

09CV0147

3

IN RE: §  
HURRICANE IKE §  
RESIDENTIAL AND COMMERCIAL §  
PROPERTY CLAIM LITIGATION §  
COURT §

LATONIA D. WILSON  
CLERK DISTRICT COURT  
IN THE DISTRICT COURT OF  
11:00 AM  
AUG 16 2010  
GALVESTON COUNTY, TEXAS  
GALVESTON COUNTY, TEXAS  
BY *[Signature]*  
Deputy  
212 JUDICIAL DISTRICT

**SECOND SUPPLEMENTAL STANDING PRETRIAL ORDER CONCERNING TEXAS WINDSTORM INSURANCE ASSOCIATION HURRICANE IKE RESIDENTIAL AND COMMERCIAL PROPERTY CLAIMS**

The 212<sup>th</sup> District Court of Galveston County, Texas, has been appointed as the Consolidated Pretrial Court over Hurricane Ike Litigation filed in District Court in Galveston County, Texas. On March 13, 2009, this court entered a Standing Pretrial Order Concerning Hurricane Ike Residential Property Claims. On June 2, 2009, this court entered a First Supplemental Standing Pretrial Order Concerning Hurricane Ike Residential Property Claims. On June 29, 2009, this court entered a Standing Pretrial Order Concerning Hurricane Ike Commercial Claims Filed in County & District Court. After consideration of pretrial and trial-related issues and discussion with counsel representing claimants, counsel representing Texas Windstorm Insurance Association (“TWIA”), and the judges of the various district courts of this county, the Court finds that its orders of March 13, 2009, and June 29, 2009 should be further supplemented as follows:

IT IS ACCORDINGLY ORDERED AS FOLLOWS:

- A. This Order shall be effective and apply to all lawsuits filed in the District Courts of Galveston County, Texas, wherein any policyholder (the “Plaintiff Insured”) asserts a claim against TWIA arising from damage to residential or commercial property caused by Hurricane Ike;
- B. The Court shall set a Status Conference to occur on each case under this Order 150 days from the date the Original Petition was filed and provide written notice to all parties of the date and time of the Status Conference. Each case shall then be set for trial and an appropriate Docket Control Order entered. The docket control order shall provide that any plea to the jurisdiction based on an assertion of sovereign immunity be set for submission or hearing on the date of the pretrial conference, unless the plea has been submitted or heard at an earlier date.
- C. Residential and commercial windstorm cases against TWIA shall be tried in the court in which they are filed and set for trial. Such trials shall occur within each district court on a rotating basis beginning January 3, 2011, pursuant to the schedule attached as Exhibit A.

- D. Twenty cases shall be designated for trial from cases set for trial for each trial period for the first week of the trial period in each court. Plaintiffs, through the Plaintiff Steering Committee, shall designate ten cases and TWIA shall designate ten cases. One hundred twenty (120) days before the first day of the first trial period in each court as set forth in Exhibit A, the parties shall give notice to the court and the Parties of the cases designated eligible for trial. Within seven (7) days of designation, the parties shall submit a unified docket control order applicable to the twenty (20) designated cases. A designated case not reached during the first trial week of the period will be eligible for trial during the next designated week, in that court. The parties shall choose only a case set for trial in that court for the period designated for trial in that court or any preceding month in which a case was set. Priority for trial settings is to be given to those cases in which a homeowner is unable to live in their primary residence because of Hurricane Ike related storm damage. A party or litigant shall notify the Plaintiffs' Steering Committee in writing of each case requested to be considered for designation for a particular trial period.
- E. The number of cases to be tried at one time shall be determined at the discretion of the trial judge.
- F. Any case not designated by Plaintiffs Steering Committee or TWIA for a designated trial period under paragraph D shall be reset for the next trial period designated for the court in which it is filed. Any case previously designated as trial eligible pursuant to Paragraph D above but not reached for trial shall be given priority within the next list of trial eligible cases for that court.
- G. All residential and commercial cases against TWIA set for trial through August 31, 2010, are hereby continued and shall be reset for trial no sooner than January 1, 2010.

Signed this 16 day of August, 2010.

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Judge Presiding

**TRIAL SCHEDULE  
IKE CASES  
2011**

WEEK BEGINNING:	COURT #
JANUARY 03, 2011	212 <sup>TH</sup>
JANUARY 10, 2011	212 <sup>TH</sup>
JANUARY 31, 2011	10 <sup>TH</sup>
FEBRUARY 07, 2011	10 <sup>TH</sup>
FEBRUARY 28, 2011	405 <sup>TH</sup>
MARCH 7, 2011	405 <sup>TH</sup>
MARCH 21, 2011	122 <sup>ND</sup>
MARCH 28, 2011	122 <sup>ND</sup>
APRIL 11, 2011	56 <sup>TH</sup>
APRIL 18, 2011	56 <sup>TH</sup>
MAY 23, 2011	212 <sup>TH</sup>
MAY 31, 2011	212 <sup>TH</sup>
JUNE 13, 2011	10 <sup>TH</sup>
JUNE 20, 2011	10 <sup>TH</sup>
JULY 11, 2011	405 <sup>TH</sup>
JULY 18, 2011	405 <sup>TH</sup>
AUGUST 1, 2011	122 <sup>ND</sup>
AUGUST 8, 2011	122 <sup>ND</sup>
AUGUST 22, 2011	212 <sup>TH</sup>
AUGUST 29, 2011	212 <sup>TH</sup>
OCTOBER 17, 2011	56 <sup>TH</sup>
OCTOBER 24, 2011	56 <sup>TH</sup>
NOVEMBER 7, 2011	10 <sup>TH</sup>
NOVEMBER 14, 2011	10 <sup>TH</sup>
NOVEMBER 28, 2011	405 <sup>TH</sup>
DECEMBER 5, 2011	405 <sup>TH</sup>

ON THE ASSIGNED WEEKS THE ASSIGNED COURT  
WILL ONLY HEAR IKE CASES FILED IN THAT COURT.

*David E. Garner*  
David E. Garner  
Local District Administrative Judge

MAY 21

LATONIA D. WILSON  
CLERK DISTRICT COURT  
FILED *11/00/10*  
AUG 16 2010  
GALVESTON COUNTY TEXAS  
BY *[Signature]*  
Deputy

*24-10*

*Exhibit A*

BY *[Signature]*  
GALVESTON COUNTY TEXAS  
AUG 16 2010  
FILED  
LATONIA D. WILSON  
CLERK DISTRICT COURT