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Hidalgo County District Clerks
Reviewed By: Alessandra Galvan

MDL NOS. 13-0123 & 13-0130

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

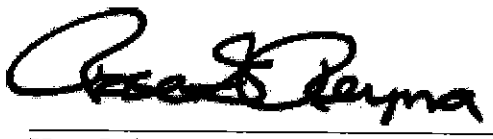
ORDER ADOPTING SPECIAL MASTER RECOMMENDATION NO. 10 REGARDING PLAINTIFFS' MOTION TO COMPEL DEFENDANTS GERMANIA FARM MUTUAL INSURANCE ASSOCIATION AND ITS DEFENDANT ADJUSTERS TO SERVE SUPPLEMENTAL ANSWERS TO INTERROGATORIES AND PRODUCE RESPONSIVE DOCUMENTS TO REQUESTS FOR PRODUCTION, AND MOTION TO STRIKE DEFENDANTS' OBJECTIONS

On this day, the Court having received Recommendation No. 10 of Special Master Roberto L. Ramirez Regarding Plaintiffs' Motion to Compel Defendants to Serve Supplemental Answers to Interrogatories and Produce Responsive Documents to Requests for Production, and Motion to Strike Defendants' Objections, hereby approves such Recommendation.

IT IS THEREFORE ORDERED that the Court adopts Recommendation No. 10 of the Special Master attached hereto as Exhibit "A".

IT IS SO ORDERED.

SIGNED and ENTERED this _____ day of 7/22/2014, 2014.



Hon. Judge Rose Guerra Reyna

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IN RE MARCH 29, 2012 AND APRIL 20, 2012 HAIL STORM LITIGATION	§	HIDALGO COUNTY, TEXAS
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RECOMMENDATION NO. 10 OF SPECIAL MASTER REGARDING PLAINTIFFS' MOTION TO COMPEL DEFENDANTS GERMANIA FARM MUTUAL INSURANCE ASSOCIATION AND ITS DEFENDANT ADJUSTERS TO SERVE SUPPLEMENTAL ANSWERS TO IINTERROGATORIES AND PRODUCE RESPONSIVE DOCUMENTS TO REQUESTS FOR PRODUCTION, AND MOTION TO STRIKE DEFENDANTS' OBJECTIONS

Pursuant to my appointment as Special Master in the above-referenced MDL proceeding, I considered *Plaintiffs' Motion to Compel Defendants to Serve Supplemental Answers to Interrogatories and Produce Responsive Documents to Requests for Production, and Motion to Strike Defendants' Objections* and Defendants Germania Farm Mutual Insurance Association's ("Germania") and the related adjusters and adjusting companies' responses thereto, as well as the arguments of counsel at a June 18, 2014 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. Accordingly, I hereby make the following recommendations regarding Plaintiffs' present motion:

General Matters

It is agreed to by the parties that the agreements by Defendants and recommendations by the Discovery Master subject to the Court's approval on the Case-Specific Interrogatories and Requests for Production to Germania and the related adjusters requests for production and interrogatories and adjusting companies requests for production and interrogatories shall apply to all cases Plaintiffs have pending against Defendant Germania and the related adjusters and adjusting companies. This agreement contemplates that the same objections are being made to each discovery request by Defendants and the same recommendation by the discovery master and subsequent rulings were made by the Court. The agreement contemplates Defendants do not need to lodge the same objections in future responses to discovery in order for the objections to be preserved. This agreement specifically preserves all objections by Defendant to each discovery request as if said objections were specifically made and overruled in each case.

Exhibit "A"

Defendants' objections to the production protocol and definitions and instructions to the Master Discovery were overruled as to the Institutional Interrogatories and Requests for Production and Claim-Specific Interrogatories and Requests for Production to Germania, adjusting companies' requests for production and interrogatories, and individual defendants/adjusters requests for production and interrogatories.

It was agreed to by the parties that any discovery request with reference to a specified period of years is referring to years from the date of loss alleged in Plaintiffs pleadings unless specified otherwise.

Defendants shall remove all objections and supplement all responses as agreed to or ordered by the Court herein with regard to the Institutional Interrogatories and Requests for Production and Claim-Specific Interrogatories and Requests for Production to Germania, adjusting companies requests for production and interrogatories, and individual defendants/adjusters requests for production and interrogatories for the four (4) cases subject of the motion to compel on or before thirty (30) days from the date that Recommendation No. 10 is signed by the Special Master. Defendants have suggested production within this specified time frame and the Special Master has accepted this proposal.

Institutional Interrogatories

It was agreed to by Defendants that Defendants shall remove all objections and supplement its responses to Institutional Interrogatories.

Institutional Requests for Production

It was agreed to by Defendants that Defendants shall remove their objections, serve supplemental answers, and produce all responsive documents to Institutional Requests for Production Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 27, 28, 29, 30, and 31.

It was agreed that the term "generalized" shall be removed from Institutional Requests for Production Nos. 3 and 12 and Defendants will, in turn, withdraw their objections, serve supplemental answers, and produce all responsive documents.

The following chart represents the recommendations to the remaining Institutional Requests for Production:

No.	Institutional RFP	Recommendations
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
13	Any document general in nature which applies to more	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

	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 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.	
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

20	Any documents and/or summaries that show the average percentage of depreciation applied to claims arising out of the Hidalgo County hail storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
21	Any documents and/or summaries that show the average percentage of depreciation applied to claims arising out of the Hidalgo County hail storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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 storm claims occurring on or about March 29, 2012 and/or April 20, 2012.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

Claim-Specific Interrogatories to Germania

It was agreed to by Defendants that Defendants shall remove their objections and supplement their responses to Claim-Specific Interrogatories to Germania Nos. 1, 11, 19, 21, 24, and 28.

Defendants' objections to Claim-Specific Interrogatories to Germania Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 20, 23, 24, 28, 29, 30, 31, 32 and 33 consist only of objections to the Definitions and Instructions and are therefore overruled as mentioned above in General Matters. Defendants are ordered to supplement their responses.

The following chart represents the recommendations to the remaining Claim-Specific Interrogatories to Germania:

No.	Claim Specific Roggs	Recommendations
22	State whether 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.	Based on the limitation Plaintiffs proposed on this request limiting the interrogatory to the duration of the claims handling process and to the extent Defendants are aware, Defendants' objections are overruled, and Defendants are ordered to supplement their response.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response.

27	To the extent Defendant is aware, state any violations of the requirements or obligations owed to Plaintiff(s) under the Policy relating to the claim made the basis of this Lawsuit that were discovered during the claims handling process.	Defendants' objections are overruled, and Defendants are ordered to supplement their response.

Claim-Specific Requests for Production to Germania

It was agreed to by Defendants that Defendants shall remove their objections, serve supplemental answers, and produce all responsive documents to Claim-Specific Requests for Production to Germania Nos. 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29The following chart represents the recommendations to the remaining Claim-Specific Requests for Production to Germania:

No.	Claim Specific RFP	Ruling/Notes
5	All requests for information to any third party about the Property, the Plaintiff(s), or the claims made the basis of this Lawsuit.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
16	All documents reflecting the pre-anticipation of litigation reserves set on the claim made the basis of this	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

	Lawsuit, including any changes to the reserve(s) along with any supporting documentation.	
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.	Subject to the confidentiality provision of the Agreed protective order, Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
18	All documents relating to work performance, claims patterns, claims problems, commendations, claims trends, claims recognition, and/or concerns for any person who handled the claim made the basis of this Lawsuit.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

Claim-Specific Interrogatories to Adjusting Companies

It was agreed to by Defendants that Defendants shall remove their objections, serve supplemental answers, and produce all responsive documents to Claim-Specific Requests for Interrogatories to Adjusting Companies Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 12, 13, 14 and 16.

Defendants' objections to Claim-Specific Interrogatories to Adjusting Companies No. 15 consists only of objections to the Definitions and Instructions and are therefore overruled as mentioned above in General Matters. Defendants are ordered to supplement their responses

The following chart represents the recommendations to the remaining Claim-Specific Requests for Interrogatories to Adjusting Companies:

Claim Specific RFI	Recommendations
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

Claim-Specific Requests for Production to Adjusting Companies

It was agreed to by Defendants that Defendants shall remove their objections, serve supplemental answers, and produce all responsive documents to Claim-Specific Requests for Production to Adjusting Companies Nos. 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 17, and 18.

The parties agreed to remove the word "Plaintiff" from the Claim-Specific Request for Production to Adjusting Companies No. 1, Defendant will remove their objections, serve supplemental answers, and produce all responsive documents.

The parties agreed to remove the word "generalized" from the Claim-Specific Requests for Production to Adjusting Companies Nos. 11 and 16, Defendants will remove their objections, serve supplemental answers, and produce all responsive documents.

The parties agreed that the phrase "the last three years" means the three years prior to the date of loss in Claim-Specific Request for Production No. 19. Accordingly, Defendants will remove their objections, serve supplemental answers, and produce all responsive documents.

The following chart represents the recommendations to the remaining Claim-Specific Requests for Production to Adjusting Companies:

Claim Specific RFP	Recommendations
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.	Based on the limitation Plaintiffs agreed to on this request limiting the interrogatory to claims assigned by Germania only, Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
10. All documents reflecting amounts billed to or payments received from the defendant	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

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.	
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
24. Any documents and/or summaries that show the average percentage of depreciation	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

applied to claims arising out of the Hidalgo County hail storms occurring on or about March 29,2012 and/or April 20, 2012.	
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
29. Any documents and/or summaries that show the average percentage of depreciation	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

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.	
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

Claim-Specific Interrogatories to Individual Defendants/Adjusters

It was agreed to by Defendants that Defendants shall remove their objections, serve supplemental answers, and produce all responsive documents to Claim-Specific Requests for Interrogatories to Individual Defendants/Adjusters Nos. 1, 4, 5, 15 and 16.

Defendants' objections to Claim-Specific Interrogatories to Individual Defendants/Adjusters Nos. 2, 3, 6, 7, 8, 9, 10, 11, 12, 13 and 14, consist only of objections to the Definitions and Instructions and are therefore overruled as mentioned above in General Matters.

The following chart represents the recommendations to the remaining Claim-Specific Interrogatories to Individual Defendants/Adjusters:

Claim-Specific Roggs	Recommendations
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.	Based on Plaintiffs' agreement to remove the word "items" from the interrogatory, Defendants' objections are overruled, and Defendants are ordered to supplement their 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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response.

Claim-Specific Requests for Production to Individual Defendants/Adjusters

It was agreed to by Defendants that Defendants shall remove their objections, serve supplemental answers, and produce all responsive documents to Claim-Specific Requests for Production to Individual Defendants/Adjusters Nos. 2, 5, 7, 8, 9, 10, 13, 14, 15, 16, and 18.

Defendants' objections to Claim-Specific Requests for Production to Individual Defendants/Adjusters Nos. 1, 4, and 17 consist only of objections to the Definitions and Instructions and are therefore overruled as mentioned above in General Matters.

The following chart represents the recommendations to the remaining Claim-Specific Requests for Production to Individual Defendants/Adjusters:

Claim-Specific RFP	Ruling/Notes
3. All training documents you have for adjusting hail and/or windstorm claims. This request is limited to the past 2 years.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Subject to the confidentiality provision of the Agreed protective order, Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.
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.	Defendants' objections are overruled, and Defendants are ordered to supplement their response and produce all documents responsive to this request.

Signed this 7th day of JULY 2014.

Roberto L. Ramirez
Special Master