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Reviewed By: Alfonso Fuentes

MDL NO. 13-0418

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

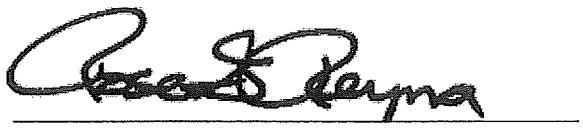
ORDER ADOPTING SPECIAL MASTER RECOMMENDATION NO. 6 REGARDING PLAINTIFFS' MOTION TO COMPEL DEFENDANT ALLSTATE TEXAS LLOYD'S TO SERVE SUPPLEMENTAL ANSWERS TO INTERROGATORIES, PRODUCE RESPONSIVE DOCUMENTS TO REQUESTS FOR PRODUCTION, AND MOTION TO STRIKE OBJECTIONS

On this day, the Court having received Recommendation No. 6 of Special Master Roberto L. Ramirez Regarding Plaintiffs' Motion to Compel Defendant Allstate Texas Lloyd's To Serve Supplemental Answers to Interrogatories, Produce Responsive Documents to Requests for Production, and Motion To Strike Objections dated January 21, 2014, hereby approves such Recommendation.

IT IS THEREFORE ORDERED that the Court adopts Recommendation No. 6 of the Special Master.

IT IS SO ORDERED.

SIGNED and ENTERED this _____ day of 1/28/2014, 2014.



Hon. Judge Rose Guerra Reyna

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MDL NO. 13-0418

IN RE ALLSTATE TEXAS LLOYD'S AND ALLSTATE FIRE AND CASUALTY COMPANY	§	**IN THE DISTRICT COURT OF**
	§	**HIDALGO COUNTY, TEXAS**
MARCH 29, 2012 AND APRIL 20, 2012 HAIL STORM LITIGATION	§	**206TH JUDICIAL DISTRICT**

RECOMMENDATION NO. 6 OF SPECIAL MASTER REGARDING PLAINTIFFS' MOTION TO COMPEL DEFENDANT ALLSTATE TEXAS LLOYD'S TO SERVE SUPPLEMENTAL ANSWERS TO INTERROGATORIES, PRODUCE RESPONSIVE DOCUMENTS TO REQUESTS FOR PRODUCTION, AND MOTION TO STRIKE OBJECTIONS

Pursuant to my appointment as Special Master in the above-referenced MDL proceeding, I considered *Plaintiffs' Motion to Compel Defendant Allstate Texas Lloyd's to Serve Supplemental Answers to Interrogatories, Produce Responsive Documents to Requests for Production, and Motion to Strike Objections* and Defendants' responses thereto, as well as the arguments of counsel at a November 20, 2013 conference/hearing conducted with the parties' counsel. In addition, as Special Master, I took note of agreements announced on the record by the parties relating to different aspects of the motion at issue. Furthermore, I confirmed that the parties placed their agreements on the record in accordance with the terms of Tex. R. Civ. P. 11. References contained within the Master's present recommendations are to page/lines contained within the transcript of a hearing/conference held on November 20, 2013, but should not be considered expansive or all inclusive on a particular item. Accordingly, I hereby make the following recommendations regarding Plaintiffs' present motion:

Case-Specific Interrogatories to Allstate	Sustained	Overruled	Modified as follows:
3.			Defendants agree to respond and supplement their response to this Interrogatory. Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants.

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			(147:21-148:5)
4.			Defendants agree to respond and supplement their response to this Interrogatory. Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
6.			Defendants are ordered to modify and supplement its response to this Interrogatory in accordance with an agreement to modify its response to state that it does not have a limitations defense. Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(148:23-149:10)* *(135:19-25)*
7.			Defendants agree to amend its answer to this interrogatory to the extent Defendants are claiming in their response that Plaintiffs' failed to provide prompt notice of the claim. *(149:17-20; 150:13-14)*
8.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
9.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this

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			interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
10			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
11.			Defendants agreed to withdraw objections and to respond and supplement their response to this interrogatory. *(139:23-24)*
12.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
13.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
15.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
16.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this

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			interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
17.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
18.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
19.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
20.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*
21.			Defendants will supplement with a specific Bates-label reference to documents responsive to this request, if Defendants allege that the information responsive to this interrogatory are contained within a document produced by Defendants. *(135:19-25)* *(62:23-63:15)*

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22.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this Interrogatory. *(138:4-139:11)*
25.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this Interrogatory. *(138:4-139:11)*
26.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this Interrogatory. *(138:4-139:11)*
27.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this Interrogatory. *(138:4-139:11)*
32.			Defendants agree to amend their response to this interrogatory. *(139:25-140:5)*
33.			Defendants are ordered to amend response to take out reference to confidential settlement negotiation notice letter. *(140:6-18)*
Case-Specific Requests for Production to Allstate	**Sustained**	**Overruled**	**Modified as follows:**
1.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*
2.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*

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5.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*
6.			Defendants offered to respond to this request for the adjusters on the claim. *(152:4-7)* The definition of handle/handled will be further defined with the definitions and instructions.
7.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*
8.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25),(62:23-63:15)*
9.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)*
10.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*
11.		X	Defendants' Objections are overruled and Defendants are ordered to produce responsive documents to this request. *(per Discovery Master's recommendations via email of December 20, 2013).*
12.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this request by removing the redactions on the responsive documents produced and referencing the specific bates label. *(156:14-23)* *(135:19-25)* *(62:23-63:15)*

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13			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*
16.			Defendants will supplement with reference to the specific Bates-labels of document(s) responsive to this request. *(135:19-25)* *(62:23-63:15)*
18.		X	Defendants' Objections are overruled and Defendants are ordered to produce responsive documents to this request. *(per Discovery Master's recommendations via email of December 20, 2013).*
19.		X	Defendants' Objections are overruled and Defendants are ordered to produce responsive documents and reference specific bates labels in response to this request. *(160:3-9)* *(135:19-25)* *(62:23-63:15)*
20.		X	Defendants' Objections are overruled and Defendants are ordered to produce responsive documents and reference specific bates labels in response to this request. *(160:10-161:1)* *(135:19-25)* *(62:23-63:15)*
25.			Defendants agree to withdraw objections. *(161:2-8)*
26.			Defendants agree to withdraw objections. *(161:15-19)*
27.			Defendants agree to withdraw objections and agree to clarify whether they are withholding any documents pursuant to a privilege. *(165:17-20 and 166:9-12).*

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Institutional Interrogatories to Allstate	Sustained	Overruled	Modified as follows:
3.			Defendants agreed to remove their objections. *(64:9-13)*
4.			Defendants are ordered to respond and supplement their response to this Interrogatory. Defendants may refer to specific bates labels being responsive, if the information is contained in a specific document. *(69:25-70; 70:24-25)*
6.			Defendants agreed to supplement their response with the version of Xactimate used. *(71:5-17)*
8.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this Interrogatory. *(81:22-82:2)*
9.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this Interrogatory. *(84:4-12)*
11.			Defendants agreed to respond to this Interrogatory and will provide a more specific response than the current reference to interrogatory no. 6. Defendants also agreed to reference any specific bates label if a document is responsive to this interrogatory. *(85:3-11; 88:8-89:2)*
12.			Defendants agreed to respond to this Interrogatory and will provide a more specific response than the current reference to interrogatory no. 6. Defendants also agreed to reference any specific bates label if a document is responsive to this interrogatory. *(100:12-20)*

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13.			Defendants agreed to provide a more specific response. Defendants also agreed to reference any specific bates label if a document is responsive to this interrogatory. *(98:4-5, 14-15)*
14.			Defendants agreed to provide a more specific response. Defendants also agreed to reference any specific bates label if a document is responsive to this interrogatory. *(100:12-20)*
15.			Defendants agreed to provide a more specific response. Defendants also agreed to reference any specific bates label if a document is responsive to this interrogatory. *(100:12-20)*
16.			Defendants agreed to provide a more specific response. Defendants also agreed to reference any specific bates label if a document is responsive to this interrogatory. *(94:5-6; 100:12-20)*
Institutional Requests for Production to Allstate	**Sustained**	**Overruled**	**Modified as follows:**
1			Defendants agree to supplement this response with reference to specific bates labelled documents that are responsive to this request. *(104:13-20)*
2		X	Defendants' Objections are overruled and Defendants are ordered to produce documents responsive to this request. Furthermore, Defendants will supplement this response with reference to specific bates labelled documents that are responsive to this request. *(113:3-5)*
5		X	Defendants' Objections are overruled and Defendants are ordered to produce documents responsive to this request. Furthermore, Defendants will supplement this response with reference to specific bates

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			labelled documents that are responsive to this request. *(126:3-21)*
6.			Defendants agreed to withdraw their objections and to produce documents responsive to this request. Furthermore, Defendants will supplement this response with reference to specific bates labelled documents that are responsive to this request. Defendants reserve the right to withhold the names of the insureds because of privacy issues for them. *(126:22-127:1)*
7.			Defendants agreed to withdraw their objections and to produce documents responsive to this request. Furthermore, Defendants will supplement this response with reference to specific bates labelled documents that are responsive to this request. *(128:1-8)*
8.			Defendants agreed to withdraw their objections and to produce documents responsive to this request. Furthermore, Defendants will supplement this response with reference to specific bates labelled documents that are responsive to this request. *(128:18-24)*
9.			Defendants agreed to withdraw their objections *(129:8-10)*
10.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this request by removing the redactions on the responsive documents produced and referencing the specific bates label. *(130:1-8)*

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13.		X	Defendants' Objections are overruled and Defendants are ordered to respond and supplement their response to this request by removing the redactions on the responsive documents produced and referencing the specific bates label. *(134:11-18)*
31			Defendants agree to supplement this response with reference to specific bates labelled documents that are responsive to this request. *(134:23-135:2)*

It was agreed to by Defendants that the agreements by Defendants and recommendations by the Discovery Master on the Case-Specific Interrogatories and Requests for Production for Allstate will apply to all Case-Specific Interrogatories and Requests for Production to all adjusters.

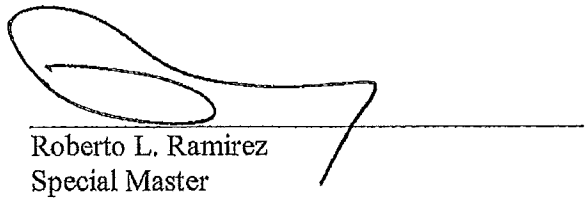
It was agreed to by Defendants that Defendants shall refer specifically to the corresponding Bates-labels to any documents that have been produced as responsive to Plaintiffs' Requests for Production or Interrogatories.

It was further agreed to by Defendants that Defendants' will serve supplemental answers to Interrogatories and shall produce all responsive documents to Requests for Production by no later than December 16, 2013. With regard to Case Specific Requests for Production Nos. 11 and 18, Defendants must comply by January 23, 2014.

Defendants agreed to produce a privilege log to Plaintiffs by December 5, 2013, for documents or information they are claiming a privilege or withholding in accordance with the TRCP.

Furthermore, by agreement of the parties, this Order does not address the objections by Defendants to Plaintiffs' Definitions and Instructions for both the Institutional and Claim-Specific Requests for Production and Interrogatories, which will be addressed separately.

Signed this 21st day of January, 2014.



Roberto L. Ramirez
Special Master