned to Defendant by the insurance company, including but not limited to status reports and/or spreadsheets summarizing information regarding claims (i.e. the number of pending claims, number of closed claims, number of reopened claims, tracking age of claims, amounts paid on claims, amounts paid on supplemental claims, and/or any trends and patterns identified in analyzing or reviewing Hidalgo County hail and/or windstorm claims). This request does not include information contained solely in a single claim file.

RESPONSE:

8. As required by the Texas Department of Insurance, provide a list of all complaints made against Defendant regarding claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

9. A complete copy of the personnel file related to performance (excluding medical and retirement information) for all people and their managers and/or supervisors who directly handled the claim made the basis of this Lawsuit, including all documents relating to applications for employment, former and current resumes, last known address, job title, job descriptions, reviews, evaluations, and all drafts or versions of requested documents. This request is limited to the past 5 years.

RESPONSE:

10. All documents reflecting amounts billed to or payments received from the defendant insurance company for any services provided by Defendant on Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. A summary is acceptable in lieu of actual invoices or payments.

RESPONSE:

11. All documents identifying generalized problems regarding claims handling, concerns, lessons learned, remedial measures, etc. analyzing Defendant's, adjuster's and/or adjusting company's handling of the Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

12. All instructions regarding how to use the computer programs utilized by adjusters for estimating and adjusting Hidalgo County hail claims assigned by Defendant insurer occurring on or about March 29, 2012 and/or April 20, 2012 on behalf of Defendant.

RESPONSE:

13. All indemnity agreements in effect at the time of Plaintiffs' claim between Defendant and any person(s) and/or entity(ies) who handled the claim made the basis of the Lawsuit.

RESPONSE:

14. All contracts in effect at the time of Plaintiffs' claim between Defendant and any person(s) and/or entity(ies) who handled the claim made the basis of the Lawsuit.

RESPONSE:

15. All confidentiality agreements and/or instructions regarding confidentiality in effect at the time of Plaintiffs' claim between Defendant and any person(s) and/or entity(ies) who the claim made the basis of the Lawsuit.

RESPONSE:

16. All documents regarding the generalized assessment, review, evaluation and/or summary of Defendant's handling of Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

17. All XactAnalysis and/or Simsol management reports regarding claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. Defendant may redact names and any other identifying information of insureds unrelated to this lawsuit.

RESPONSE:

18. All documents relating to weather data general in nature which applies to more than one claim in Defendant's possession for Hidalgo County hail storm claims occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

19. All documents sent by the defendants adjusting firm to and receive by the adjusting defendant firm the Texas Department of Insurance, the Texas Insurance Commissioner and/or their agents, relating to the handling of hail and/or windstorm claims within the last three (3) years. This request includes all bulletins received by Defendant.

RESPONSE:

20. Any documents and/or summaries that show the average amount paid per claim per adjuster claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

21. Any documents and/or summaries that show the average amount paid per roof per adjuster for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

22. Any documents and/or summaries that show the average amount paid for overhead and profit for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

23. Any documents and/or summaries that show the average amount paid for overhead and profit per adjuster for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

24. Any documents and/or summaries that show the average percentage of depreciation applied to claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

25. Any documents and/or summaries that show the average percentage of depreciation applied to roofs for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

26. Any documents and/or summaries that show the average percentage of depreciation applied to sheetrock for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

27. Any documents and/or summaries that show the average percentage of depreciation applied to carpet for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

28. Any documents and/or summaries that show the average percentage of depreciation applied to paint for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

29. Any documents and/or summaries that show the average percentage of depreciation applied to labor for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

30. A document showing the total number of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 that were reported to Defendant.

RESPONSE:

INTERROGATORIES TO DEFENDANT ADJUSTING COMPANY

1. Identify the name, address, job title, dates of employment, job description, and role in the claim made the basis of this Lawsuit, if any, for all persons providing information for the answers to these interrogatories

   ANSWER:

2. Identify all internal email or electronic communication systems that were used by Defendant and any employee of Defendant handling claims for Defendant to communicate regarding the Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012.

   ANSWER:

3. Identify all email lists and/or groups used for the purpose of communicating with group(s) of person(s) or entity(ies) handling Hidalgo County hail and/or windstorm claims for the adjusting firm generally or the defendant insurer generally. Examples of responsive information include "Claims@InsuranceCompany.com" or CAT@InsuranceCompany.com.

   ANSWER:

4. State the total number of Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012 that were reported to Defendant, identifying the number reported in each month. To the extent this information is reflected in a document produced to Plaintiffs, Defendant can refer to such document.

   ANSWER:

5. State the total number of claims personnel employed by Defendant (directly or indirectly) to handle any aspect of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. To the extent this information is reflected in a document produced to Plaintiffs, Defendant can refer to such document.

   ANSWER:

6. Identify all estimating software (including the manufacturer and version) used by Defendant or any person(s) or entity(ies) hired by Defendant adjusting claims on behalf of defendant insurer arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

7. Identify the estimating software used to prepare any estimates for the claim made the basis of this Lawsuit.

ANSWER:

8. Identify all seminars, continuing education classes and/or training classes held by Defendant that related to handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. For each seminar and/or training session, identify the date, time and location.

ANSWER:

9. Identify all price lists used by Defendant for the handling of claims assigned by Defendants insurer arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. For each price list, identify the manufacturer, version, date and geographical area.

ANSWER:

10. Identify all price lists used to prepare all estimates on the claim made the basis of this Lawsuit, stating the manufacturer, version, date and geographical area. For any price list developed by a third party vendor, identify any additions, deletions, alterations or modifications made by Defendant, describing the change and purpose of the change for preparing an estimate on the claim made the basis this Lawsuit.

ANSWER:

11. If Defendant created or modified any price list that applied to more than one claim for the handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012, describe the process used to create each price list, identifying the author, person(s) participating, version, date and geographical area.

ANSWER:

12. In general, state Defendant's criteria for determining the applicability of overhead and profit, identifying categories of items that were excluded from the application of overhead and profit in the preparation of estimates for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

13. State Defendant's general criteria and methodology used in determining whether and how to apply depreciation to labor and/or materials for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

14. State Defendant's criteria for determining whether to apply sales tax to labor and materials, identifying categories of items that were excluded from the application of sales tax in the preparation of estimates for claims arising out of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

ANSWER:

15. Following the inspection(s), did You engage in any additional communications (*e.g.,* telephone, in person, written communication) with the Plaintiffs? If yes, provide the following information:

a. the date of such communication(s);
b. the manner of such communication(s);
c. the person to whom You communicated;
d. the reason for the communication(s);
e. for any telephonic communication(s), identify who initiated the phone call, and the telephone number from which you called or on which you received the call; and
f. the general substance of the communication.

ANSWER:

16. State the total number of Spanish speaking individuals Defendant employed to handle Hidalgo County hail and/or windstorms claims arising out of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 identifying each individual by name, job title and dates of employment for each person who handled the claim made the basis of this lawsuit.

ANSWER:

17. To the extent you are aware, identify all documents or items that were altered, revised, changed or removed from the documents or information you provided the insurance company relating to the claim made the basis of this Lawsuit.

ANSWER:

REQUESTS FOR PRODUCTION TO INDIVIDUAL DEFENDANTS

1. All documents related to Plaintiff(s), the Property, the Policy, and/or the claim made the basis of this Lawsuit.

   RESPONSE:

2. All licenses or certifications that are identified in response to Interrogatory Number 3.

   RESPONSE:

3. All training documents you have for adjusting hail and/or windstorm claims. This request is limited to the past 2 years.

   RESPONSE:

4. All applications you submitted (or submitted on your behalf) for purposes of obtaining a license to adjust claims in the State of Texas that were in effect at the time of the Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012.

   RESPONSE:

5. All resumes for the last five (5) years.

   RESPONSE:

6. All applications for employment you submitted for purposes of obtaining employment as an adjuster and/or claims handler in the State of Texas. This request is limited to the five (5) years preceding the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

   RESPONSE:

7. All documents you relied upon in the adjustment of the claim made the basis of this Lawsuit.

   RESPONSE:

EXHIBIT
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8. To the extent you made a determination or recommendation regarding depreciation, all documents relating to the application of depreciation on a homeowners property claim in the State of Texas for the past two (2) years.

RESPONSE:

9. To the extent you made a determination or recommendation regarding overhead and profit, all documents relating to the application of overhead and profit on a homeowners property claim in the State of Texas for the past two (2) years.

RESPONSE:

10. All documents or items in your possession related to the claim made the basis of this Lawsuit that you did not submit to the insurance company and/or adjusting company assigned to this claim.

RESPONSE:

11. All documents meant to instruct, advise, or guide the handling or adjusting of hail and/or windstorm claims in the State of Texas for the last 2 years.

RESPONSE:

12. All training manuals in effect at the time of Plaintiffs' claim used for software programs utilized in the claim made the basis of this lawsuit.

RESPONSE:

13. All documents relating to any performance reviews or evaluations by the carrier of the underlying claim, whether formal or informal, regarding your handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

14. All documents relating to any Texas Department of Insurance complaints made against you by an insured related to claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

15. All contracts, indemnity agreements, and/or confidentiality agreements between you and the adjusting company and/or insurance company in effect during the handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

16. All price lists used by you in handling claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. To the extent the pricelist is an unmodified pricelist from a third party, you can reference the vendor and version of the pricelist with a stipulation that it is unmodified.

RESPONSE:

17. All weather reports regarding wind and/or hail relied upon by you in handling claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

18. All correspondence to or from the adjusting company and/or the insurance company that issued the policy regarding modifying/modifications to the unit price cost and the price list you used in handling claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

INTERROGATORIES TO INDVIDUAL DEFENDANTS

1. Identify all email accounts, email addresses, and/or any alias or code used to identify you and used for any communication relating to your work handling hail and/or windstorm claims arising out of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012. This request is limited only to the carrier of the claim that is the subject of this Lawsuit.

   RESPONSE:

2. Identify generally the training or experience you had in adjusting hail and/or windstorm damage and any specific training you had for this storm prior to your handling of claim made the basis of this Lawsuit.

   RESPONSE:

3. Identify any degrees, Texas insurance licenses (unless you qualified for adjusting claims in Texas on an emergency basis, then list any insurance licenses you held from other states) or certifications you had at the time you handled the claim made the basis of this Lawsuit.

   RESPONSE:

4. Explain how you were compensated and by whom for your work on claims arising out of Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012, stating the amount you were compensated per claim, per day, and/or per week and identifying any bonus or incentive plans. To the extent the produced personnel file includes a compensation schedule, you may refer to such personnel file.

   RESPONSE:

5. State whether you are fluent in Spanish and whether you had any communication relating to the claim made the basis of this Lawsuit in Spanish. If you are not fluent in Spanish, state whether you are proficient in Spanish to communicate to adjust a claim.

   RESPONSE:

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6. Identify the following dates:

   a. The date you first obtained an adjuster license in the State of Texas;
   b. The first date you were hired/retained by the insurance company defendant or any other defendant in this Lawsuit to adjust property damage claims;
   c. The date you were first assigned to handle Hidalgo County hail claims occurring on or about March 29, 2012 and/or April 20, 2012;
   d. The date you closed your file on the claim made the basis of this Lawsuit; and
   e. The last date you worked on any Hidalgo County hail claim occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

7. Describe in detail each inspection you conducted of the Property made the basis of this Lawsuit, identifying:
   a. The name and job title of any person who inspected the Property with you;
   b. The date of each inspection;
   c. The purpose of each inspection;
   d. The length of time of each inspection;
   e. The equipment or tools used during each inspection;
   f. The areas of the Property inspected (i.e. roof, attic, individual rooms, exterior); and
   g. Any documents generated during or as a result of each inspection, including the persons and/or entities in possession of those documents.

RESPONSE:

8. Following the inspection(s), did You engage in any additional communications (*e.g.*, telephone, in person, written communication) with Plaintiff(s)? If yes, provide the following information:

   a. the date of such communication(s);
   b. the manner of such communication(s);
   c. the person to whom You communicated;
   d. the reason for the communication(s);
   e. for any telephonic communication(s), identify who initiated the phone call, and the telephone number from which you called or on which you received the call; and
   f. the general substance of the communication.

RESPONSE:

9. Identify and describe all damage you observed during your inspection(s) of the claim made the basis of this Lawsuit. To the extent the damage you observed during your inspection is reflected in scope notes and photographs, you can refer Plaintiffs to such scope notes and/or photographs.

RESPONSE:

10. For all damage observed at the Property or reflected in your scope notes and/or photographs, state what your believe to be the cause of the damage, describing the investigatory steps you took to determine the cause, and identify all person(s) and/or entity(ies) that provided information or participated in that determination.

RESPONSE:

11. To the extent you applied or recommended policy exclusions, identify all exclusions under the Policy applied to the claim made the basis of this Lawsuit, and for each exclusion applied or recommended, state the factual reason(s) that the exclusion was applied or recommended.

RESPONSE:

12. Identify the information you used to determine and how you calculated the amount of depreciation that you applied to any damage categories included in any estimates you prepared and/or approved on the claim made the basis of this Lawsuit.

RESPONSE:

13. How did you determine whether you would or would not apply overhead and profit (O&P) to Plaintiffs' claim?

RESPONSE:

14. Identify all documents that you relied upon in the adjustment of the claim made the basis of this Lawsuit. For each document, identify who provided the document.

RESPONSE:

15. Identify all documents or information you requested from Plaintiff during the investigation of the claim made the basis of this Lawsuit, the date the request was made, the person who communicated the request, and the Plaintiff(s) who received the request.

RESPONSE:

16. Identify all documents or items in your possession related to the claim made the basis of this Lawsuit that you did not submit to the insurance company and/or adjusting company assigned to this claim.

RESPONSE:

17. To the extent you are aware, identify all documents or items that were altered, revised, changed or removed from the documents or information you provided the insurance company or adjusting company relating to the claim made the basis of this Lawsuit.

RESPONSE:

18. Identify and describe any training, guidance or instruction provided to you by any person and/or entity regarding the handling of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE: