

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 2014-CV-01857-KMT

Plaintiff(s): **COLORADO HOSPITALITY SERVICES, INC., D/B/A DAYS INN
ENGLEWOOD,**

v.

Defendant(s): **OWNERS INSURANCE COMPANY, an Ohio company.**

**OWNERS INSURANCE COMPANY'S RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant, Owners Insurance Company (hereinafter referred to as "Owners"), by and through its attorneys, Gregory R. Giometti & Associates, P.C., hereby submits its responses to Plaintiff's First Set of Requests for Production of Documents, as follows:

REQUESTS FOR PRODUCTION

1. All documents related to any and all of Defendant's answers to Plaintiff's first set of interrogatories.

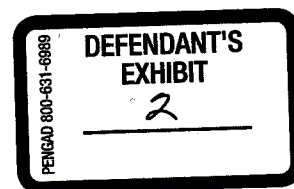
OBJECTION. Defendant incorporates by reference all of its objections asserted in its answers to Plaintiff's First Set of Interrogatories to Defendant. Without waiving these objections, Defendant responds as follows:

RESPONSE: See attached documents.

2. The complete paper and electronic claim file regarding the Loss or the Claim.

OBJECTION and RESPONSE: See Defendant's Initial Disclosures served on September 8, 2014 and its privilege log.

3. All communication related to the Claim, including, but not limited to any communication between or among any third party, the Plaintiff, and the Defendant, its



employee, its agent, or its representatives related to the Property, the Policy, the Claim, or the Loss. This includes, but is not limited to, all communication between any adjuster at Owners and his/her supervisor, as well as any communication between Owners and any representative of Eberl Claims Service.

RESPONSE: To the extent these documents exist, please see Defendant's Initial Disclosures, which was served on September 8, 2014, and supplements, if any, thereto.

4. All records of any underwriting inspection or investigation conducted in connection with the Property, the Loss, or the Claim.

OBJECTION. This interrogatory, as constructed, is vague and incomprehensible. Without waiving this objection, and with the understanding that this request seeks records related to Defendant's investigation of the alleged hail loss claim. Defendant responds as follows:

RESPONSE: To the extent these documents exist, please see Defendant's Initial Disclosures, which was served on September 8, 2014, and supplements, if any, thereto. Also see documents Bates numbered Owners (Days Inn) 000353-000347

5. All reports, correspondence, damage estimates, and advisory documents to or from any person or organization related to the Loss or the Claim, and/or the scope of damages suffered as a result of said Loss, and/or the cost to repair or replace the damage suffered as a result of said Loss including, but not limited to, all activity logs, emails, documents reflecting billing and payments, and contracts or retention agreements.

RESPONSE: To the extent these documents exist, please see Defendant's Initial Disclosures, which was served on September 8, 2014 and supplements, if any, thereto.

6. All reports generated by Timothy Phelan and/or PT&C Forensic Consulting Services, P.A. for Owners for any property insurance claim related to hail damage in the State of Colorado from 2011 to present.

OBJECTION: Owners objects to this request on the ground that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case, and which are private in nature. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . ."). *See, e.g., Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). Responding to this request would require Mr. Phelan and Owners to infringe upon the privacy interests of other insureds who may have submitted claims to Owners.

To obtain the requested claim files, Owners would have to conduct a search by referring to Timothy Phelan and/or PT&C Forensic Consulting Services' Employer Identification Number or W-9s issued to Timothy Phelan and/or PT&C Forensic Consulting Services. In the case of paper files, Owners would then have to physically retrieve the claim files from storage. In the case of electronically stored files, Owners would have to print copies of the files. Enormous effort and expense would be required to copy and/or print the files and to complete the laborious task of redacting any information identifying particular individuals, including information identifying Owners' insureds. Furthermore, other reports that Timothy Phelan and/or PT&C

Consulting Services may have generated in other cases are entirely irrelevant to the claims or defenses in this case.

7. All documents that governed the conduct of and/or are were referred to or relied upon by any employee, agent or independent contractor of Defendant during the handling and adjustment of a windstorm, hail, and/or catastrophe claim for the State of Colorado from January 1, 2012 to present including but not limited to guidelines on adjusting and handling claims, avoiding bad faith conduct, providing service to policyholders, and complying with Colorado Unfair Claims Practices statutes.

OBJECTION. Owners objects to this request on the ground that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Plaintiff's request for documents "that governed the conduct" of any employee, agent or independent contractor calls for a legal conclusion, so no response is required. Owners does not know what documents anyone, especially independent contractors, "referred to or replied upon." Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . ."). *See, e.g., Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of

such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners' business because Owners' competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners' competitors or potential competitors an unfair business advantage. Without waiving such objections, Auto-Owners will produce the requested materials upon the entry of an appropriate Protective Order by the Court. F.R.C.P. 26(c)(1)(G). *See Ovation Plumbing, Inc. v. Furton*, 33 P.3d 1221, 1223-24 (Colo.App. 2001)(citing definition of "trade secret" under Colorado's Uniform Trade Secrets Act, C.R.S. § 7-74-102(4)); *In re Cooper Tire & Rubber Company*, 568 F.3d 1180, 1190 (10th Cir. 2009); *Centurion Industries, Inc. v. Warren Steurer and Associates*, 665 F.2d 323, 325-26 (10th Cir. 1981). Without waiving this objection, Defendant responds as follows:

RESPONSE: Owners will produce responsive documents upon entry of a Protective Order prohibiting use or dissemination of these documents outside this litigation.

8. All documents stating Owners' philosophies, guidelines, principles, practices and procedures on handling and investigation of windstorm, hail, and/or catastrophe claims in the State of Colorado from the years 2012 through the present.

OBJECTION. Owners objects to this request on the ground that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents

entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . ."). See, e.g., *Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners' business because Owners' competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners' competitors or potential competitors an unfair business advantage. Without waiving such objections, Auto-Owners will produce the requested materials upon the entry of an appropriate Protective Order by the Court. F.R.C.P. 26(c)(1)(G). See *Ovation Plumbing, Inc. v. Furton*, 33 P.3d 1221, 1223-24 (Colo.App. 2001)(citing definition of "trade secret" under Colorado's Uniform Trade Secrets Act, C.R.S. § 7-74-102(4)); *In re Cooper Tire & Rubber Company*, 568 F.3d 1180, 1190 (10th Cir. 2009); *Centurion Industries, Inc. v. Warren Steurer*

and Associates, 665 F.2d 323, 325-26 (10th Cir. 1981). Without waiving this objection, Defendant responds as follows:

RESPONSE: Owners will produce responsive documents upon entry of a Protective Order prohibiting use or dissemination of these documents outside this litigation.

9. All performance goals, objectives, or directives related to claims handling, coverage determinations, leakage, combined ratio, and/or payment of insurance benefits for any adjuster(s), supervisors(s) and third-party representatives(s), including but not limited to regional or company goals, involved in the Loss or the Claim from the years 2012 through the present.

OBJECTION. Owners objects to this request on the ground that it is vague, grammatically incomprehensible in its conflated use of the conjunctive and disjunctive cases and use of undefined and vague terms, and its overly compound nature, generally. The request is also overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. To the extent that Defendant even understands what documents are being requested, responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . ."). *See, e.g., Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to

generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners' business because Owners' competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners' competitors or potential competitors an unfair business advantage. Moreover, this request is incomprehensible grammatically, such that it is unknown whether Defendant has any documents responsive to this request, has responsive documents that have already been disclosed or will be disclosed as part of responses to other requests for production by Plaintiff. Without waiving such objections, Auto-Owners will produce the requested materials, if any exist and have not otherwise been produced, upon the entry of an appropriate Protective Order by the Court. F.R.C.P. 26(c)(1)(G). See *Ovation Plumbing, Inc. v. Furton*, 33 P.3d 1221, 1223-24 (Colo.App. 2001)(citing definition of "trade secret" under Colorado's Uniform Trade Secrets Act, C.R.S. § 7-74-102(4)); *In re Cooper Tire & Rubber Company*, 568 F.3d 1180, 1190 (10th Cir. 2009); *Centurion Industries, Inc. v. Warren Steurer and Associates*, 665 F.2d 323, 325-26 (10th Cir. 1981).

10. All documents related to any claims handling or adjustment-based criteria for compensating, evaluating, promoting, retaining, terminating, or providing bonuses or financial incentives to all persons at Owners involved with the handling of the Claim and all such personnel with decision-making authority with respect to the Loss and the Claims.

OBJECTION. Owners objects to this request on the ground that it seeks documents related to internally-produced materials, intended for internal use only, and relate to Owners' policies and methods for personnel management, which are so confidential and proprietary to its business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense. The request is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . ."). See, e.g., *Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners' business because Owners' competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners' competitors or

potential competitors an unfair business advantage. Moreover, this request is incomprehensible grammatically, such that it is unknown whether Defendant has any documents responsive to this request, has responsive documents that have already been disclosed or will be disclosed as part of responses to other requests for production by Plaintiff. Fed.R.Civ.P. 26(c)(1)(A), permits a party to seek a protective order forbidding the discovery “in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” This request seeks documents – even if responsive documents do exist – that are internally-produced materials, intended for internal use only, which are so confidential and proprietary to Owners’ business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense, such that Owners opposes production of these documents under any circumstances.

11. All videotaped, recorded, or written training materials, employee manuals, and employee handbooks for windstorm, hail, and/or catastrophe claim handling for Owners’ personnel, adjusters, representatives, supervisors, and managers involved with the Claim or the Loss, including, but not limited to Real Property loss adjusting, claims handling guidelines, estimating guidelines, and coverage interpretation guidelines.

OBJECTION. Owners objects to this request on the ground that it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff’s claims in this case are based upon the actions of Defendant and its employees; Plaintiff’s claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1)(“Parties may obtain discovery regarding any matter, not privileged, that is

relevant to the claim or defense of any party . . .”). See, e.g., *Garvey v. Nat’l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners’ business because Owners’ competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners’ competitors or potential competitors an unfair business advantage. Without waiving such objections, Auto-Owners will produce the requested materials upon the entry of an appropriate Protective Order by the Court. F.R.C.P. 26(c)(1)(G). See *Ovation Plumbing, Inc. v. Furton*, 33 P.3d 1221, 1223-24 (Colo.App. 2001)(citing definition of “trade secret” under Colorado’s Uniform Trade Secrets Act, C.R.S. § 7-74-102(4)); *In re Cooper Tire & Rubber Company*, 568 F.3d 1180, 1190 (10th Cir. 2009); *Centurion Industries, Inc. v. Warren Steurer and Associates*, 665 F.2d 323, 325-26 (10th Cir. 1981). Without waiving this objection, Defendant responds as follows:

RESPONSE: Owners will produce responsive documents upon entry of a Protective Order prohibiting use or dissemination of these documents outside this litigation.

12. All materials including, but not limited to, documents, guidelines, manuals, contracts, bulletins, memoranda, etc., regarding the basis for compensation of any of Owners' independent contractors responsible for adjusting first-party property claims as well as all contracts, agreements, master agreements, compensation schedules, approved vendor lists, or pre-approval agreements for all independent adjusters and experts hired by Owners to adjust or investigate the Loss and/or the Claim.

OBJECTION. Owners objects to this request on the ground that it seeks documents related to internally-produced materials, intended for internal use only. It is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . ."). See, e.g., *Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of

such materials to the persons outside the company could seriously harm Owners' business because Owners' competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners' competitors or potential competitors an unfair business advantage. Moreover, this request is incomprehensible grammatically, such that it is unknown whether Defendant has any documents responsive to this request, has responsive documents that have already been disclosed or will be disclosed as part of responses to other requests for production by Plaintiff. Without waiving such objections, Auto-Owners will produce the requested materials, if any exist and have not otherwise been produced, upon the entry of an appropriate Protective Order by the Court. F.R.C.P. 26(c)(1)(G). *See Ovation Plumbing, Inc. v. Furton*, 33 P.3d 1221, 1223-24 (Colo.App. 2001)(citing definition of "trade secret" under Colorado's Uniform Trade Secrets Act, C.R.S. § 7-74-102(4)); *In re Cooper Tire & Rubber Company*, 568 F.3d 1180, 1190 (10th Cir. 2009); *Centurion Industries, Inc. v. Warren Steurer and Associates*, 665 F.2d 323, 325-26 (10th Cir. 1981). Without waiving this objection, Defendant responds as follows:

RESPONSE: Owners will produce responsive documents upon entry of a Protective Order prohibiting use or dissemination of these documents outside this litigation.

13. All documents or programs created, developed, adopted, or modified by Owners, its affiliated company or companies, third-party contractors, or consultants, related to its evaluations or analyses of the impact of first party property insurance claims on Owners' financial position, profit margins, leakage tracking, combined ratio, litigation exposure, liability exposure, extra-contractual or bad faith liability exposure, and regulatory compliance form the years 2010 through the present.

OBJECTION. Owners objects to this request on the ground that it seeks documents related to internally-produced materials, intended for internal use only, and relate to Owners' confidential and proprietary records and thought processes for evaluation of its business performance, which are so confidential and proprietary to its business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense. The request is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant. F.R.C.P. 26(b)(1) ("Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party"). See, e.g., *Garvey v. Nat'l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners' business because Owners' competitors or potential competitors would thereby have free access to materials which Owners incurred substantial

expense to generate and maintain, thereby giving Owners' competitors or potential competitors an unfair business advantage. Fed.R.Civ.P. 26(c)(1)(A), permits a party to seek a protective order forbidding the discovery "in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense" This request seeks documents – even if responsive documents do exist – that are internally-produced materials, intended for internal use only, which are so confidential and proprietary to Owners' business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense, such that Owners opposes production of these documents under any circumstances.

14. All documents related to the strategies, programs, plans, directives, goals, incentives, etc., developed since 2010 related to reducing Owners' combined ratio (the ratio of losses and expenses to premium income) and/or tracking and reducing "leakage," *i.e.*, the measurement of the amount of overpayment or underpayment on claim.

OBJECTION: Owners objects to this request on the ground that it seeks documents related to internally-produced materials, intended for internal use only, and relate to Owners' confidential records related to Owners' strategic planning, which are so confidential and proprietary to its business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense. The request is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. Responding to this request would require Owners to identify and produce numerous documents entirely unrelated to the claims at issue in this case. Moreover, Plaintiff's claims in this case are based upon the actions of Defendant and its employees; Plaintiff's claims do not pertain to the contents of the materials sought in this request. Therefore, these materials are not relevant.

F.R.C.P. 26(b)(1) (“Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . .”). *See, e.g., Garvey v. Nat’l Grange Mut. Ins. Co.*, 167 F.R.D. 391, 396 (E.D.Pa. 1996). In addition, Owners objects to this request on the basis that it seeks confidential, proprietary information, which constitutes a trade secret of Owners. Owners has incurred substantial expense and effort over a period of many years to generate, revise and update the materials for which production is sought. Access to and use of such materials is limited to employees of Owners, and such materials generally are not made available to anyone outside of the company; access to and use of such materials is intended solely for the business purposes of Owners. In litigation, Owners does not routinely produce materials of the type requested absent the entry of a protective order. Unregulated disclosure of such materials to the persons outside the company could seriously harm Owners’ business because Owners’ competitors or potential competitors would thereby have free access to materials which Owners incurred substantial expense to generate and maintain, thereby giving Owners’ competitors or potential competitors an unfair business advantage. Fed.R.Civ.P. 26(c)(1)(A), permits a party to seek a protective order forbidding the discovery “in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense . . .” This request seeks documents – even if responsive documents do exist – that are internally-produced materials, intended for internal use only, which are so confidential and proprietary to Owners’ business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense, such that Owners opposes production of these documents under any circumstances.

15. All reports, strategic plans, advisory memoranda, or recommendations provided by any person or entity engaged by Owners and/or any affiliated company for the purpose, in

whole or in part, of providing to Owners or affiliated companies consulting services, advice, counsel, evaluations, and/or recommendations concerning or relating to first party property insurance claims for the years 2010 through the present.

OBJECTION. Owners objects to this request on the ground that it is vague, grammatically incomprehensible in its conflated use of the conjunctive and disjunctive cases and use of undefined and vague terms, and its overly compound nature, generally. The request is also overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. To the extent that Defendant even understands what documents are being requested, and with the understanding that the request seeks internal business model documents, Fed.R.Civ.P. 26(c)(1)(A), permits a party to seek a protective order forbidding the discovery “in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” This request seeks documents – even if responsive documents do exist – that are internally-produced materials, intended for internal use only, which are so confidential and proprietary to Owners’ business that dissemination, even for use in this litigation would only serve to annoy, embarrass, oppress, or cause undue burden or expense, such that Owners opposes production of these documents under any circumstances.

RESPONSE: To the extent that these documents exist, see Defendant’s Initial Disclosures served on September 8, 2014 and its privilege log.

16. All documents related to the assignment of the Claim to any third party, including any instructions, explanations, claims, handling guidelines, or communications regarding the scope and purpose of the assignment, the nature and history of the Loss, the terms and conditions of the Policy, and the nature and history of the Claim.

OBJECTION. Defendant objects to the use of the term – undefined in this instance – “assignment,” which may either mean, legally, a complete transfer of interest in property or right, or more colloquially, a mission or task. Without waiving these objections, and with the understanding that the request seeks documents related to the PT&C investigation of Plaintiff’s Claim, Defendant responds as follows:

RESPONSE: Please see Defendant’s Initial Disclosures served on September 8, 2014, and any supplements thereto.

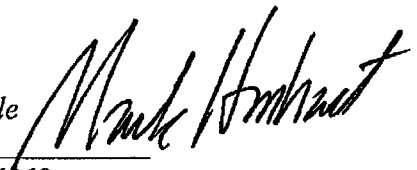
17. All documents demonstrating the amount of reserves set for the Claim.

RESPONSE: To the extent that these documents exist, see Defendant’s Initial Disclosures and any supplements thereto.

Respectfully submitted,

GREGORY R. GIOMETTI & ASSOC., P.C.

Original Signature on File
s/ Mark Honhart



Gregory R. Giometti, #16868

Mark E. Honhart, #26102

Gregory R. Giometti & Associates, P.C.

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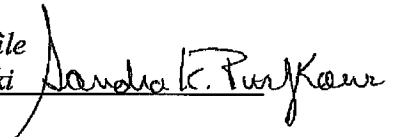
CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2014, a true and correct copy of the foregoing **OWNERS INSURANCE COMPANY'S RESSPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** was served electronically via e-mail to the following:

Marie E. Drake, Esq.
Angela M. Schmitz, Esq.
THE DRAKE LAW FIRM, P.C.
1600 Jackson Street, Suite 340
Golden, CO 80401

Andrew Plunkett, Esq.
John Owen, Esq.
Childress Duffy, Ltd.
500 N. Dearborn Street, Suite 1200
Chicago, IL 60654

Original signature on file
s/ Sandra K. Ruskowski
Sandra K. Ruskowski

A handwritten signature in black ink that reads "Sandra K. Ruskowski". The signature is written in a cursive style and is positioned to the right of the typed name.