

# EXHIBIT C

## **REQUESTS FOR PRODUCTION TO PLAINTIFF(S) IN COMMERCIAL CASES**

### **REQUEST FOR PRODUCTION NO.1:**

Produce all documents and/or tangible things which reflect, document, prove, describe, and/or depict property damage sustained at and/or to Your Insured Premises as a result of the Subject Hail Storm.

RESPONSE:

### **REQUEST FOR PRODUCTION NO. 2:**

Produce all photographs and video footage of all property damage You contend occurred to Your Insured Premises as a result of the Subject Hail Storm.

RESPONSE:

### **REQUEST FOR PRODUCTION NO. 3:**

For all damages allegedly caused by the Subject Hail Storm and for which You seek damages in this lawsuit, produce all construction bids, contracts, reports, appraisals, quotes, repair estimates, and receipts concerning the damage to Your Insured Premises (whether the repairs and replacements have taken place yet or not.)

RESPONSE:

### **REQUEST FOR PRODUCTION NO. 4:**

If You are making a claim for damages to Your Insured Premises that You contend were caused by the Subject Hail Storm and for which You seek damages in this lawsuit, produce any and all Written Communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company concerning Your claim damages to Your Insured Premises including, but not limited to, any and all proofs of loss (as that term is used in the Applicable Policy.)

RESPONSE:

### **REQUEST FOR PRODUCTION NO. 5:**

Produce a copy of all written communications between You and any tenants at the Insured Premises regarding property damage to the Insured Premises including, but not limited to, storm damage, hail damage, wind damage, water leaks, water intrusion, water stains, water drainage, plumbing leaks and/or discharges, HVAC leaks, discharges, and/or overflows, roof

leaks, roof damage, and/or exterior damage from July 1, 2008 to the present to any of the areas of the Insured Premises that are being claimed as damaged in this lawsuit. This request includes, but is not limited to, complaints regarding such damage, notification(s) regarding such damage, documentation regarding such damage, and documentation regarding repairs to such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Produce a copy of all Your internal communications including, but not limited to, e-mail correspondence regarding property damage to the Insured Premises including, but not limited to, storm damage, hail damage, wind damage, water leaks, water intrusion, water stains, water damage, sheetrock damage, flooring damage, roof leaks, roof damage, interior damage, and/or exterior damage from the Subject Hail Storm, suggested to be caused by the Subject Hail Storm, and/or believed to be caused by the Subject Hail Storm. This request includes, but is not limited to, complaints regarding such damage, notification(s) regarding such damage, documentation regarding such damage, and documentation regarding repairs to such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce a copy of all Your internal communications regarding property damage to the Insured Premises including, but not limited to, storm damage, hail damage, wind damage, water leaks, water intrusion, water stains, water damage, plumbing leaks and/or discharges, HVAC leaks, discharges, and/or overflows, roof leaks, roof damage, and/or exterior damage from July 1, 2008 to the present to any of the areas of the Insured Premises that are being claimed as damaged in this lawsuit. This request includes, but is not limited to, complaints regarding such damage, notification(s) regarding such damage, documentation regarding such damage, and documentation regarding repairs to such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce a copy of all written communications between You and repair contractors regarding property damage to the Insured Premises including, but not limited to, storm damage, hail damage, wind damage, water leaks, water intrusion, water stains, water damage, sheetrock damage, flooring damage, roof leaks, roof damage, interior damage, and/or exterior damage from the Subject Hail Storm, suggested to be caused by the Subject Hail Storm, and/or believed to be caused by the Subject Hail Storm. This request includes, but is not limited to, complaints regarding such damage, notification(s) regarding such

damage, documentation regarding such damage, and documentation regarding repairs to such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Produce a copy of all written communications between You and repair contractors regarding property damage to the Insured Premises including, but not limited to, storm damage, hail damage, wind damage, water leaks, water intrusion, water stains, water damage, plumbing leaks and/or discharges, HVAC leaks, discharges, and/or overflows, roof leaks, roof damage, and/or exterior damage from July 1, 2008 to the present to any of the areas of the Insured Premises that are being claimed as damaged in this lawsuit. This request includes, but is not limited to, complaints regarding such damage, notification(s) regarding such damage, documentation regarding such damage, and documentation regarding repairs to such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Produce a copy of all written communications between You and tenants at the Insured Premises regarding the Subject Hail Storm, any insurance claim(s) resulting therefrom, and any lawsuit resulting therefrom. This request includes, but is not limited to, complaints regarding such damage, notification(s) regarding such damage, documentation regarding such damage, and documentation regarding repairs to such damage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Produce a copy of all maintenance requests, maintenance logs, maintenance records, and/or maintenance reports regarding storm damage, hail damage, wind damage, water leaks, water intrusion, water stains, water damage, sheetrock damage, flooring damage, plumbing leaks and/or discharges, HVAC leaks, discharges, and/or overflows, roof leaks, roof damage, interior damage, and/or exterior damage to the Insured Premises from July 1, 2008 to the present to any of the areas of the Insured Premises that are being claimed as damaged in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Produce a copy of a record that reflects the types of building maintenance program maintained by You at the Insured Premises.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Produce a copy of all leases for space at the Insured Premises covering the two-year period preceding the Subject Hail Storm through the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Produce all estimates, bids, invoices, receipts, and/or other documents evidencing proposals for and/or records of the completion of repairs at the Insured Premises which You contend were necessitated by the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Produce all documents including, but not limited to, invoices, receipts, records, and/or proof of payment evidencing the cost of completed repairs at the Insured Premises which You contend were necessitated by the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

Produce a floor plan, blueprint, diagram, and/or layout sketch of Your Insured Premises which reflects the layout of Your Insured Premises at the time of the Subject Hail Storm and one that reflects the tenants of Your Insured Premises at the time of the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

If You contend that one or more Defendants including, but not limited to, Your insurance

carrier made any misrepresentations to You in conjunction with The Claim and/or committed fraud in conjunction with The Claim, produce all documents and/or tangible things which show or purport to show that You acted in reliance upon any such misrepresentations and/or fraud.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

If You contend that one or more Defendants including, but not limited to, Your insurance carrier engaged in a conspiracy to commit fraud in conjunction with The Claim, produce all documents and/or tangible things which show or purport to show such a conspiracy to commit fraud.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19:

If You contend that any alleged violation of the Texas Insurance Code in conjunction with The Claim by one or more Defendants including, but not limited to, Your insurance carrier was done knowingly, produce all documents and/or tangible things which show or purport to show that any such violation done knowingly.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20:

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

- a. Any and all manuals and/or warranty cards You have for such Personal Property and/or Business Personal Property;
- b. Any and all photographs and/or videos reflecting damage to such Personal Property and/or Business Personal Property;
- c. Any and all inventories of such Personal Property and/or Business Personal Property prepared by You before and after the Subject Hail Storm;
- d. Any and all inventories of such Personal Property and/or Business Personal Property prepared by others on Your behalf before and after the Subject Hail Storm;
- e. Any and all Written Communications, appraisals, quotes, estimates and cancelled

checks (front and back) concerning value or replacement cost of such Personal Property and/or Business Personal Property within the last 5 years;

- f. Purchase receipts;
- g. If no documentation responsive to (f) is available on a particular item, please provide bank, debit card, credit card or online service account statements reflecting payment for that item (redacting all other personal and private information, *i.e.*, other purchases and payments, contained thereon); and
- h. Any and all Written communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company concerning Your claim for damages to Personal Property and/or Business Personal Property, including, but not limited to, any and all proofs of loss (as that term used in the applicable policy).

RESPONSE:

REQUEST FOR PRODUCTION NO. 21:

If You have cleaned, repaired or replaced any of the Personal Property and/or Business Personal Property You contend was damaged or destroyed by the Subject Hail Storm, produce the following:

- a. Purchase orders and invoices for all cleaning, repair and replacement;
- b. Purchase receipts for all cleaning, repair and replacement expenses;
- c. Any and all cancelled checks (front and back), bank, credit or debit statements, or online service account statements which reflect payment for such repairs, renovations and replacements (redacting all other personal and private information, *i.e.*, other purchases and payments, contained thereon); and
- d. Photographs and videos of all cleaned, repaired and replaced items.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22:

Produce any and all written record(s), calendar(s), diaries or journals reflecting any of the events of the Subject Hail Storm or The Claim, including any communications between You, including anyone representing You, and the insurance company, and anyone representing the insurance company, concerning Your claim for damages following the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23:

Concerning the Insured Premises at any time between July 1, 2008 and the present, produce the following:

- a. All engineering reports; and
- b. All photographs and videos that depict damage to those areas of the Insured Premises that are being claimed as damaged in this Lawsuit, taken both prior to and following the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24:

Concerning repairs, renovations or improvements greater than \$500.00 made between July 1, 2008 and the present to any of those areas of the Insured Premises that are being claimed as damaged in this lawsuit, produce the following:

- a. All contracts, estimates, bids, invoices, receipts and other written agreements related to the repairs, renovations or improvements;
- b. All Written Communications related to the repairs, renovations and improvements (including communications between You and any mortgagee); and
- c. All photographs and videos of the area of the Insured Premises that was repaired, renovated or improved.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25:

Concerning any attempted or actual sale or any purchase of the Insured Premises and/or improvements by You between July 1, 2008 and the present, produce the following:

- a. All earnest money contracts, Closing Statements, Disclosure Statements, and HUD-1 statements;
- b. All Written Communications and agreements concerning the condition of the Insured Premises and any areas of the Insured Premises in need of repair at the time of the attempted or actual sale; and



c. All appraisal and inspection reports (including photos).

RESPONSE:

REQUEST FOR PRODUCTION NO. 26:

Produce all declaration pages and all copies of policies of insurance covering Your Insured Premises for property damage at the time of the Subject Hail Storm. However, You are not required to produce a copy of The Policy unless The Policy in Your possession is different than the Policy produced by Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27:

Produce any and all Documents, including Written Communications, sent by You or by anyone representing You to the insurance company or to anyone representing the insurance company.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28:

Produce any and all Documents, including Written Communications, sent to You or to anyone representing You by the insurance company or by anyone representing the insurance company.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29:

If You have filed for Bankruptcy since January 1, 2012, please produce a copy of the Bankruptcy petition and any Documents reflecting the discharge of the Bankruptcy.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30:

Produce all Documents relating to any actual foreclosure of the Insured Premises since January 1, 2012.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31:

For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert, produce all documents or tangible things that have been provided to, reviewed by, or prepared for the testifying expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32:

Pursuant to Texas Rule of Evidence 609(f), provide all documents evidencing conviction of a crime which You intend to use as evidence to impeach any party or witness.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33:

Produce all documents you referenced, consulted, relied upon, and/or considered in preparing all "Proofs of Loss" You submitted to Your insurance carrier regarding The Claim and/or Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34:

If You are claiming loss of Business Income due to physical loss or damage to Your Insured Premises from the Subject Hail Storm, produce all documents You provided to Your insurance company as proof of same.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35:

If You are claiming loss of Business Income due to physical loss or damage to the Insured Premises from the Subject Hail Storm, produce the following:

- a. All accountings of Your net income (net profit or loss before income taxes) that You claim You would have earned or incurred if no physical loss or damage had occurred from the Subject Hail Storm, for the period for which You claim a loss of Business Income;

- b. All statements of and/or financial documents evidencing Your net income (net profit or loss before income taxes) for the 36 months preceding the Date on which You contend the loss of Business Income started;
- c. All statements of and/or financial documents evidencing Your net income (net profit or loss before income taxes) from the Date on which You contend the loss of Business Income ceased to the present;
- d. All statements of and/or financial documents evidencing any net income that was earned as a result of an increase in the volume of Your business due to favorable business conditions caused by the impact of the Subject Hail Storms on customers or on other businesses; and
- e. All documents evidencing the suspension of Your operations as a result of the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36:

If You are claiming loss of Business Income due to physical loss or damage to Your Insured Premises from the Subject Hail Storm, which resulted in a loss of rental income from tenants of Your Insured Premises, produce the following:

- a. All documents reflecting or evidencing rent that was prorated, if any, for any of your tenants at the Insured Premises following the Subject Hail Storm;
- b. All documents reflecting or evidence any rent concessions that were made, if any, to any of your tenants at the Insured Premises following the Subject Hail Storm; and
- c. All documents reflecting or evidencing the loss of any tenants, if any, from the Insured Premises because of physical loss or damage to Your Insured Premises from the Subject Hail Storm.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37:

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, produce all documents and/or tangible things which reflect, document, prove, and/or evidence the undertaking and/or completion of such steps and/or measures and their cost.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38:

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. produce all documents reflecting when the HVAC unit or units was installed at the Insured Premises;
- b. produce all documents and/or records reflecting maintenance to the HVAC unit or units over the last five years;
- c. produce all documents reflecting repairs to and/or replacement of the HVAC unit or units over the last five years including, but not limited to, estimates, bids, invoices, receipts, evaluations, and/or test results;
- d. produce all documents including photographs and/or video footage regarding damage to the HVAC unit or units over the last five years; and
- e. if any insurance claims have been made on the HVAC unit or units other than for damage due to the Subject Hail Storm, produce all documents regarding the claim including estimates from the insurance company and estimates, bids, invoices, and/or receipts You collected.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39:

For every insurance claim for property damage to any of the areas of the Insured Premises that are being claimed as damaged in this lawsuit made on the Insured Premises in the ten years prior to the Subject Hail Storm and/or any time after the Subject Hail Storm, please produce all documents and/or tangible things regarding such claim(s) including, but not limited to, correspondence between You and Your insurance carrier in conjunction with said claim(s), the carrier's estimate(s), contractor estimate(s), bids, proposals, and/or invoices for repairs necessitated by the loss(es) made the subject of the claim(s), and engineering reports regarding the loss(es) made the subject of the claim(s).

RESPONSE:

REQUEST FOR PRODUCTION NO. 40:

If a claim(s) for property damage (whether real, personal or business personal property) arising from the Subject Hail Storm was made with any insurance carrier other than the Defendant insurance carrier, please produce all documentation regarding such

other claim(s). This request specifically includes claims filed by other entities, whether or not You are an additional insured on that policy.

RESPONSE:

REQUEST FOR PRODUCTION NO. 41:

Produce all documents regarding Your document retention policy in effect from the time of The Claim through the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42:

If You are making a claim for Extra Expense, produce all documents You provided to Your insurance company as proof of same.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43:

If You are making a claim for Extra Expense, produce all documents supporting such contention including, but not limited to, purchase orders, invoices, receipts, cancelled checks (front and back), bank, credit or debit statements, or online service account statements which reflect payment for such expenses (redacting all other personal and private information, *i.e.*, other purchases and payments, contained thereon).

RESPONSE: