

# EXHIBIT B

## **MASTER DISCOVERY TO PLAINTIFF(S) IN COMMERCIAL CASES**

### **Definitions**

1. “You” or Your” means the Plaintiff as well as its officers, directors, principals, and anyone authorized to act on Plaintiff’s behalf with regard to The Claim.
2. “The Policy” means the insurance policy that is the basis of claims made against Defendant in this lawsuit.
3. “Insured Location” means the real property at the location described in the Policy declarations that is the subject of the litigation.
4. “Subject Hail Storm” means the hail storm or weather event made this basis of this lawsuit.
5. “Insured Premises” means the Buildings and Structures and permanently installed machinery and equipment located at the Insured Location that is the subject of the litigation.
6. “Buildings and Structures” includes completed additions, fixtures, including outdoor fixtures, permanently installed machinery, and permanently installed equipment.
7. “Personal Property” means Your personal property in apartments, rooms, or common areas of the Insured Premises furnished by You as landlord and/or personal property owned by You that is used to maintain or service the Buildings or Structures at the Insured Location including fire extinguishing equipment, outdoor furniture, floor coverings, and appliances used for refrigeration, ventilating, cooking, dishwashing, or laundering.
8. “Business Personal Property” means the definition set forth in The Policy, or alternatively, if no definition is set forth in The Policy, property located on the buildings at the Insured Location or in the open or in a vehicle within 1,000 feet of the Insured Location including property You own that is used in Your business, property of others that is in Your care, custody, or control, tenant’s improvements and betterments (fixtures, alterations, installations, or additions) made a part of the building or structure You occupy but do not own and you acquired or made at Your expense but cannot legally remove, and leased personal property which You have a contractual responsibility to insure.
9. “Business Income” means the definition set forth in The Policy, or, alternatively, if no definition is set forth in The Policy, the net income (net profit or loss before income taxes) that would have been earned or incurred if no physical loss or damage had occurred, but not including any net income that would likely have been earned as a result of an increase in the volume of business due to favorable business conditions caused by

the impact of the covered cause of loss on customers or on other businesses, and continuing normal operating expenses incurred including payroll.

10. "Extra Expense" means the definition set forth in The Policy, or, alternatively, if no definition is set forth in The Policy, any necessary expenses You incurred as a result of damage to the Insured Premises caused by the Subject Hail Storm to avoid or minimize the suspension of business and to continue operations at the Insured Premises or to minimize the suspension of business, if You could not continue operations.
11. "Your Counsel" means the attorney or attorneys who are representing or have represented You either with regard to the claim or in this lawsuit.
12. "The Claim" means the insurance claim made the basis of this lawsuit.
13. "Written Communication" means the conveyance of information by a writing, whether by letters, e-mails, memoranda, handwritten notes and/or faxes.
14. "Document" means letters, words or numbers on their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic or electronic impulse, mechanical or electronic recording, or other form of data compilation. "Document" specifically includes information that exists in electronic or magnetic form.
15. "Date" means the exact date, month and year, if ascertainable, or, if not, the best available approximation.

### **Instructions**

1. You are requested to produce color photographs, video recordings and audio recordings that were created or stored electronically and are responsive to the Requests for Production below.
2. You are requested to produce electronic or magnetic data responsive to the Requests for Production below in .tiff or .pdf searchable format, including e-mail, instant message and .pdf forms of the documents.
3. All requests seek non-privileged information and/or documents.

### **INTERROGATORIES TO PLAINTIFF(S) IN COMMERCIAL CASES**

#### **INTERROGATORY NO. 1:**

Please state the name, address and telephone number of each person who will be called as a trial witness and give a brief statement of each person's connection with the case.

ANSWER:

INTERROGATORY NO. 2:

What date did You first report Your claim to the insurance company, in what manner (*e.g.*, telephone, in person, written communication), what is the name of the person who reported the claim and who did You or the person who reported the claim on Your behalf speak to or communicate with in doing so, if You know?

ANSWER:

INTERROGATORY NO. 3:

Were You or anyone acting on Your behalf present during any inspection performed by the insurance company? If yes, identify the date(s) of such inspection(s), describe any statements made by You during such inspection(s), and state each area of the interior and exterior and item of contents (if any) that was inspected. For anyone present on Your behalf, state that person's name, address, telephone number and relationship to You, if any (*e.g.*, owner, property manager, maintenance person, contractor, or public adjuster).

ANSWER:

INTERROGATORY NO. 4:

Following the inspections(s), did You engage in any additional communications (*e.g.*, telephone, in person, Written Communication) with the insurance company? If yes, provide the following information:

- a. the date of such communication(s);
- b. the manner of such communication(s);
- c. the person to whom You communicated;
- d. the reason for the communication(s);
- e. for any telephonic communication(s), identify who initiated the phone call and the telephone number from which You called or on which You received the call; and
- f. the general substance of the communication.

ANSWER:

INTERROGATORY NO. 5:

Did You make any attempts to sell the Insured Premises between July 1, 2008 and the present? If yes, provide the following information:

- a. date(s) of attempted sale;
- b. initial asking price and any subsequent asking prices;
- c. identify whether there were any offers to purchase, and if so, identify the amount(s) of the offers;
- d. identify the person(s) who made the offer(s) – (identify by name and contact information); and
- e. identify the agent(s) and/or broker(s) who represented You (identify by name and contact information).

ANSWER:

INTERROGATORY NO. 6:

Do You currently own the Insured Premises? If yes, please identify any other non-parties (*e.g.*, business entities, business partners, spouses, ex-spouses, adult or minor children, other relatives or other non-parties) who may have an insurable interest in the Insured Premises, any mortgage-holder with an interest in the Insured Premises, and any person and/or entity who may be a Loss Payee under The Policy.

ANSWER:

INTERROGATORY NO. 7:

Did You make any repairs, renovations or improvements greater than \$500.00 to any of those areas of the Insured Premises that are being claimed as damaged in this lawsuit between July 1, 2008 and the present (excluding any repairs, renovations or improvements made for damages caused by the Subject Hail Storm)? If yes, for each item of repair, renovation or improvement, state the following:

- a. The date(s) and scope of such repair(s), renovation(s), or improvement(s);
- b. The nature of and reason or cause for such repair(s), renovation(s), or improvement(s);

- c. The person(s), entity, or entities who made such repair(s), renovation(s), or improvement(s) – (identify by name and contact information);
- d. The cost actually spent to make such repair(s), renovations(s), or improvements(s).

ANSWER:

INTERROGATORY NO. 8:

From July 1, 2008 to the date of the Subject Hail Storm, were any of those areas of the Insured Premises that are being claimed as damaged in this lawsuit damaged, or otherwise in need of repair greater than \$500.00? If yes, state the following:

- a. Describe all such damage (including exact location of such damage, *e.g.*, reception area of Suite B, roof, fence);
- b. State the date(s) and manner (*e.g.*, windstorm, hurricane, flood, pipe leak, hail storm, explosion, wear and tear, age, etc.) in which such damage occurred;
- c. State whether a claim was made for such damage to any insurance company, and if so, identify the name of the insurance company, policy number and claim number;
- d. If a claim was made for such damage to any insurance company, state the amount of money, if any, You received as a result of said claim; and
- e. If no money was paid to You for the claim or if the claim was denied, state Your understanding of the reason(s) why the insurance company did not pay anything on the claim or denied the claim.

ANSWER:

INTERROGATORY NO. 9:

If You are making a claim for Personal Property and/or Business Personal Property damaged or destroyed by the Subject Hail Storm and for which You seek damages in this lawsuit, identify the following:

- a. Description of the Personal Property and/or Business Personal Property (including quantity, age, make, and model);
- b. Nature of the damage;

- c. State whether, when, and in what manner You notified the insurance company of such damage, and provided the insurance company with an inventory list of damaged Personal Property and/or Business Personal Property;
- d. State the actual cost of repair or replacement for each item (including date such cost was incurred and method of payment). (PLEASE NOTE THAT THIS SUBPART MAY BE SATISFIED BY FULL RESPONSE AND REFERENCE TO REQUEST FOR PRODUCTION NO. 1)

ANSWER:

INTERROGATORY NO. 10:

If You are making a claim for actual loss of Business Income You sustained as a result of the Subject Hail Storm and for which You seek damages in this lawsuit, identify the following:

- a. The date(s) which You claim you sustained an actual loss of Business Income due to the necessary suspension of your operations and the reason(s) why You contend you sustained an actual loss of Business Income due to the necessary suspension of your operations;
- b. The amount of the actual loss of Business Income You contend You sustained due to the necessary suspension of Your operations as a result of the Subject Hail Storm;
- c. An accounting of and explanation for how You calculated the actual loss of Business Income you contend You sustained due to the necessary suspension of Your operations as a result of the Subject Hail Storm;
- d. The name, address, and telephone number of the person, whether Your accountant or otherwise, who can best attest to Your alleged actual loss of Business Income You contend You sustained due to the necessary suspension of Your operations as a result of the Subject Hail Storm; and
- e. State whether You notified Your insurance company of such actual loss of Business Income You contend You sustained due to the necessary suspension of Your operations as a result of the Subject Hail Storm and, if so, when, to whom, and by what means You provided such notice.

ANSWER:

INTERROGATORY NO. 11:

If you are making a claim for damages to Your insured Premises that You contend were caused by the Subject Hail Storm, state the following:

- a. Description of the damage (including exact location of such damage, *e.g.*, reception area of Suite B, roof, fence) and approximate date any such damage was first observed;
- b. State whether You notified the insurance company of such damage, and if so, the date You notified the insurance company and in what manner; and
- c. Identify all persons (by name, address, telephone number and relation to You, if any) who inspected the damages after the Subject Hail Storm, the date of all such inspections, and whether or not You received any Written Communication or Document resulting from any such inspection. This inquiry is not seeking information concerning inspections conducted by the insurance company or anyone acting on its behalf.

ANSWER:

INTERROGATORY NO. 12:

Did You obtain any construction bids, reports, appraisals, quotes or estimates concerning the damage identified in Interrogatory No. 11 above: If yes, state the following:

- a. The person(s), entity, or entities who provided such bid, report, appraisal, quote or estimate (identify by name and contact information);
- b. The date each such person or entity inspected the Insured Premises;
- c. The date such bid, report, appraisal, quote or estimate was provided to You;
- d. The cost actually spent, if any, for such bid, report, appraisal, quote or estimate; and
- e. Whether You provided such bid, report, appraisal, quote or estimate to Your insurance company, and if so, the date upon which such document(s) was/were provided.

ANSWER:

INTERROGATORY NO. 13:

Have You made any repairs, renovations or replacement to the items of damage listed in Interrogatory No. 11 above? If yes, state the following for each item of damage listed in Interrogatory No. 11 above that has since been repaired, renovated or replaced:

- a. The nature and date(s) of such repair(s), renovation(s), or replacement(s);
- b. The person(s), entity, or entities who made such repair(s), renovation(s) or replacement(s) - (identify by name and contact information);



- c. The cost actually spent to make such repair(s), renovation(s) or replacement(s);
- d. If some, but not all, damage has been repaired, renovated or replaced, the remaining damage that has not been repaired, renovated or replaced; and
- e. State whether You notified Your insurance company of such repair(s), renovation(s) or replacement(s), and if so, the date You notified the insurance company and in what manner.

ANSWER:

INTERROGATORY NO. 14:

For each and every element of damages other than economic damages sought and fully disclosed in response to Defendant's Requests for Disclosure 194.2(d), please identify the element of damage sought, state the total amount sought and/or the amount for which You will ask the jury to award You, and state the method and basis for calculating said amount.

ANSWER:

INTERROGATORY NO. 15:

When was the date You anticipated litigation with respect to The Claim?

ANSWER:

INTERROGATORY NO. 16:

Identify all person(s) entity(ies) performing any repairs, renovations or improvements greater than \$500.00 to the Insured Premises from July 1, 2008 to the present (including the name, date and description of work, address and telephone number).

ANSWER:

INTERROGATORY NO. 17:

Identify all contractor(s), engineer(s) or other person(s) or entity(ies) who inspected or provided You with a bid or estimate greater than \$500.00, an evaluation, or a report concerning the Insured Premises from July 1, 2008 to the present (including the name, date and description of work, address and telephone number).

ANSWER:

INTERROGATORY NO. 18:

Pursuant to Rule 192.3(d) of the Texas Rules of Civil Procedure, for each consulting expert, or expert which is not expected to be called as a witness but whose work product; 1) forms the basis either in whole or in part of the opinions of an expert who is to be called as a witness; and/or 2) has been reviewed or relied upon by a testifying expert witness, please state:

- a. Name, address and telephone number of each expert;
- b. The opinions related to this case, such expert has communicated to Your testifying experts;
- c. The materials the expert has reviewed and what tests the expert has performed;
- d. The number of times that expert has been retained by a plaintiff in any case;
- e. The number of times that expert has been retained by a defendant in any case;
- f. The number of times that expert has been retained by the attorney representing any Plaintiffs in this suit;
- g. The number of times that expert has been retained by the attorney representing any Defendants in this suit; and
- h. The amount of compensation received or to be received in this case.

ANSWER:

INTERROGATORY NO. 19:

If You have been a party to a lawsuit regarding property damage to the Insured Premises within the last ten (10) years, please state the cause number, style of the lawsuit, and the court in which it was filed.

ANSWER:

INTERROGATORY NO. 20:

If You contend the insurance company or anyone acting on its behalf made any misrepresentation(s) regarding the Policy or the damage resulting from Subject Hail Storm, please state the following:

- a. The identity of the person who made any such alleged misrepresentation(s), the date and location such was made, and the identity of all individuals present when the communication(s) was made:
- b. State the specific misrepresentation(s) made and why You contend such was a misrepresentation(s);
- c. The steps You took or did not take in reliance upon the representation or statement; and
- d. The damage(s) You contend were caused by Your reliance on that representation or statement.

ANSWER:

INTERROGATORY NO. 21:

If You contend the insurance company or anyone acting on its behalf committed fraud, state the specific conduct or activity and the factual bases for Your contention that such conduct or activity was fraudulent, the steps You took or did not take in reliance upon the alleged fraud, and the damage(s) You contend were caused by Your reliance on the alleged fraud.

ANSWER:

INTERROGATORY NO. 22:

For each tenant of the Insured Premises from July 1, 2008 to the present, please state:

- a. The name of the tenant or tenant business (For any tenant or tenant business occupying the Insured Premises at the time of the Subject Hail Storm, please note, "TENANT AT THE TIME OF THE SUBJECT HAIL STORM");
- b. The address of the tenant or tenant business at the Insured Premises (*e.g.*, the suite or mailing address for said tenant or tenant business at the Insured Premises);
- c. The telephone number of the tenant or tenant business;
- d. The name of the primary contact person for such tenant or tenant business;
- e. The approximate duration of the tenancy from the Date at the start of the tenancy to the Date at the end of the tenancy;

- f. For all former tenants or former tenant businesses that were tenants from July 1, 2008 and after, but are no longer current tenants, please provide their current address and telephone number or, if not know to You, their last known address and telephone number, and
- g. For all tenants occupying the Insured Premises at the time of the Subject Hail Storm, please state whether the tenant made an insurance claim for property damage (real, personal, and/or business personal property).

ANSWER

INTERROGATORY NO. 23:

Please state, to Your knowledge, the age of each category of damaged property, (*e.g.*, roof, gutters, siding, fence, sheetrock, paint, flooring, cabinets, electrical, specific Personal Property items, specific Business Personal Property items) which You contend were damaged as a result of the Subject Hail Storm. To the extent the category of the damaged property is the same age as the insured Building, simply so indicate.

ANSWER:

INTERROGATORY NO. 24:

Please identify by name, address, and telephone number the chief maintenance person responsible for maintaining the Insured Premises: (a) at the time of the Subject Hail Storm; and (b) from July 1, 2008 to the present.

ANSWER:

INTERROGATORY NO. 25:

Describe generally how maintenance requests for the Insured Premises and/or reports of damage to the Insured Premises are turned in, collected, logged, tracked, processed, and addressed. Included in your response, please identify the person or persons responsible for the intake of same since July 1, 2008, the person or persons responsible for the intake of same at the time of the Subject Hail Storm, the person or persons responsible for monitoring the resolution of same over the last five years, and the person or persons responsible for monitoring the resolution of same at the time of the Subject Hail Storm. If said persons are not employees of Yours or are no longer employees of Yours, please provide their current address and telephone number or, if not known to You, their last known address and telephone number.

ANSWER:

INTERROGATORY NO. 26:

If there is any unrepaired damage to the Insured Premises immediately prior to the Subject Hail Storm, please:

- a. Identify the area of such unrepaired damage (*e.g.*, reception area of Suite B);
- b. Identify the surface that was damaged (*e.g.*, ceiling tile, the wall sheetrock, the window sill, the carpet, etc.);
- c. State when such unrepaired damage was discovered or became known to You; and
- d. State why such unrepaired damage occurred, if you know (*e.g.*, hurricane, hail damage, plumbing discharge, roof leak, HVAC overflow, etc.).

ANSWER.

INTERROGATORY NO. 27:

Please state the name and address of every insurance carrier which provided You coverage for property damage to the Insured Premises from July 1, 2008 to the present and the approximate policy period during which you were insured by such carriers(s). Additionally, for every insurance claim for property damage made on the Insured Premises; (a) prior to the Subject Hail Storm; (b) for the Subject Hail Storm; and (c) after the Subject Hail Storm, please identify the name of the carrier handling said claim, the claim number, the date of loss, and give a brief description of the reason for the claim (*e.g.*, Hurricane Dolly, hail storm, fire, plumbing leak, etc.).

ANSWER:

INTERROGATORY NO. 28:

Regarding The Claim, please state:

- a. The date and manner in which You gave notice of The Claim to Your insurance carrier;
- b. The date You contend that You had furnished Your insurance carrier with all requested items, statements, and forms required to secure final proof of loss;
- c. The date You submitted a verified proof of loss to Your insurance carrier and please describe what measures You undertook to determine the amount set forth in the proof of loss and identify by name, address, and telephone number any persons who assisted in preparing that proof of loss;

- d. The date You contend Your insurance carrier notified You, in writing, or acceptance or rejection of the claim;
- e. The date, if any, Your insurance carrier notified you that it would pay all or part of Your claim;
- f. If You contend that any payment on The Claim was not received in proximity to the date upon which it was issued, briefly describe the basis for your contention; and
- g. If You contend that Your insurance carrier's acts or omissions constituted a violation of the Prompt Payment of Claims statute, why?

ANSWER:

INTERROGATORY NO. 29:

Did any additional damage to Your Insured Premises, Personal Property, and/or Business Personal Property occur after the insurance carrier's last inspection during the handling of The Claim and/or was any additional damage discovered after that inspection? If so, please describe the damage which occurred and/or was discovered after insurance carrier's last inspection during the handling of the claim, state whether You informed the carrier about this damage, and if so, describe how.

ANSWER:

INTERROGATORY NO. 30:

With regard to all steps and/or measures taken to protect Your Insured Premises, Personal Property, and Business Personal Property from further damage between the time of the Subject Hail Storm and the present, please describe such steps and/or measures which were taken including the area of Your Insured Premises at which they were taken, state on what Date or Dates such steps and/or measures were taken, and identify by name, address, and telephone number the identify or the persons and/or entities who took each such step and/or measure.

ANSWER:

INTERROGATORY NO. 31:

If any portion of any Building on Your Insured Premises had been vacant for more than 60 consecutive days immediately preceding the Subject Hail Storm, please identify by suite number, address, or location each portion of the Building which had so been vacant, whether You contend the vacant portion of the Building sustained water damage due to the Subject Hail Storm, state

the square footage of each such vacant space, and state the total square footage of the Buildings at Your Insured Premises at the time of the Subject Hail Storm.

ANSWER:

INTERROGATORY NO. 32:

If You are claiming that one or more of the heating, ventilation, and air conditioning (HVAC) units including any rooftop units at the Insured Premises were damaged by the Subject Hail Storm, please:

- a. state when the HVAC unit or units were originally installed;
- b. state when the HVAC unit or units were last maintained or repaired;
- c. state what person or entity (including name, address, and telephone numbers) is responsible for the maintenance of the HVAC unit or units;
- d. state whether any insurance claim(s) has been made on the HVAC other than for damage due to the Subject Hail Storm and, if so, for each such claim, state the date of loss, the name of the insurance carrier with which the claim was filed, the cause of the loss, and the amount of money, if any, that was paid on the claim;
- e. if the HVAC unit or units were damaged at any time other than during the Subject Hail Storm, briefly describe the damage, the cause of the damage, and state whether it was repaired; and
- f. if the HVAC unit or units have been repaired in the last five years, briefly describe the repairs, the reason for the repairs, and state what persons or entities (including name, address, and telephone numbers) have performed such repairs.

ANSWER:

INTERROGATORY NO. 33:

Please describe all measures and/or steps undertaken by You, prior to filing suit, to inspect the Insured Premises for damages resulting from the Subject Hail Storm and/or to identify such damages, state the name, address, and telephone number of all persons acting on Your behalf in inspecting the Insured Property for damages resulting from the Subject Hail Storm and/or identifying such damages, and state the date or dates such measures and/or steps were taken.

ANSWER:

INTERROGATORY NO. 34:

If You are making a claim for Extra Expense, please state the following:

- a. The period of time You contend it took to repair, rebuild, or replace the Insured Premises with reasonable or similar quality following the Subject Hail Storm;
- b. The amount of Extra Expense You contend You incurred in order to avoid or minimize the suspension of Your business and to continue operations at the Insured Premises or to minimize the suspension of business, if You could not continue operations as a result of the Subject Hail Storm;
- c. An accounting of and explanation for how You calculated the Extra Expense You contend You incurred in order to avoid or minimize the suspension of Your business and to continue operations at the Insured Premises or to minimize the suspension of business, if You could not continue operations as a result of the Subject Hail Storm;
- d. The name, address, and telephone number of the person, whether Your accountant or otherwise, who can best attest to the Extra Expense You contend You incurred in order to avoid or minimize the suspension of Your business and to continue operations at the Insured Premises or to minimize the suspension of business, if You could not continue operations as a result of the Subject Hail Storm; and
- e. State whether You notified Your insurance company of such extra Expense You contend You incurred in order to avoid or minimize the suspension of Your business and to continue operations at the Insured Premises or to minimize the suspension of business, if You could not continue operations as a result of the Subject Hail Storm, and if so, when to whom, and by what means You provide such notice.

ANSWER

INTERROGATORY NO. 35:

For any documents produced in response to Request for Production No. 24, please identify which of the documents produced relate to the Subject Hail Storm.

ANSWER: