

MDL NO. 13-0418

IN RE ALLSTATE TEXAS LLOYD'S AND §
ALLSTATE FIRE AND CASUALTY §
COMPANY §

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. 7 REGARDING
DEFENDANT ALLSTATE TEXAS LLOYD'S MOTION FOR PROTECTIVE ORDER
AS TO PLAINTIFFS' JANUARY 14, 2014 AMENDED NOTICE OF INTENTION TO
TAKE ORAL AND VIDEO DEPOSITION OF THE CORPORATE REPRESENTATIVE
OF ALLSTATE TEXAS LLOYD'S**

On this day, the Court having received Recommendation No. 7 of Special Master
February 10, 2014
Roberto L. Ramirez dated _____, hereby approves such Recommendation.

IT IS THEREFORE ORDERED that the Court adopts Recommendation No. 7 of the
Special Master.

IT IS SO ORDERED.

SIGNED and ENTERED this _____ day of 2/24/2014, 2014.



Hon. Judge Rose Guerra Reyna

Copies To:

Roberto L. Ramirez
Amber Mostyn
Roger Higgins
Jeffrey Roerig

rr@theramirezlawfirm.com
amber@mostynlaw.com
rhiggins@thompsoncoe.com
jroerig@roflp.com

MDL-13-0418

**IN RE ALLSTATE TEXAS LLOYD'S AND
ALLSTATE FIRE AND CASUALTY
COMPANY**

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

**MARCH 29, 2012 AND APRIL 20, 2012
HAIL STORM LITIGATION**

206th JUDICIAL DISTRICT

**MOTION FOR PROTECTIVE ORDER AS TO PLAINTIFF'S' JANUARY 14, 2014
AMENDED NOTICE OF INTENTION TO TAKE ORAL AND VIDEO DEPOSITION
OF THE CORPORATE REPRESENTATIVE OF ALLSTATE TEXAS LLOYD'S**

TO THE HONORABLE COURT:

Allstate Texas Lloyd's files this Motion for Protective Order as to Plaintiffs' January 14, 2014 Amended Notice of Intention to take the Oral and Video Deposition of the Corporate Representative of Allstate Texas Lloyd's with Subpoena Duces Tecum. In support of this motion, Allstate submits the following reasons why its request for relief should be granted.

FACTUAL BACKGROUND

Plaintiffs served their Notice of Intention to take the Oral and Video Deposition of The Corporate Representative of Allstate Texas Lloyds with Subpoena Duces Tecum on December 2, 2013, a copy of which is attached hereto as Exhibit A. Allstate immediately moved to quash the Notice for various reasons, including, but not limited to Allstate's objection to relevance and overbreadth. On January 9, 2014, the parties agreed that depositions of Allstate's corporate representative(s) would be held on February 27-28, 2014 at 9:30 a.m. Although the parties agreed to dates for the depositions, the Discovery Master held that Allstate was nevertheless permitted to make specific objections to the Plaintiffs' Notice. On January 14, 2014, Plaintiffs

served their Amended Notice of Intention to take the Oral and Video Deposition of the Corporate Representative of Allstate Texas Lloyds with Subpoena Duces Tecum on Thursday and Friday, February 27-28, 2014. *See* Exhibit B. The categories listed in Plaintiffs' latest Notice are duplicates of their December 2, 2013 Notice.

I. THE DEPOSITION CATEGORIES OUTLINED BY PLAINTIFFS CALL FOR LEGAL TESTIMONY, NOT FACTUAL TESTIMONY

The law is well settled that testimony – including that of corporate representatives – may not be used to explore legal issues or theories. *See, e.g., JPMorgan Chase Bank v. Liberty Mut. Ins. Co.*, 209 F.R.D. 361, 362 (S.D.N.Y. 2002) ("depositions, including 30(b)(6) depositions, are designed to discover facts, not contentions or legal theories"); *Protective Nat'l Ins. Co. of Omaha v. Commonwealth Ins. Co.*, 137 F.R.D. 267, 282 (D. Neb. 1989) (same principle).

Yet, as they did in their prior Notice of Deposition, Plaintiffs seek testimony from an Allstate corporate representative regarding topics which entirely involve legal contentions and issues. For instance, Plaintiffs seek testimony regarding "Allstate Texas Lloyd's compliance with statutory and common law duties for investigating, adjusting, handling and processing claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012." (Notice at *3). Even if an Allstate corporate representative had knowledge of such legal matters, the categories are inappropriate because "it is obvious that plaintiff is really requesting defendants' mental impressions, conclusions, opinions, and legal theory," and they are, therefore, "work product." *JPMorgan*, 209 F.R.D. at 363. Accordingly, Plaintiffs should be prohibited from seeking deposition testimony related to any of these topics.

II. PLAINTIFFS' DISCOVERY CATEGORIES ARE OVERLY BROAD AND IRRELEVANT TO THEIR INDIVIDUAL CLAIMS AND ARE OBJECTIONABLE AND IMPERMISSIBLE

The categories within Plaintiffs' Notice are also improper because, as was the case with their December 2, 2013 Notice, they are facially overbroad and have no possible relevance to their individual claims. *See, e.g., In re: American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (discovery may not be used as a “fishing expedition”); *In re: American Home Assur. Co.*, 88 S.W.3d 370, 372 (Tex. App.—Texarkana 2002, no pet.) (discovery order permitting overly broad discovery is an abuse of discretion for which mandamus is the proper remedy). Texas Rule of Civil Procedure 199.2(b) states, “the notice must describe with reasonable particularity the matters on which examination is requested.” TEX. RULE CIV. PROC. 199.2. The information sought in Plaintiffs’ notice because it fails to describe with reasonable particularity the matters on which the examination is requested.

The topics and requests in Plaintiffs’ January 14, 2014 Notice, which again duplicate many topics and requests in her December 2, 2013 Notice, are inappropriate and objectionable for the reasons set forth below.

Category No. 1: TRAINING AND CLAIMS HANDLING

- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge on training of adjusters pertaining to property claims, such as hail damage claims, including claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012; and
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge on proper claims handling procedure for property claims, such as hail damage claims, including claims arising out of March 29, 2012 and/or April 20, 2012 hail storms in Hidalgo County.

RESPONSE:

Allstate objects to Category No. 1: Training and Claims Handling on the grounds that it is vague, ambiguous, seeks information which is irrelevant to the subject matter of the pending

action, and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Allstate objects to this Request on the ground that it calls for testimony concerning legal issues, not facts, which is an improper topic for a corporate representative deposition.

Category No. 2: COMPLIANCE WITH CONTRACTUAL AND LEGAL DUTIES

- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's compliance with contractual duties for investigating, adjusting, handling, and processing claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and /or April 20, 2012; and
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's compliance with statutory and common law duties for investigating, adjusting, handling and processing claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

Allstate objects to Category No. 2: Compliance with Contractual and Legal Duties on the grounds that it is vague, ambiguous, seeks information which is irrelevant to the subject matter of the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Allstate objects to this Request on the ground that it calls for testimony concerning legal issues, not facts, which is an improper topic for a corporate representative deposition. Allstate further object to this area of examination to the extent that it inquires into privileged communications.

Category No. 3: PRICING AND ESTIMATING

- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding the estimating software used by Allstate Texas Lloyd's or person(s) or entity(ies) hired by Allstate Texas Lloyd's in the estimating and adjusting of damages for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding the price lists used by Allstate Texas Lloyd's in the estimating and adjusting of damages for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/ or April 20, 2012;

- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding the manner in which pricing updates for the prices used in estimating and adjusting damages are published to Allstate Texas Lloyd's;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding whether Allstate Texas Lloyd's 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 and the process used to create each price list;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding any pricing audits performed by, or on behalf of Allstate Texas Lloyd's to verify the sufficiency and/or accuracy of the prices being used in the estimating and adjusting of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding any measures taken by Allstate Texas Lloyd's to ensure that the prices being used in the estimating and adjusting of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 were sufficient based on local prices in Texas;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's corporate policy or procedure for informing adjusters and claim handlers that a pricing update had been issued;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's criteria for determining the applicability of overhead and profit, including 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;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's criteria for determining whether to apply sales tax to labor and materials, including categories of items that were excluding from the application of sales tax 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;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's 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;
- Corporate Representative(s) from Allstate Texas Lloyd's with knowledge regarding Allstate Texas Lloyd's policy on applying depreciation to labor for the remove 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.

RESPONSE:

Allstate objects to Category No. 3: Pricing and Estimating on the grounds that these Categories are so multifarious and over-inclusive that they render this Notice an overbroad

“fishing expedition.” Further, in combination, these Categories also render the Notice unduly burdensome. As a result, these Categories seek information which are not *reasonably* calculated to lead to the discovery of admissible evidence. In addition, Allstate objects to this Request on the ground that it calls for testimony concerning legal issues, not facts, which is an improper topic for a corporate representative deposition.

Category NO. 4: INDEPENDENT ADJUSTING COMPANIES

- Corporate Representative(s) of Allstate Texas Lloyd's with knowledge regarding the relationship between Allstate Texas Lloyd's and independent adjusting companies, including but not limited to Pilot Catastrophe Services, Inc., payment to independent adjusting companies, and duties and/or responsibilities shared or delegated between Allstate Texas Lloyd's and independent adjusting companies; and
- Corporate Representative(s) of Allstate Texas Lloyd's with knowledge regarding how independent adjusting companies, including, but not limited to Pilot Catastrophe Services, Inc., are chosen and criteria for choosing independent adjusting companies.

RESPONSE:

Allstate objects to Category No. 4: Independent Adjusting Companies on the grounds that it is vague, ambiguous, seeks information which is irrelevant to the subject matter of the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Allstate objects to this Request on the ground that it calls for testimony concerning legal issues, not facts, which is an improper topic for a corporate representative deposition. Allstate further objects to this area of examination to the extent that it inquires into privileged communications and further states that it has already produced the relevant contract between Pilot and Allstate.

Category NO. 5: COMMUNICATIONS

- Corporate Representative(s) of Allstate Texas Lloyd's with knowledge regarding email communication or electronic communication internally at Allstate Texas Lloyd's or between Allstate Texas Lloyd's and its independent adjusting companies, regarding the handling, adjustment, estimating, coverage, and/or payment of claims arising out of the

Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

RESPONSE:

Allstate objects to Topic No. 5 on the grounds that it is vague, ambiguous, seeks information which is irrelevant to the subject matter of the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Allstate objects to this Request on the ground that it calls for testimony concerning legal issues, not facts, which is an improper topic for a corporate representative deposition. Allstate further object to this area of examination to the extent that it inquires into privileged communications.

5.00 SUBPOENA DUCES TECUM:

Plaintiffs further request, pursuant to the Rules of Civil Procedure that at or before the commencement of the aforesaid deposition, the witness is requested to produce the documents and materials requested that are in his respective possession, care, custody and/or control for inspection and copying at the time and place of the deposition. The requests are set out in Exhibit "A" attached.

RESPONSE:

Allstate objects to the Subpoena Duces Tecum on the basis that it is overly broad and unduly burdensome, given the fact that Plaintiffs' Production Protocol A1 has not been approved by the Court. Allstate further objects to this Request on the basis that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Allstate further objects to this Request on the basis that it seeks information which is confidential and/or proprietary in nature.

Subject to and without waiving the foregoing, Allstate states that it has already produced all requested documents.

CONCLUSION

WHEREFORE, Defendant Allstate Texas Lloyd's requests that this Court grant its motion for protective order and such other and further relief to which Defendant may show itself justly entitled.

Respectfully submitted,

/s/ Roger D. Higgins

Roger D. Higgins
State Bar No. 09601500
rhiggins@thompsoncoe.com

Vanessa A. Rosa
State Bar No. 24081769
vrosa@thompsoncoe.com

THOMPSON, COE, COUSINS & IRONS, L.L.P.
700 N. Pearl Street, 25th Floor
Dallas, Texas 75201
Telephone: (214) 871-8200
Telecopy: (214) 871-8209

**ATTORNEYS FOR DEFENDANT
ALLSTATE TEXAS LLOYD'S**

CERTIFICATE OF SERVICE

This is to certify that on January 28, 2013, a true and correct copy of the foregoing was served on Plaintiff's counsel of record by electronic notice and/or certified mail return receipt requested:

Rene Sigman
The Mostyn Law Firm
3810 W. Alabama Street,
Houston, Texas 77027

/s/ Roger D. Higgins

Roger D. Higgins

MDL No. 13-0418

IN RE ALLSTATE TEXAS LLOYD'S
AND ALLSTATE FIRE AND
CASUALTY COMPANY

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

MARCH 29, 2012 AND APRIL 20, 2012
HAIL STORM LITIGATION

**PLAINTIFFS' NOTICE OF INTENTION TO TAKE
THE ORAL AND VIDEO DEPOSITION OF THE CORPORATE REPRESENTATIVE
OF ALLSTATE TEXAS LLOYDS WITH SUBPOENA DUCES TECUM**

TO: Corporate Representative of Defendant Allstate Texas Lloyd's ("Allstate") by and through its attorneys of record: Jay Simon, THOMPSON, COE, COUSINS & IRONS, L.L.P., One Riverway, Suite 1600, Houston, Texas 77056, Roger D. Higgins, THOMPSON, COE, COUSINS & IRONS, L.L.P., 700 North Pearl St., Dallas, Texas 75201 and Jeffrey D. Roerig, ROERIG, OLIVEIRA & FISHER, L.L.P., 855 West Price Road, Suite 9, Brownsville, Texas 78520.

Please take notice that, pursuant to the Texas Rules of Civil Procedure, counsel of record for Plaintiffs shall take the oral and videotaped deposition of the person identified by Allstate as the corporate representative with the most knowledge of the following categories:

TRAINING AND CLAIMS HANDLING:

- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge on training of adjusters pertaining to property claims, such as hail damage claims, including claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012; and
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge on proper claims handling procedure for property claims, such as hail damage claims, including claims arising out of March 29, 2012 and/or April 20, 2012 hail storms in Hidalgo County.

COMPLIANCE WITH CONTRACTUAL AND LEGAL DUTIES:

- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd's compliance with contractual duties for investigating, adjusting, handling, and processing claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012; and



- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd's compliance with statutory and common law duties for investigating, adjusting, handling and processing claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

PRICING AND ESTIMATING:

- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding the estimating software used by Allstate Texas Lloyd's or person(s) or entity(ies) hired by Allstate Texas Lloyd's in the estimating and adjusting of damages for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding the price lists used by Allstate Texas Lloyd's in the estimating and adjusting of damages for claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding the manner in which pricing updates for the prices used in estimating and adjusting damages are published to Allstate Texas Lloyd's;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding whether Allstate Texas Lloyd's 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 and the process used to create each price list;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding any pricing audits performed by, or on behalf of Allstate Texas Lloyd's to verify the sufficiency and/or accuracy of the prices being used in the estimating and adjusting of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding any measures taken by Allstate Texas Lloyd's to ensure that the prices being used in the estimating and adjusting of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012 were sufficient based on local prices in Texas;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd's corporate policy or procedure for informing adjusters and claim handlers that a pricing update had been issued;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd's criteria for determining the applicability of overhead and profit, including 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;

- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd's criteria for determining whether to apply sales tax to labor and materials, including categories of items that were excluded from the application of sales tax 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;
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd's 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; and
- Corporate Representative(s) from Allstate Texas Lloyd's with the most knowledge regarding Allstate Texas Lloyd'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.

INDEPENDENT ADJUSTING COMPANIES:

- Corporate Representative(s) of Allstate Texas Lloyd's with the most knowledge regarding the relationship between Allstate Texas Lloyd's and independent adjusting companies, including, but not limited to Pilot Catastrophe Services, Inc., payment to independent adjusting companies, and duties and/or responsibilities shared or delegated between Allstate Texas Lloyd's and independent adjusting companies; and
- Corporate Representative(s) of Allstate Texas Lloyd's with the most knowledge regarding how independent adjusting companies, including, but not limited to Pilot Catastrophe Services, Inc., are chosen and criteria for choosing independent adjusting companies.

COMMUNICATIONS:

- Corporate Representative(s) of Allstate Texas Lloyd's with the most knowledge regarding email communication or electronic communication internally at Allstate Texas Lloyd's or between Allstate Texas Lloyd's and its independent adjusting companies, regarding the handling, adjustment, estimating, coverage, and/or payment of claims arising out of the Hidalgo County hail storms occurring on or about March 29, 2012 and/or April 20, 2012.

1.00 SCHEDULE OF WITNESS

The witness is to be presented for deposition on Tuesday and Wednesday, January 28-29, 2013 beginning at 10:00 a.m. The deposition is to begin at the designated time and will continue from day to day as necessary.

2.00 PLACE:

The above-referenced deposition will be taken at the offices of THOMPSON, COE, COUSINS & IRONS, L.L.P., One Riverway, Suite 1600, Houston, Texas 77056.

3.00 COURT REPORTER:

The deposition will be stenographically recorded by a certified court reporter from the firm of Stratos Legal Services LP, 1001 West Loop South, Suite 809, Houston, Texas 77027, (713) 481-2180.

4.00 SUPPLEMENTAL NON-STENOGRAPHIC RECORDATION:

Counsel for Plaintiff hereby gives notice of a present intent to record the deposition by videotape, in addition to stenographic recordation.

4.01 The intention to videotape the deposition is subject to change, so if any other party wishes to videotape the deposition, independent arrangements should be made and proper notice of such intentions should be given.

4.02 The videotaping of the deposition will be done by an operator with the firm of Stratos Legal Services LP, 1001 West Loop South, Suite 809, Houston, Texas 77027, (713) 481-2180.

4.03 The original of the videotape will remain in the above-referenced operator's possession, subject to the inspection of any party, at the above-address upon reasonable notice. In the event that any party wishes a copy of the videotape, said videotape will be delivered to an independent videotape transfer company for copying at the requesting party's expense.

5.00 SUBPOENA DUCES TECUM

Plaintiffs further request, pursuant to the Rules of Civil Procedure that at or before the commencement of the aforesaid deposition, the witness is requested to produce the documents and materials requested that are in his respective possession, care, custody and/or control for inspection and copying at the time and place of the deposition. The requests are set out in Exhibit "A" attached.

Respectfully submitted,

THE MOSTYN LAW FIRM

René M. Sigman/wp

René M. Sigman

Texas State Bar No. 24037492

3810 West Alabama Street

Houston, Texas 77027

(713) 861-6616 Telephone

(713) 861-8084 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record, pursuant to the Texas Rules of Civil Procedure on this, the 2nd day of December, 2013.

Jay Scott Simon
THOMPSON, COE, COUSINS & IRONS, L.L.P.
One Riverway, Suite 1600
Houston, Texas 77056

Roger D. Higgins
THOMPSON, COE, COUSINS & IRONS, L.L.P.
700 North Pearl Street, 25th Floor
Dallas, Texas 75201

Jeffrey D. Roerig
ROERIG, OLIVEIRA & FISHER, L.L.P.
855 West Price Road, Suite 9
Brownsville, Texas 78520

René M. Sigman/wp

René M. Sigman

EXHIBIT "A"

SUBPOENA DUCES TECUM

Please produce any and all documentation which you have reviewed or have used to help you in preparation for the above noticed deposition, whether hand written, typed, or computer generated or whose contents were related to you through another person in preparation for the above noticed deposition.

MDL No. 13-0418

IN RE ALLSTATE TEXAS LLOYD'S
AND ALLSTATE FIRE AND
CASUALTY COMPANY

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TO: Corporate Representative of Defendant Allstate Texas Lloyd's ("Allstate") by and through its attorneys of record: Jay Simon, THOMPSON, COE, COUSINS & IRONS, L.L.P., One Riverway, Suite 1600, Houston, Texas 77056, Roger D. Higgins, THOMPSON, COE, COUSINS & IRONS, L.L.P., 700 North Pearl St., Dallas, Texas 75201 and Jeffrey D. Roerig, ROERIG, OLIVEIRA & FISHER, L.L.P., 855 West Price Road, Suite 9, Brownsville, Texas 78520.

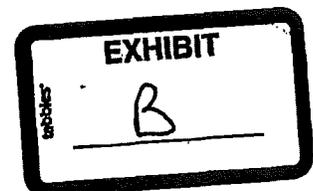
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The witness is to be presented for deposition on Thursday and Friday, February 27 and 28, 2014 beginning at 9:30 a.m. The deposition is to begin at the designated time and will continue from day to day as necessary.

2.00 PLACE:

The above-referenced deposition will be taken at the offices of THOMPSON, COE, COUSINS & IRONS, L.L.P., One Riverway, Suite 1600, Houston, Texas 77056.

3.00 COURT REPORTER:

The deposition will be stenographically recorded by a certified court reporter from the firm of Worldwide Court Reporters, Inc., 3000 Wesleyan, Suite 235, Houston, Texas 77027, (713) 572-2000.

4.00 SUPPLEMENTAL NON-STENOGRAPHIC RECORDATION:

Counsel for Plaintiff hereby gives notice of a present intent to record the deposition by videotape, in addition to stenographic recordation.

4.01 The intention to videotape the deposition is subject to change, so if any other party wishes to videotape the deposition, independent arrangements should be made and proper notice of such intentions should be given.

4.02 The videotaping of the deposition will be done by an operator with the firm of Worldwide Court Reporters, Inc., 3000 Wesleyan, Suite 235, Houston, Texas 77027, (713) 572-2000.

4.03 The original of the videotape will remain in the above-referenced operator's possession, subject to the inspection of any party, at the above-address upon reasonable notice. In the event that any party wishes a copy of the videotape, said videotape will be delivered to an independent videotape transfer company for copying at the requesting party's expense.

5.00 SUBPOENA DUCES TECUM

Plaintiffs further request, pursuant to the Rules of Civil Procedure that at or before the commencement of the aforesaid deposition, the witness is requested to produce the documents and materials requested that are in his respective possession, care, custody and/or control for inspection and copying at the time and place of the deposition. The requests are set out in Exhibit "A" attached.

Respectfully submitted,

THE MOSTYN LAW FIRM

*RMSigman / w/permission
KDRausey*

René M. Sigman
Texas State Bar No. 24037492
3810 West Alabama Street
Houston, Texas 77027
(713) 861-6616 Telephone
(713) 861-8084 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record, pursuant to the Texas Rules of Civil Procedure on this, the 14th day of January, 2014.

Jay Scott Simon
THOMPSON, COE, COUSINS & IRONS, L.L.P.
One Riverway, Suite 1600
Houston, Texas 77056

Roger D. Higgins
THOMPSON, COE, COUSINS & IRONS, L.L.P.
700 North Pearl Street, 25th Floor
Dallas, Texas 75201

Jeffrey D. Roerig
ROERIG, OLIVEIRA & FISHER, L.L.P.
855 West Price Road, Suite 9
Brownsville, Texas 78520

*RMSigman / w/permission
KDRausey*
René M. Sigman

EXHIBIT "A"

SUBPOENA DUCES TECUM

Please produce any and all documentation which you have reviewed or have used to help you in preparation for the above noticed deposition, whether hand written, typed, or computer generated or whose contents were related to you through another person in preparation for the above noticed deposition.