

CAUSE NO. C-0467-13-D

**MARTIN ALMAGUER AND
MARICELA A. ALMAGUER,**
Plaintiffs,

v.

**NATIONAL LLOYDS INSURANCE
COMPANY, WARDLAW CLAIMS
SERVICE, INC., AND JEREMY
CABRERA,**
Defendants.

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

CAUSE NO. C-1573-13-F

**KELLY DIZDAR AND MARK
DIZDAR, INDIVIDUALLY AND
D/B/A DIZDAR DEVELOPMENT,**
Plaintiffs,

v.

**NATIONAL LLOYDS INSURANCE
COMPANY, WARDLAW CLAIMS
SERVICE, INC., DENA R. WALLER,
AND HAYLIE WARDLAW,**
Defendants.

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

CAUSE NO. C-0330-13-G

**DANNY GARCIA AND YVONNE S.
GARCIA,**
Plaintiffs,

v.

**NATIONAL LLOYDS INSURANCE
COMPANY, IDEAL ADJUSTING,
INC., AND JOSE MEDELLIN,**
Defendants.

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

Copies To:

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EXHIBIT “A”

CAUSE NO. C-1137-13-B

**ALFREDO ORTIZ RODRIGUEZ
AND ALICIA M. RODRIGUEZ,**
Plaintiffs,

v.

**NATIONAL LLOYDS INSURANCE
COMPANY, WARDLAW CLAIMS
SERVICE, INC., AND ARNOLD P.
NERIO,**
Defendants.

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

**RECOMMENDATION NO. 18 OF SPECIAL MASTER REGARDING DEFENDANT
NATIONAL LLOYDS INSURANCE COMPANY'S, DEFENDANT WARDLAW
CLAIMS SERVICE, INC.'S, AND DEFENDANT IDEAL ADJUSTING, INC.'S
OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES AND
PLAINTIFFS' SECOND REQUEST FOR PRODUCTION**

Pursuant to my appointment as Special Master in the MDL that encompasses the above-referenced cases, I considered Defendant National Lloyds Insurance Company's, Defendant Wardlaw Claims Service, Inc.'s, and Defendant Ideal Adjusting, Inc.'s (collectively referred to as "Defendants") objections to the above-referenced Plaintiffs' Second Set of Interrogatories and Second Request for Production, as well as the arguments of counsel and the evidence presented at the April 17, 2015 conference/hearing conducted with the parties' counsel. Previously, the Plaintiffs filed their Motion for Leave to Serve Additional Trial Discovery relating to the discovery at issue. By letter dated April 1, 2015, I corresponded with counsel and indicated that I would be recommending to the Court that Plaintiffs' Motion be granted; however, I directed counsel to confer regarding the form of specific discovery proposed by the Plaintiffs. During the conference held on April 17, 2015, counsel advised me that they had conferred and could not agree as to the form of a specific set to be utilized in this case. Nonetheless, they agreed to utilize the set proposed by the Plaintiffs in their Motion for Leave. Defendants answered, responded and objected to this discovery, and in turn, Defendants' objections were presented for my consideration at the conference held on April 17, 2015. Accordingly, I hereby make the following recommendations regarding Defendants' objections:

Plaintiffs' Second Set of Interrogatories to Defendant National Lloyds Insurance Company	Recommendation
1. State the hourly rate of any and all attorneys who have provided legal services to this Defendant in this case.	Defendant's objections are overruled.

Plaintiffs' Second Set of Interrogatories to Defendant National Lloyds Insurance Company	Recommendation
2. State the total amount billed by each law firm providing legal services to this Defendant in this case up to and including the time of trial.	Defendant's objections are overruled.
3. State the total amount of reimbursable expenses incurred by any law firm providing legal services to this Defendant in this case up to and including the time of trial.	Defendant's objections are overruled.
4. If you contend that Plaintiffs' attorneys' fees claimed are not reasonable, state your basis for this contention as well as all facts and legal theories underlying this contention.	The phrase "all facts" in the present Interrogatory will be changed to "your factual." With this change, Defendant's objections are overruled.
5. If you contend that Plaintiffs' attorneys' fees claimed were not necessary, state your basis for this contention as well as all facts and legal theories underlying this contention.	The phrase "all facts" in the present Interrogatory will be changed to "your factual." With this change, Defendant's objections are overruled.
6. If you contend that Plaintiffs' claim for a Lodestar enhancement fee is not reasonable or necessary, state your basis for this contention as well as all facts and legal theories underlying this contention.	The phrase "all facts" in the present Interrogatory will be changed to "your factual." With this change, Defendant's objections are overruled.

Plaintiffs' Second Request for Production to Defendant National Lloyds Insurance Company	Recommendation
1. Produce all billing invoices received by Defendant and/or any of the firms the named attorneys are affiliated with or employed by, in connection with this case.	Defendant's objections are overruled.
2. Produce all payment logs, ledgers, or payment summaries showing all payments paid to Defendants' attorneys and/or any of the firms that the named attorneys are affiliated with or employed by, in connection with this case.	Defendant's objections are overruled.
3. Please produce all documents that show the hourly fee being paid to Defense Counsel	This request is withdrawn by Plaintiffs.

Plaintiffs' Second Request for Production to Defendant National Lloyds Insurance Company	Recommendation
and/or any of the firms the named attorneys are affiliated with or employed by, in connection with their services on this case.	
4. Please produce all documents that show the flat rate, if any, being paid to Defense Counsel and/or any of the firms that the named attorneys are affiliated with or employed by, in connection with their services on this case.	Defendant's objections are overruled.
5. Please produce all documents related to audits of the billing and/or invoices of Defense Counsel and/or any of the firms that the named attorneys are affiliated with or employed by, which were performed on behalf of Defendant in regards to the attorney services received by Defendant. This request is limited to the last five (5) years.	Defendant's objections are overruled. Defendant is ordered to produce responsive documents <u>limited</u> to those documents regarding the specific case in which the request is propounded.

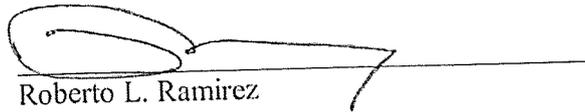
Plaintiffs' Second Set of Interrogatories to Defendant Wardlaw Claims Service, Inc. or Defendant Ideal Adjusting, Inc.	Recommendation
1. State the hourly rate of any and all attorneys who have provided legal services to this Defendant in this case.	Defendant's objections are overruled.
2. State the total amount billed by each law firm providing legal services to this Defendant in this case up to and including the time of trial.	Defendant's objections are overruled.
3. State the total amount of reimbursable expenses incurred by any law firm providing legal services to this Defendant in this case up to and including the time of trial.	Defendant's objections are overruled.
4. If you contend that Plaintiffs' attorneys' fees claimed are not reasonable, state your basis for this contention as well as all facts and legal theories underlying this contention.	The phrase "all facts" in the present Interrogatory will be changed to "your factual." With this change, Defendant's objections are overruled.

<p>5. If you contend that Plaintiffs' attorneys' fees claimed were not necessary, state your basis for this contention as well as all facts and legal theories underlying this contention.</p>	<p>The phrase "all facts" in the present Interrogatory will be changed to "your factual." With this change, Defendant's objections are overruled.</p>
<p>6. If you contend that Plaintiffs' claim for a Lodestar enhancement fee is not reasonable or necessary, state your basis for this contention as well as all facts and legal theories underlying this contention.</p>	<p>The phrase "all facts" in the present Interrogatory will be changed to "your factual." With this change, Defendant's objections are overruled.</p>

<p>Plaintiffs' Second Request for Production to Defendant Wardlaw Claims Service, Inc. or Defendant Ideal Adjusting, Inc.</p>	<p>Recommendation</p>
<p>1. Produce all billing invoices received by Defendant and/or any of the firms the named attorneys are affiliated with or employed by, in connection with this case.</p>	<p>Defendant's objections are overruled.</p>
<p>2. Produce all payment logs, ledgers, or payment summaries showing all payments paid to Defendants' attorneys and/or any of the firms that the named attorneys are affiliated with or employed by, in connection with this case.</p>	<p>Defendant's objections are overruled.</p>
<p>3. Please produce all documents that show the hourly fee being paid to Defense Counsel and/or any of the firms the named attorneys are affiliated with or employed by, in connection with their services on this case.</p>	<p>This request is withdrawn by Plaintiffs.</p>
<p>4. Please produce all documents that show the flat rate, if any, being paid to Defense Counsel and/or any of the firms that the named attorneys are affiliated with or employed by, in connection with their services on this case.</p>	<p>Defendant's objections are overruled.</p>
<p>5. Please produce all documents related to audits of the billing and/or invoices of Defense Counsel and/or any of the firms that the named attorneys are affiliated with or employed by, which were performed on behalf of Defendant in regards to the attorney services received by Defendant. This request is limited to the last five (5) years.</p>	<p>Defendant's objections are overruled. Defendant is ordered to produce responsive documents <u>limited</u> to those documents regarding the specific case in which the request is propounded.</p>

It was further agreed to by Defendants that Defendants will serve supplemental answers to all Interrogatories and Requests for Production by May 15, 2015. Specific records may be redacted for content protected by an appropriate privilege.

Signed this 21st day of April, 2015.



Roberto L. Ramirez
Special Master