



CAUSE NO. C-4382-13-A

MARIA G. ARTEAGA,  
Plaintiff,

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

vs.

HIDALGO COUNTY, TEXAS

GERMANIA FARM MUTUAL  
INSURANCE ASSOCIATION, THE  
LITTLETON GROUP, KENNETH  
ALLAN DEMASTER, AND RANDY  
ARRIS,  
Defendants.

206<sup>TH</sup> JUDICIAL DISTRICT

---

**ORDER ADOPTING SPECIAL MASTER RECOMMENDATION NO. 19 REGARDING  
PLAINTIFFS' FIRST AMENDED MOTION TO COMPEL  
DEFENDANTS TO SERVE SUPPLEMENTAL DISCOVERY RESPONSES AND PRODUCE  
ADDITIONAL RESPONSIVE DOCUMENTS AND  
MOTION FOR SANCTIONS/COSTS**

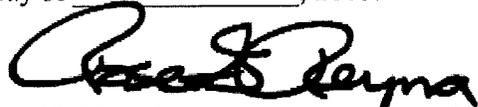
---

On this day, the Court having received Recommendation No. 19 of Special Master Roberto L. Ramirez regarding Plaintiffs' First Amended Motion to Compel Defendants to Serve Supplemental Discovery Responses and Produce Additional Responsive Documents and Motion for Sanctions/Costs, hereby approves such Recommendation.

IT IS THEREFORE ORDERED that the Court adopts Recommendation No. 19 of the Special Master in the above-referenced matters.

**IT IS SO ORDERED.**

SIGNED and ENTERED this \_\_\_\_\_ day of 9/14/2015, 2015.



Hon. Judge Rose Guerra Reyna

**Copies To:**

Roberto L. Ramirez  
Zuleida Lopez-Habbouche  
Richard G. Paxton

[rr@theramirezlawfirm.com](mailto:rr@theramirezlawfirm.com)  
[zlopez@roflp.com](mailto:zlopez@roflp.com)  
[rgpaxton@mostynlaw.com](mailto:rgpaxton@mostynlaw.com)

# **EXHIBIT “A”**



CAUSE NO. C-4382-13-A

MARIA G. ARTEAGA,  
Plaintiff,

vs.

GERMANIA FARM MUTUAL  
INSURANCE ASSOCIATION, THE  
LITTLETON GROUP, KENNETH  
ALLAN DEMASTER, AND RANDY  
ARRIS,  
Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206<sup>TH</sup> JUDICIAL DISTRICT

---

RECOMMENDATION NO. 19 OF SPECIAL MASTER REGARDING  
PLAINTIFFS' FIRST AMENDED MOTION TO COMPEL  
DEFENDANTS TO SERVE SUPPLEMENTAL DISCOVERY RESPONSES AND  
PRODUCE ADDITIONAL, RESPONSIVE DOCUMENTS AND  
MOTION FOR SANCTIONS/COSTS

---

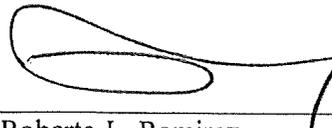
Pursuant to my appointment as Special Master in the MDL that encompasses the above-referenced cases, I considered *Plaintiffs' First Amended Motion to Compel Defendants to Serve Supplemental Discovery Responses and Produce Additional, Responsive documents and Motion for Sanctions/Costs* in the above-referenced cases and Defendants' responses thereto, as well as the arguments of counsel and the evidence presented at the April 27, 2015 conference/hearing conducted with the parties' counsel. I hereby recommend *Plaintiffs' First Amended Motion to Compel Defendants to Serve Supplemental Discovery Responses and Produce Additional, Responsive documents and Motion for Sanctions/Costs* be granted in part and denied in part for the following reasons:

- A. Plaintiffs' request to compel Defendants to produce additional training, educational and instructional materials should be **DENIED** because Defendants represented to me that there are no other additional responsive documents. This recommendation is subject to Plaintiffs' Motion for Reconsideration, which has yet to be set and heard;
- B. Plaintiffs' request to compel Defendants to produce additional documents known as and entitled "Notice of Loss" should be **GRANTED** in Cause No. CL-12-1687-A (Arimon and Denis Sanchez), Cause No. C-1220-13-D (Billy and Dorothy Price), and Cause No. C-2486-13-D (Fidel and Maria Vargas) to the extent such documents exist and are in the possession, custody, and control of the Defendants;
- C. Plaintiffs' request to compel Defendants to produce additional claim specific emails is deferred at this time and will be determined on a later date once additional evidence is presented for the Special Master's review;

- D. Plaintiffs' request to compel Defendants to produce Xactimate/Xactware estimates in native format (.esx) should be **GRANTED**; however, to the extent this information is not within the possession, custody and/or control of Germania Farm Mutual Insurance, its adjusting companies, and/or independent field adjusters, Defendants will not be required to obtain this information directly from Xactware, the vendor who provided the software for generating the estimates at question;
- E. Plaintiffs' request to compel Defendants to produce a proper privilege log should be **GRANTED**. I have reviewed Defendants' privilege log that is attached to Plaintiffs' Motion (Exhibit L) and Defendants' Response (Exhibit U). Under TEX. R. CIV. P. 193.3(b), the standard for sufficiency of the log itself rests on whether it enables the other party to assess the applicability of any privilege asserted. "Without any indication, at the very least, of the author and the date the records, logs, and notes were created, the privilege log does not allow...[the opposing party]...or the trial to assess the applicability of the privilege." *In re Maher*, 143 S.W. 3d 907, 913-14 (Tex. App.-Fort Worth 2004, orig. proceeding). The privilege log tendered by the Defendants does not appear to meet the standard set forth in Tex. R. Civ. P. 193.3 (b) because it does not reflect the author or date of any withheld record;
- F. Plaintiffs' request to compel Defendants to produce additional indemnity and insurance agreements between Germania and its adjusting companies and/or adjusters is deferred at this time to be determined on a later date once additional evidence is presented for the Special Master's review to the extent such documents exist and are in the possession, custody, and control of the Defendants;
- G. Plaintiffs' request to compel Defendants to provide proper and adequate responses to Plaintiffs' Requests for Disclosures 194.2(a) – (l) should be **GRANTED**.

Accordingly, I recommend that Defendants produce all responsive information referenced above to Plaintiffs' on or before May 11, 2015 with the exception of Defendants' privilege logs, which will be due on or before May 18, 2015. Lastly, Plaintiffs' counsel passed on seeking relief related to Plaintiffs' Motion for Sanctions/Costs but reserves the right to readdress the issues presented in this Motion to be determined on a later date, if necessary.

Signed this 14<sup>th</sup> day of May, 2015.



---

Roberto L. Ramirez  
Special Master