

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. 9 REGARDING
PLAINTIFFS' MOTION TO COMPEL DEFENDANT NATIONAL LLOYDS
INSURANCE COMPANY TO SERVE SUPPLEMENTAL ANSWERS TO
INSTITUTIONAL INTERROGATORIES AND PRODUCE RESPONSIVE
DOCUMENTS TO INSTITUTIONAL REQUESTS FOR PRODUCTION, MOTION TO
STRIKE DEFENDANT'S OBJECTIONS, AND MOTION FOR COSTS**

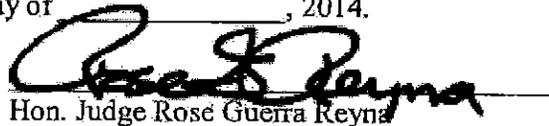
On this day, the Court having received Recommendation No. 9 of Special Master Roberto L. Ramirez Regarding Plaintiffs' Motion to Compel Defendant National Lloyds Insurance Company to Serve Supplement Answers to Institutional Interrogatories and Produce Responsive Documents to Institutional Requests for Production, Motion to Strike Defendant's Objections, and Motion for Costs, hereby approves such Recommendation.

IT IS THEREFORE ORDERED that the Court adopts Recommendation No. 9 of the Special Master attached hereto as Exhibit "A".

IT IS SO ORDERED.

7/16/2014

SIGNED and ENTERED this _____ day of _____, 2014.


Hon. Judge Rose Guerra Reyna

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20, 2012 HAIL STORM LITIGATION

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

RECOMMENDATION NO. 9 OF SPECIAL MASTER REGARDING PLAINTIFFS' MOTION TO COMPEL DEFENDANT NATIONAL LLOYDS INSURANCE COMPANY TO SERVE SUPPLEMENTAL ANSWERS TO INSTITUTIONAL INTERROGATORIES AND PRODUCE RESPONSIVE DOCUMENTS TO INSTITUTIONAL REQUESTS FOR PRODUCTION, MOTION TO STRIKE DEFENDANT'S OBJECTIONS, AND MOTION FOR COSTS

Pursuant to my appointment as Special Master in the above-referenced MDL proceeding, I considered *Plaintiffs' Motion to Compel Defendant National Lloyds Insurance Company to Serve Supplemental Answers to Institutional Interrogatories and Produce Responsive Documents to Institutional Requests for Production, Motion to Strike Defendant's Objections, and Motion for Costs* and Defendant's responses thereto, as well as the arguments of counsel and the evidence presented 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 motions 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:

Claim-Specific RFP to National Lloyds Insurance Company	Recommendation
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.	Defendant agrees to withdraw objections with the exception of privacy and relevancy. Subject to the confidentiality agreement of the parties, Defendant's remaining objections are overruled and Defendant is ordered to supplement accordingly.

Exhibit "A"

Claim-Specific RFP to National Lloyds Insurance Company	Recommendation
<p>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.</p>	<p>Defendant agrees to withdraw objections with the exception of privacy and relevancy. Subject to the confidentiality agreement of the parties, Defendant's remaining objections are overruled and Defendant is ordered to supplement accordingly.</p>
<p>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.</p>	<p>Defendant agrees to withdraw objections with the exception of privacy and relevancy. Subject to the confidentiality agreement of the parties, Defendant's remaining objections are overruled and Defendant is ordered to supplement accordingly.</p>
<p>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.</p>	<p>Defendant agrees to withdraw objections with the exception of privacy and relevancy. Subject to the confidentiality agreement of the parties, Defendant's remaining objections are overruled and Defendant is ordered to supplement accordingly.</p>

It was agreed to by Defendant that Defendant shall withdraw all other objections to Institutional Interrogatories and Requests for Production as well as Claim-Specific Interrogatories and Requests for Production served on National Lloyds Insurance Company, their adjusters, and their adjusting companies and, with the exception of Claim-Specific Requests for Production to National Lloyds Insurance Company Nos. 11, 13, 17, and 18 as noted above as well as Defendant's ongoing objections related to the cost and burden of electronic production.

By agreement of the parties, Defendant's objections regarding the cost and burden of electronic production will be addressed separately at a hearing/conference before the Special Master on July 1, 2014.

It was further agreed by the parties that all agreements by Defendant and recommendations by the Discovery Master with regard to the Case-Specific Interrogatories and Requests for Production for National Lloyds as well as the Case-Specific Interrogatories and Requests for Production to all adjusters and adjusting companies shall apply to all cases Plaintiffs have against Defendant National Lloyds Insurance Company.

It was further agreed to by Defendants that Defendants will serve supplemental answers to all Interrogatories by July 8, 2014.

Signed this 3RD day of July, 2014.


Roberto L. Ramirez
Special Master

APPROVED AS TO FORM ONLY:

/s/ Molly K. Bowen

Counsel for Plaintiffs

/s/ Scot Doyen

Counsel for Defendants