

CAUSE NO. 198100313719

DEER PARK PAINT & BODY PLAINTIFF	§	IN THE JUSTICE COURT
	§	
	§	
VS.	§	PRECINCT 1, PLACE 8
	§	
	§	
STATE FARM AUTOMOBILE INSURANCE COMPANY DEFENDANT	§	HARRIS COUNTY, TEXAS

**DEFENDANT’S MOTION TO REQUEST PRETRIAL DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES State Farm Automobile Insurance Company, Defendant in the above-entitled and numbered cause (hereinafter referred to as “Defendant”), and pursuant to Texas Rule of Civil Procedure 500.9(a) files its Motion to Request Pretrial Discovery, and for same would respectfully show unto the Court the following:

**I.**

Plaintiff filed suit against Defendant on August 2, 2019 seeking to recover \$10,000 for alleged tortious interference. Defendant filed a general denial on August 19, 2019. Defendant is unsure about the basis of Plaintiff’s claims and request reasonable and necessary discovery to determine the basis for the same. Defendant also requests reasonable and necessary discovery to determine more about Plaintiff, the facts surrounding the allegations at issue and damages, and all of Plaintiff’s contentions.

Pursuant to Texas Rule of Civil Procedure 500.9(a) Defendant requests the Court’s approval to serve the following reasonable and necessary discovery on the Plaintiff:

Defendant’s Requests for Disclosure (attached hereto as Exhibit “A”);

Defendant’s First Request for Admissions (attached hereto as Exhibit “B”); and,

Defendant's First Requests for Production (attached hereto as Exhibit "C").

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Motion be granted, that an order be entered allowing Defendant to serve Defendant's Requests for Disclosure, Defendant's First Request for Admissions, and Defendant's Requests for Production upon Plaintiff, and for such other and further relief to which Defendant may show itself justly entitled, whether at law or in equity.

Respectfully submitted,

/s/ Michael P. Hupf

Michael P. Hupf  
State Bar No. 240102799

BRACKETT & ELLIS,  
A Professional Corporation  
100 Main Place  
Fort Worth, Texas 76102-3090  
817.338.1700  
817.870.2265 - fax  
[bcampbell@belaw.com](mailto:bcampbell@belaw.com)

ATTORNEYS FOR DEFENDANT  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2019 a true and correct copy of the above and foregoing document has been served upon all counsel of record, in accordance with the Texas Rules of Civil Procedure.

/s/ Michael P. Hupf

Michael P. Hupf

# EXHIBIT "A"

CAUSE NO. 198100313719

DEER PARK PAINT & BODY PLAINTIFF	§ § § § § § § § § §	IN THE JUSTICE COURT    PRECINCT 1, PLACE 8    HARRIS COUNTY, TEXAS
VS.		
STATE FARM AUTOMOBILE INSURANCE COMPANY DEFENDANT		

**DEFENDANT'S REQUEST FOR DISCLOSURE TO PLAINTIFF**

TO THE HONORABLE JUDGE OF SAID COURT:

To: Deer Park Paint and Body by and through Larry Cernosek, 4527 Red Bluff Road, Pasadena, Texas 75503.

COMES NOW Defendant in the above-styled and numbered cause, and pursuant to Rule 500.9, Texas Rules of Civil Procedure, serves the following Request for Disclosure to Deer Park Paint & Body for response.

Respectfully submitted,

/s/ Michael P. Hupf  
Michael P. Hupf  
State Bar No. 240102799

BRACKETT & ELLIS,  
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ATTORNEYS FOR DEFENDANT  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on August \_\_\_\_, 2019, a true and correct copy of the above and foregoing document has been served upon all counsel of record, in accordance with the Texas Rules of Civil Procedure.

*/s/ Michael P. Hupf* \_\_\_\_\_

Michael P. Hupf

**REQUEST FOR DISCLOSURE**

**REQUEST FOR DISCLOSURE (a):** The correct names of the parties to the lawsuit.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (b):** The name, address, and telephone number of any potential parties.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (c):** The legal theories and, in general, the factual bases of the responding party's claims or defenses.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (d):** The amount and any method of calculating economic damages.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (e):** The name, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (f):** For any testifying expert:

- (1) The expert's name, address and telephone number;
- (2) The subject matter on which the expert will testify;
- (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by or otherwise subject to the control of the responding party, documents reflecting such information; and
- (4) If the expert is retained by, employed by or otherwise subject to the control of the responding party:

- (A) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by or prepared by or for the expert in anticipation of the expert's testimony; and
- (B) The expert's current resume and bibliography.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (g):** Any discoverable indemnity and insuring agreements.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (h):** Any discoverable settlement agreements.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (i):** Any discoverable witness statements.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (j):** All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (k):** All medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

**RESPONSE:**

**REQUEST FOR DISCLOSURE (l):** The name, address and telephone number of any person who may be designated as a responsible third party.

**RESPONSE:**

# EXHIBIT "B"



CAUSE NO. 198100313719

DEER PARK PAINT & BODY PLAINTIFF	§ § § § § § § § §	IN THE JUSTICE COURT    PRECINCT 1, PLACE 8   HARRIS COUNTY, TEXAS
VS.		
STATE FARM AUTOMOBILE INSURANCE COMPANY DEFENDANT		

**DEFENDANT'S REQUEST FIRST REQUEST FOR ADMISSIONS TO PLAINTIFF**

TO THE HONORABLE JUDGE OF SAID COURT:

To: Deer Park Paint and Body by and through Larry Cernosek, 4527 Red Bluff Road, Pasadena, Texas 75503.

COMES NOW Defendant in the above-styled and numbered cause, and pursuant to Rule 500.9, Texas Rules of Civil Procedure, serves the following Request for Admissions to Deer Park Paint & Body for response.

Respectfully submitted,

/s/ Michael P. Hupf  
Michael P. Hupf  
State Bar No. 240102799

BRACKETT & ELLIS,  
A Professional Corporation  
100 Main Place  
Fort Worth, Texas 76102-3090  
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ATTORNEYS FOR DEFENDANT  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on August \_\_\_\_, 2019, a true and correct copy of the above and foregoing document has been served upon all counsel of record, in accordance with the Texas Rules of Civil Procedure.

/s/ Michael P. Hupf

Michael P. Hupf

REQUEST FOR ADMISSIONS

1. Admit that Plaintiff had a contract with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]  
ADMIT OR DENY
2. Admit that Plaintiff had a contract with [REDACTED] for Claim Number 53-[REDACTED].  
ADMIT OR DENY
3. Admit that Plaintiff had a contract with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED] l.  
ADMIT OR DENY
4. Admit that Plaintiff had a contract with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]  
ADMIT OR DENY
5. Admit that Plaintiff had a contract with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]  
ADMIT OR DENY
6. Admit that Defendant performed no act to interfere with the contract with [REDACTED] [REDACTED]  
for Claim Number 53-[REDACTED]  
ADMIT OR DENY
7. Admit that Defendant performed no act to interfere with the contract with [REDACTED]  
for Claim Number 53-[REDACTED].  
ADMIT OR DENY
8. Admit that Defendant performed no act to interfere with the contract with [REDACTED] [REDACTED]  
for Claim Number 53-[REDACTED].  
ADMIT OR DENY
9. Admit that Defendant performed no act to interfere with the contract with [REDACTED] [REDACTED]  
for Claim Number 53-[REDACTED].  
ADMIT OR DENY
10. Admit that Defendant performed no act to interfere with the contract with [REDACTED] [REDACTED]  
for Claim Number 53-[REDACTED]  
ADMIT OR DENY

# EXHIBIT “C”

CAUSE NO. 198100313719

DEER PARK PAINT & BODY PLAINTIFF	§ § § § § § § § § §	IN THE JUSTICE COURT
VS.		PRECINCT 1, PLACE 8
STATE FARM AUTOMOBILE INSURANCE COMPANY DEFENDANT		HARRIS COUNTY, TEXAS

**DEFENDANT'S REQUEST FIRST REQUEST FOR PRODUCTION TO PLAINTIFF**

TO THE HONORABLE JUDGE OF SAID COURT:

To: Deer Park Paint and Body by and through Larry Cernosek, 4527 Red Bluff Road, Pasadena, Texas 75503.

COMES NOW Defendant in the above-styled and numbered cause, and pursuant to Rule 500.9, Texas Rules of Civil Procedure, serves the following Request for Production to Deer Park Paint & Body for response.

Respectfully submitted,

/s/ Michael P. Hupf  
Michael P. Hupf  
State Bar No. 240102799

BRACKETT & ELLIS,  
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ATTORNEYS FOR DEFENDANT  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on August \_\_\_\_, 2019, a true and correct copy of the above and foregoing document has been served upon all counsel of record, in accordance with the Texas Rules of Civil Procedure.

*/s/ Michael P. Hupf* \_\_\_\_\_  
Michael P. Hupf

**REQUEST FOR PRODUCTION**

1. Produce the contract Plaintiff had with [REDACTED] for Claim Number 53-[REDACTED]
2. Produce the contract Plaintiff had with [REDACTED] for Claim Number 53-[REDACTED]
3. Produce the contract Plaintiff had with [REDACTED] for Claim Number 53-[REDACTED]
4. Produce the contract Plaintiff had with [REDACTED] for Claim Number 53-[REDACTED]
5. Produce the contract Plaintiff had with [REDACTED] for Claim Number 53-[REDACTED]
6. Produce all estimates and payments Plaintiff had with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]
7. Produce all estimates and payments Plaintiff had with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]
8. Produce all estimates and payments Plaintiff had with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]
9. Produce all estimates and payments Plaintiff had with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]
10. Produce all estimates and payments Plaintiff had with [REDACTED] [REDACTED] for Claim Number 53-[REDACTED]
11. Produce all documents and correspondences you believe support your position that State Farm interfered with any contracts alleged in your petition.