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MDL NOS. 13-0123 & 13-0130

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

CAUSE NO. C-3258-12-B

MARIO AVILA AND HIS SPOUSE GRACIELA AVILA, Plaintiffs,	§	**IN THE DISTRICT COURT OF**
v.	§	**HIDALGO COUNTY, TEXAS**
TEXAS FAIR PLAN ASSOCIATION, AND PEDRO ALCANTAR MORALES D/B/A MORALES INSURANCE AGENCY, Defendants.	§	**206TH JUDICIAL DISTRICT**

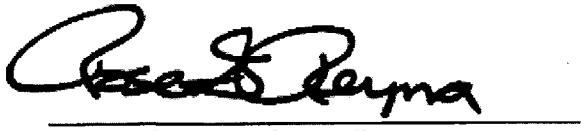
ORDER ADOPTING RECOMMENDATION NO. 14 OF SPECIAL MASTER REGARDING DEFENDANT TEXAS FAIR PLAN ASSOCIATION'S OBJECTIONS TO PLAINTIFFS' DISCOVERY REGARDING APPRAISAL

On this day, the Court having considered Recommendation No. 14 of the Special Master Roberto L. Ramirez Regarding *Defendant Texas Fair Plan Association's Objections to Plaintiffs' Discovery Regarding Appraisal*, hereby approves such recommendation.

It is therefore ordered that the Court adopts Recommendation No. 14 of the Special Master attached hereto as Exhibit "A."

IT IS SO ORDERED.

SIGNED this the 9/18/2014 day of ~~August~~, 2014.



Hon. Judge Rose Guerra Reyna

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MDL NOS. 13-0123 & 13-0130

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

CAUSE NO. C-3258-12-B

MARIO AVILA AND HIS SPOUSE GRACIELA AVILA,	§	**IN THE DISTRICT COURT OF**
Plaintiffs,	§	
	§	
v.	§	**HIDALGO COUNTY, TEXAS**
	§	
TEXAS FAIR PLAN ASSOCIATION, AND PEDRO ALCANTAR MORALES D/B/A MORALES INSURANCE AGENCY,	§	**206TH JUDICIAL DISTRICT**
Defendants.	§	

RECOMMENDATION NO. 14 OF SPECIAL MASTER REGARDING DEFENDANT TEXAS FAIR PLAN ASSOCIATION'S OBJECTIONS TO PLAINTIFFS' DISCOVERY REGARDING APPRAISAL

Pursuant to my appointment as Special Master in the above-referenced MDL proceeding, I considered Defendant Texas FAIR Plan Association's ("TFPA") objections to Plaintiffs' discovery requests regarding appraisal, as well as the arguments of counsel at a July 31, 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 the objections set for hearing. 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 Defendants' objections:

Interrogatories Regarding Appraisal

It was agreed to by Defendants that Defendant TFPA shall remove the objection that TFPA is not obligated to marshal all of its evidence of any defense in response to discovery to Interrogatory Nos. 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 with the understanding reached on the record that a general statement as to what Defendant's contention is on the indicated subject of the interrogatory.

After clarifications made on the record, it was agreed to by Defendants that Defendant TFPA shall remove its vague and subjective and/or illogical objection to Interrogatory Nos. 8 and 14.

Exhibit "A"

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The only remaining objection to the Interrogatories Regarding Appraisal is that TFPA's decisions regarding the appraisal award are part of its defense in this litigation and protected by the work product privilege. This objection was lodged to every Interrogatory Regarding Appraisal and no privilege log was provided. After considering the arguments of counsel and the information before me, I recommend Defendant TFPA's objection that these discovery requests invade the work product privilege be OVERRULED.

Hidalgo County District Clerks

Requests for Production Regarding Appraisal

It was agreed to by Defendants that Defendant TFPA shall remove the duplicative objection to Request for Production Nos. 2 and 6.

After clarifications provided on the record, it was agreed to by Defendants that Defendant TFPA shall remove its vague and subjective objections to Request for Production Nos. 4, 7, 13, 14, 15, 16, and 18.

The remaining objections to the Requests for Production Regarding Appraisal are that the requests invade the attorney-client and work product privileges. These objections were lodged to Requests for Production Regarding Appraisal Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 and no privilege log was provided. After considering the arguments of counsel and the information before me, I recommend Defendant TFPA's objections that these discovery requests invade the work product and attorney-client privileges be OVERRULED.

Signed this 8th day of September, 2014.

Roberto L. Ramirez
Special Master

APPROVED AS TO FORM ONLY:

THE MOSTYN LAW FIRM

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