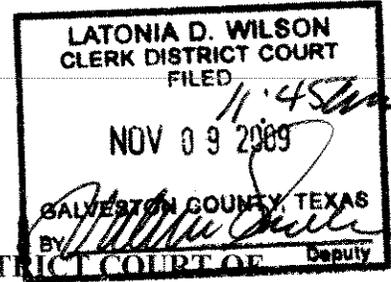


CAUSE NO. 09-CV-0147



IN RE: IKE LITIGATION

IN THE DISTRICT COURT OF

RESIDENTIAL AND

GALVESTON COUNTY, TEXAS

COMMERCIAL PROPERTY

CLAIMS

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212TH JUDICIAL DISTRICT

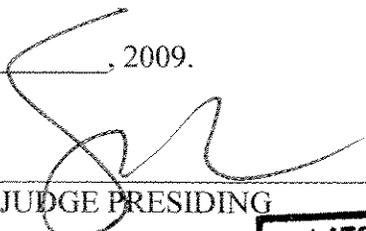
ORDER

- A. This order applies only to institutional discovery, which is defined as non-claim specific discovery upon Texas Windstorm Insurance Association ("TWIA"). This order further applies only to suits filed in Galveston County.
- B. On September 15, 2009, the Court ordered that the institutional discovery TWIA produces in response to search terms could be used by Plaintiffs in all cases against TWIA, subject to issues of admissibility in court. The Court further Ordered that the Mostyn Law Firm would be responsible for maintaining a repository of documents for shared discovery with other Plaintiffs in suits against TWIA.
- C. The Court has appointed a Plaintiffs' Steering Committee consisting Steve Mostyn of The Mostyn Law Firm; Kurt Arnold of Arnold & Itkin; Craig Eiland of The Law Firm of Craig Eiland; Riley Burnett of Clark, Dean, Burnett; Tony Buzbee of The Buzbee Law Firm; Darrell A. Apffel of Bettison, Doyle, Apffel & Guarino; Jeff Raizner of Doyle Raizner, P.C.; Hart Green of Weller, Green, Toups & Terrell; Martin A. Arguello of Arguello, Hope & Associates, PLLC; Javier Delgado of The Merlin Group; Andrew Mytelka of Greer, Herz & Adams, L.P.; and Dave Wenholz of The Wenholz Law Firm. It shall be the responsibility of Plaintiffs' Steering Committee to coordinate discovery by all Plaintiffs to obtain information desired by Plaintiffs counsel while avoiding duplicative discovery. TRCP 11 agreements concerning discovery that are entered by Plaintiffs Steering Committee are binding on all Plaintiffs.
- D. Each member of the Plaintiffs' Steering Committee must pay \$5,000.00 in order to fund the creation and maintenance of a document repository. The Steering Committee may agree to increase the expense if needed. The check should be made out to Hurricane Ike Litigation Fund, c/o Riley Burnett, Treasurer. All expenses will be approved at the sole

discretion of Riley Burnett, subject to the advice and consent of the Plaintiffs' Steering Committee.

- E. Discovery, including written discovery, deposition notices, discovery objections and discovery motions, shall be approved, propounded, submitted, served and/or filed only by the Plaintiffs' Steering Committee. Discovery not approved by Plaintiffs' Steering Committee may be sought with leave of the Court.
- F. TWIA shall be responsible for producing only one copy of each item being produced to Liaison Counsel for Plaintiffs, the Mostyn Law Firm.
- G. The Mostyn Law Firm will be responsible for maintaining documents produced by TWIA in an electronic repository. Counsel for Plaintiff with a case pending against TWIA may make a written request to the Mostyn Law Firm for TWIA discovery. Upon written request to the Mostyn Law Firm by counsel for any Plaintiff with a case pending against TWIA and payment of a reasonable fee of \$75, the Mostyn Law Firm will be responsible for producing a flash drive containing TWIA discovery to counsel for a particular Plaintiff. The fee will cover the cost of a paralegal's time and the cost of a flash drive. Each written request will result in a \$75 fee.
- H. Hearings requested by any Plaintiff and involving issues pertaining to institutional discovery shall be approved by the Plaintiffs' Steering Committee. Any notice of a hearing shall include a Certificate of Conference stating that the Plaintiffs' Steering Committee has been notified and stating whether the Plaintiffs' Steering Committee agrees or disagrees or whether the noticing Plaintiff was unable to reach members of the Plaintiffs' Steering Committee to confer.
- I. Notice of all hearings by any party involving Hurricane Ike claims, whether or not involving institutional or claim specific issues, must be given in writing an/or by e-mail to Liason Counsel for the Plaintiffs, care of Rene Sigman of The Mostyn Law Firm.
- J. Unless otherwise ordered, all Hurricane Ike hearings shall be held on the 9:30 a.m. docket every Monday. The parties may notify the court that a hearing is unnecessary.
- K. The order staying discovery previously entered by this Court shall remain in effect until further order of this Court.

SIGNED, this 9 day of NOV, 2009.


JUDGE PRESIDING

