

RECEIVED  
HOLLY WILLIAMSON  
JP 8-1 HARRIS COUNTY

Case Number: 198100313719

2019 NOV 20 AM 10: 25

DEER PARK PAINT & BODY	§	IN THE JUSTICE OF THE PEACE
Plaintiff	§	COURT
vs.	§	
STATE FARM AUTOMOBILE	§	PRECINCT 8, PLACE 1
INSURANCE COMPANY	§	
Defendant	§	HARRIS COUNTY, TEXAS
	§	

PENDING MOTION TO COMPEL FOR DISCLOSURE, PRODUCTION, AND ADMISSIONS

TO THE HONORABLE JUDGE OF SAID COURT:

Deer Park Paint & Body, Plaintiff request the court to compel State Farm Insurance Company to produce discovery pending from the Pre-Trial Hearing:

1. Plaintiff's Requests, 2 through 5 is pending per Plaintiff providing letters from the Texas Department of Insurance (TDI), letters from complaints that were filed that the court was the proper venue to settle the issues of this case as TDI through their consumer complaint division will not do.

2. Attached are four letters from the Texas Department of Insurance that state the civil court process is the only option a consumer has to settle the requests in discovery questions 2 through 5.

Plaintiff requests the court compel Defendant to produce the requested discovery pending from the Pre-Trial Hearing.

Respectfully Submitted,  
Cernosek Enterprises

By



Larry Cernosek  
4527 Red Bluff Rd.  
Pasadena, Tx 77503  
281-930-0233  
281-930-9904 Fax  
LCWRECKER@COMCAST.NET

Certificate of Service

This is to certify that on November 20, 2019 a true and correct copy of the foregoing was served on defendants Attorney by email, mhupf@belaw.com



## TEXAS DEPARTMENT OF INSURANCE

Compliance Division - Consumer Protection (111-1A)

333 Guadalupe, Austin, Texas 78701 ★ PO Box 149091, Austin, Texas 78714-9091  
(512) 676-6282 | F: (512) 490-1007 | (800) 252-3439 | [TDI.texas.gov](http://TDI.texas.gov) | @TexasTDI

July 3, 2015

DEER PARK PAINT & BODY  
ATTN: LARRY CERNOSEK  
4527 RED BLUFF RD  
PASADENA TX 77503-4335

PROBLEM REPORT ID: 91375  
SUBJECT(S): GOVERNMENT EMPLOYEES INSURANCE COMPANY (GEICO)

Dear Mr. Cernosek:

We reviewed your email dated May 27, 2015, about your complaint against GEICO. This new information does not change the outcome of your complaint; however, we will retain a copy on file with our department. Please refer to our letter dated May 18, 2015, where we advised you that GEICO maintains it offered to pay what it deems fair, reasonable, and customary for the local market and stands by, ready to retrieve the vehicle in question.

In regards to your concern about the definition of reasonable charges, whether associated fees are reasonable depends upon the facts associated with each individual claim. We cannot provide a standard definition for reasonable fees. The Texas Department of Insurance does not negotiate a settlement offer nor can we determine what amount is reasonable.

It is never our desire to have consumers pursue their complaint through the civil court process. However, there are times when the parties involved remain in disagreement after we have completed our review. When we are unable to resolve the dispute between the company and the claimant, the venue for resolution of such matters is the civil court system.

We are sorry that we were unable to assist you further in this matter. You can contact us again if you have any other insurance concerns.

Sincerely,

A handwritten signature in black ink that reads "John Plent".

John Plent  
Complaints Resolution  
(512) 676-6246  
[John.Plent@tdi.texas.gov](mailto:John.Plent@tdi.texas.gov)

c: The Honorable Larry Taylor  
Texas Senate  
Attn: Cari Christman and Bradley Hurt  
[Cari.Christman@senate.state.tx.us](mailto:Cari.Christman@senate.state.tx.us)  
[Bradley.Hurt@senate.state.tx.us](mailto:Bradley.Hurt@senate.state.tx.us)  
PO Box 12068 – Capitol Station  
Austin, TX 78711

The Honorable Wayne Smith  
Texas House of Representatives  
Attn: Amanda Schar  
[Amanda.Schar@house.state.tx.us](mailto:Amanda.Schar@house.state.tx.us)  
PO Box 2910  
Austin, TX 78768-2910

David Mattax, Commissioner of Insurance  
Attn: Sylvia Myler, Commissioner Ombudsman  
Mail Code 113-3A



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April 24, 2018

CERNOSEK WRECKER  
LARRY CERNOSEK  
4527 RED BLUFF RD  
PASADENA TX 77503-4335

PROBLEM REPORT ID: 197458  
SUBJECT(S): ALLSTATE INDEMNITY COMPANY

Dear Mr. Cernosek:

We completed our review of your complaint against Allstate. A copy of the company's response was sent to you. Allstate explained its claim handling and maintained its position. Market rates were listed, and the company said it informed it's insured of the differences but disputed trying to move the vehicle to another shop. Allstate also denied the software allegations and determined the vehicle was a total loss based on the supplements. Payments were then issued to the insured, for the repairs and reasonable related charges.

The Texas Department of Insurance does not negotiate settlement amounts and cannot determine covered damage, cause of damage, or the value of repairs as those are question of fact issues, i.e., whether what is alleged can be proved as being factual. As a regulatory agency, TDI is not able to decide or mediate such claims.

TDI does not determine what the exact labor rate is or should be in a particular geographical area. When two parties continue to disagree on what is a reasonable cost or price for a particular service, the ultimate resolution must be obtained in a court of law. Any additional documentation that you can submit to the company for review may help support your position. If you are unwilling to accept the company's decision, you may wish to take legal action in an attempt to recover what you feel is a full amount owed.

Thank you for contacting TDI. Please let us know if you have any other insurance questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Gamaliel Martinez".

Gamaliel Martinez  
Complaints Specialist  
Compliance Division – Consumer Protection  
Telephone: (512) 676-6242  
E-mail: [gammy.martinez@tdi.texas.gov](mailto:gammy.martinez@tdi.texas.gov)



## TEXAS DEPARTMENT OF INSURANCE

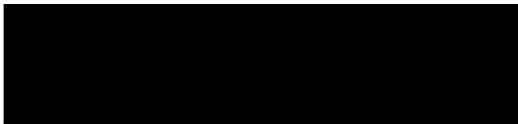
### Compliance Division - Consumer Protection (111-1A)

333 Guadalupe, Austin, Texas 78701 ★ PO Box 149091, Austin, Texas 78714-9091  
(800) 252-3439 | F: (512) 490-1007 | [TDI.texas.gov](http://TDI.texas.gov) | [@TexasTDI](https://twitter.com/TexasTDI)

April 30, 2018

CERNOSEK WRECKER  
4527 RED BLUFF RD  
PASADENA TX 77503-4335

PROBLEM REPORT ID:  
SUBJECT ENTITIES:



Dear Larry Cernosek:

Thank you for your request for assistance. We will review your complaint and contact the entities involved and ask them to provide us with a detailed response.

Please allow us at least 60 days to process your complaint. Once we have completed our review of your complaint and the entities' responses, we will send you an explanation of the final outcome.

When we investigate complaints, we look for two things. First, we look for whether there is a violation of your policy provisions and try to resolve any outstanding issues. Second, we determine whether there is a violation of Texas laws or rules. If we identify a violation, we may refer the file to the appropriate enforcement section.

Please understand that when investigating your complaint, there are some things we cannot do. The Texas Department of Insurance cannot:

- Act as your personal adjuster or lawyer
- Provide legal advice
- Resolve a complaint or dispute if a lawsuit has been filed
- Make liability decisions, including who was at fault or negligent
- Determine damage or repair amounts or determine the value of vehicles deemed a total loss
- Make judgments about medical necessity

If you have any questions or additional concerns, please contact us.

Sincerely,

P&C Intake Unit 111-1A  
Complaints Resolution  
P.O. Box 149091  
Austin, TX 78714-9091  
E-mail: [PCIntakeUnit@tdi.texas.gov](mailto:PCIntakeUnit@tdi.texas.gov)  
Enclosure / DM

If your complaint included additional documents, they require your expressed permission for our release. If you approve of the release of attached documents, please complete and return the enclosed form.



## TEXAS DEPARTMENT OF INSURANCE

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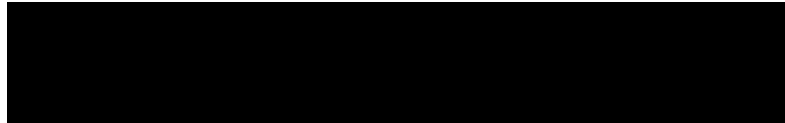
January 27, 2019

CERNOSEK WRECKER  
4527 RED BLUFF RD  
PASADENA TX 77503-4335

Sent via Email:

[lcwrecker@comcast.net](mailto:lcwrecker@comcast.net)

PROBLEM REPORT ID:  
SUBJECT:



Dear Mr. Cernosek:

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- Determine damage or repair amounts or determine the value of vehicles deemed a total loss
- Make judgments about medical necessity

If you have any questions or additional concerns, please contact us.

Sincerely,

Complaints Processing – Property and Casualty  
Texas Department of Insurance  
Phone: 800-252-3439  
Email: [PCIntakeUnit@tdi.texas.gov](mailto:PCIntakeUnit@tdi.texas.gov)

sgs

To expedite the resolution of your complaint, please return the signed form by mail, fax, or email as soon as possible.

**Mail:** Texas Department of Insurance  
Consumer Protection (111-1A)  
P.O. Box 149091  
Austin, Texas 78714-9091

**Fax:** (512) 490-1007 or  
**Email:** [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)