CAUSE NO. 09-CV-2019 SF /3

JOE VARDELL AND JACQUELYN S IN THE DISTRICT COURT OF VARDELL
Plaintiffs, S GALVESTON COUNTY, TEXAS

TEXAS WINDSTORM S INSURANCE ASSOCIATION, S PAUL MIKKELSEN, BILL ASTIN, S AND REGGIE WARREN S Defendants. S 122nd JUDICIAL DISTRICT

PLAINTIFFS' FIRST AMENDED PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PROTECTIVE ORDER AND INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Joe Vardell and Jacquelyn Vardell ("Plaintiffs") and files this *Plaintiffs'*First Amended Petition and Application for Temporary Restraining Order and Protective Order and Injunctive Relief, complaining of Texas Windstorm Insurance Association ("TWIA"), Paul Mikkelsen ("Mikkelsen"), Bill Astin ("Astin") and Reggie Warren ("Warren") (who will be referred to as "Defendants") and for cause of action, Plaintiffs would respectfully show this Honorable Court the following:

REQUEST FOR INJUNCTIVE RELIEF

1. Steve Mostyn, both as counsel for Plaintiffs and as court appointed Liaison Counsel for all pending residential Hurricane Ike cases in Galveston County, seeks recovery and injunctive relief from Defendant TWIA. Plaintiffs now seek this *Temporary Restraining Order, Protective Order and Injunctive Relief* asking the Court to prevent TWIA and/or its employees, agents, trustees, or substitute trustees from releasing any information

and/or documents in response to Representative Larry Taylor's request. ¹ Mr. Taylor requests the following information:

- a. The Style (including case name, case number, county of filing, court numbers and attorneys of record) for each case and claim covered by the proposed settlement.
- b. For each case of claim identified in response to the question above, please provide the following:
 - i. The total amount claimed for property damage
 - ii. The total amount claimed for non economic loss;
 - iii. The total claimed for living expenses;
 - iv. The total amount claimed for any other form of loss;
 - v. The total amount of attorney's fees, costs or expenses paid to attorneys;
 - vi. The name and address of the attorney or attorneys who were paid feed, or reimbursed for costs and expenses;
 - vii. A description of work done by the attorney(s) to justify the fee.
- 2. Mr. Taylor is seeking information that is included in over 2,400 claims files. The insurance company routinely requests certain information from its insureds to prove the amount of damages they are claiming to have suffered. Items such as tax returns are requested to prove business losses. In order to show amounts paid to repair damages, credit card receipts and other financial records are also requested by the insurance company. Medical records are often submitted to justify additional living expenses

¹See "Plaintiff's Exhibit 1", Letter from Representative Larry Taylor to Jim Oliver, requesting information regarding recent settlement of claims.

- incases where insured have had to make arrangements for alternate medical care in times of catastrophe. Representative Taylor has requested all of these items.
- 3. The Windstorm Insurance Oversight Board was created by the Texas Legislature to oversee all insurance companies that provide windstorm coverage in Texas. Under section 2210.653(b) of the Texas Insurance Code, the board may request reports and other information from the Texas Department of Insurance and TWIA. However, the statute clearly states that only the Board may request this information. 2210.653. Mr. Taylor took it upon himself, without consulting with the board, as required by statute, to send the request for information and documents to TWIA. Mr. Taylor acted unilaterally without consulting the board and without obtaining the vote in contradiction to the statute. By doing so, Mr. Taylor has clearly acted beyond the limits of his authority as an official.
- 4. Chapter 39 of the Texas Penal Code makes it a criminal offense for an official, including a member of the Legislature, to use his office for improper reasons, unrelated to his official position. Representative Taylor made his request to TWIA acting alone and without any consultation with the board as required under Section 2210.653(b). This clear abuse of his legislative power is the exact type of conduct that Chapter 39 of the Texas Penal Code seeks to prevent.

THE INFORMATION REPRESENTATIVE TAYLOR SEEKS TO OBTAIN IS CONFIDENTIAL

The information sought in Mr. Taylor's request is confidential under the Standing
 Pretrial Order Concerning Hurricane Ike Residential Claims, entered by the 212th Judicial

Court of Galveston, County Texas.² The Standing Pretrial Order deems confidential, any expert report, engineering reports, contractor estimates or any other estimates of damages or repairs obtained by directive of Counsel for settlement, demand, or mediation purposes and exchanged prior to mediation deemed for "Mediation Purposes Only."³ The information Mr. Taylor has requested unrestricted access to, is the exact type of information that the Standing Order renders confidential. Documents and information exchanged by the parties during these negotiations will be just some of the documents responsive to Mr. Taylor's request. The subject of Mr. Taylor's letter is a settlement of Hurricane Ike residential claims. The Order has rendered these documents confidential. By releasing the confidential information to Mr. Taylor, TWIA would be in violation of the Pretrial Standing Order.

6. Plaintiffs also seek recovery and injunctive relief on the grounds that the information requested by Mr. Taylor is deemed confidential by statute. A communication relating to the subject matter of any civil or criminal dispute made by a participant in an alternative dispute resolution procedure, whether before or after the institution of formal judicial proceedings, is confidential, is not subject to disclosure and may not be used against the participant in any judicial or administrative proceeding. Tex. Civ. Prac. & Rem. Code. §154.073 (a) Every piece of information requested by Mr. Taylor relates to the subject matter of a civil dispute made by a participant during an alternative dispute resolution.

²See "Plaintiff's Exhibit 2", Standing Pretrial Order Concerning Hurricane Ike Residential Claims, entered by the 212th Judicial Court of Galveston, County Texas.

- Allowing Mr. Taylor access to the confidential information he seeks to obtain without strict parameters will cause severe harm to all participants involved in the negotiations.
- 7. The system has worked up until this point. The Standing Order and statutes like Section 154.073(a) were put into place to help to ensure efficient resolution in the civil litigation system. Parties will be more inclined to share information during litigation and dispute resolution if there are safeguards put into place to ensure that the information will remain safe. Protective measures like these are exactly how settlements the size and complexity of the one at issue are resolved. Through his actions, Mr. Taylor hopes to prevent the citizens of this State from filing lawsuits in fear that their personal and private information will be released.
- 8. In addition to being deemed confidential by court order and by statute, the items requested by Mr. Taylor contain Plaintiffs' private and personal information. Plaintiffs' social security numbers, home address, mortgage information, telephone number, medical records and financial records are just a few of the private items that will be included in the documents requested by Mr. Taylor. The Texas Supreme Court places a high value on personal privacy. When faced with the issue of whether personal income tax returns were discoverable, The Texas Supreme Court ruled in favor of protecting personal privacy. *Maresca v. Marks*, 362 S.W.2d 299, 301 (Tex. 1962). "The protection of privacy is of fundamental—indeed, of constitutional—importance." *Id.* The Court held that personal income tax returns were discoverable only when the pursuit of justice between litigants outweighs protection of their privacy. *Id.* However, sacrifices of the latter should be kept to the minimum, and this requires scrupulous limitation of discovery to information

- furthering justice between the parties which, in turn, can only be information of relevancy and materiality to the matters in controversy. *Id*.
- 9. The documents requested by Mr. Taylor contain the same type of personal and private information contained in personal income tax returns. The release of such information without any inquiry into why the documents have been requested and before ensuring that significant measures have been implemented to protect the privacy interests involved goes directly against the clear legal precedence of this State.

WHAT DOES REPRESENTATIVE TAYLOR WANT? AND WHY?

- In order to fully understand the impropriety of Representative Larry Taylor's request, it is important to first determine what type of request was being made and for what purpose.

 The letter to TWIA was mailed on official letterhead, and was signed by Representative Larry Taylor in his official capacity as the Co-Chairman of the Windstorm Insurance Oversight Board. However, because Representative Taylor did not indicate why his request was being made, several questions remain unanswered.
- 11. What is certain is that there could be no legitimate legislative purpose behind Mr.

 Taylor's request and it appears that Rep. Taylor's request was madeafter known failed attempts by *political* groups to obtain the same information. Texans for Lawsuit Reform, the partisan Patriot Group and its front Texas Watchdog, all requested the same information in the weeks before Rep. Taylor's request. TL R requested the information directly from TWIA's attorneys. The Patriot Group attempted to obtain the information from both the Galveston County District Clerk's office. Texas Watchdog contacted Judge Susan Criss, 212th District Court, Galveston County. All groups were unable to obtain the information in the form in which they wanted it.

- 12. Steve Mostyn was informed by TWIA that it was compiling documents relating Mr.

 Taylor's request. As a result, Mr. Mostyn sent a letter to TWIA informing TWIA of the impropriety of the request and urging TWIA to refrain from producing the information.
- 13. Rep. Taylor's has been inconsistent in stating his purported reasons for requesting that TWIA turn over this information. In a recent interview with the Austin American Statesman, Representative Taylor stated that he was seeking the information to be used for the Windstorm Insurance Legislative Oversight Board.⁴ Representative Taylor claimed that he requested the information to see whether TWIA is handling the claims in an efficient way and whether an appropriate amount of policyholders' funds is going toward attorneys' fees. This information, according to Taylor, will be helpful as the oversight panel prepares a November report on TWIA. However, Mr. Taylor never met with the Oversight Board on the matters he claims to be investigating. This Board has never met and has never created a report that could be discovered.
- 14. In an interview with The Texas Tribune, Representative Taylor's purpose given for his request was to say that, "We oughta be putting people back in their houses and not making attorneys rich. If I need legislation to fix this in the future, I need to know what happened this time." Once again, Mr. Taylor's own words show that he was acting alone when he made his request to TWIA. The parties who requested the information before Mr. Taylor, Mr. Taylor's request was a partisan backed attempt to harass 2,400 citizens by releasing their personal and private information. Representative Taylor has abused his position of power at the expense of the citizens of our State. Representative Taylor is

⁴ See "Plaintiff's Exhibit 14", Austin American Statesman, Texas Democratic Donor, GOP Legislator Spar Over Insurance Settlement, September 10, 2010.

- not entitled to unrestricted access to the confidential information regardless of how he made his request.
- 15. The lack of any legitimate legislative purpose behind Mr. Taylor's request is made even clearer when the days leading up to his letter are taken into consideration. Days before Mr. Taylor's request, Mike Hull of Texans for Lawsuit Reform contacted attorneys for TWIA in an attempt to obtain access to private and confidential information of clients of Steve Mostyn. The attorneys for TWIA properly denied Mike Hull's request because the information is confidential under The Galveston County Residential Ike Standing Pretrial Order and other state law and federal law. Cynthia Lawson, from telephone number 615-397-5034, contacted the Galveston County District Court the next day in an attempt to secure the exact same information Hull had been unable to obtain in his request. Cynthia Lawson was unable to obtain the documents as these records were not kept at the District Court. Mr. Taylor's request was made on behalf of Texans for Lawsuit Reform. A political ploy orchestrated by Texans for Lawsuit Reform has jeopardized the private information of 2,400 claims. Last week, Texas Watchdog went so far as to contact Judge Susan Criss regarding the same information.

THE REALITY BEHIND REPRESENTATIVE TAYLOR'S REQUEST

- 16. Representative Larry Taylor's seemingly innocent legislative request is deeply rooted in a political fight perpetrated by political operatives to make hay out of the disclosure of personal information of ratepayers of the Texas Windstorm Insurance Association.⁵
- 17. The Texas Watchdog began to seek the same information via an open records request that Mr. Taylor is seeking with his legislative request pursuant to §552.008, Texas

⁵ See "Plaintiffs' Exhibit 4"Certificate of Formation, Nonprofit Corporation, Texas Watchdog, July 28, 2008.

Government Code. The Texas Watchdog is purportedly a 501(c)3 non profit incorporated in Texas.⁶ Its stated purpose is: "This organization is organized exclusively for charitable, religious, educational, and scientific purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code." This was changed from a previously stated purpose of "a journalistic entity, reporting on news at the state capitol and throughout South Texas and elsewhere." In their certificate of formation filed July 28, 2008, The Texas Watchdog's physical address was listed at 5300 Memorial Ste. 1070, Houston, Texas, 77007.⁷ Their initial stated purpose was "[to be] a journalistic entity, reporting on news at the state capitol and throughout South Texas and elsewhere."

In 2008 during the formation of the Texas Watchdog, the listed tenant at 5300 Memorial Ste. 1070 was and continues to be Denis Calabrese⁹ and the Patriot Group. Of Mr. Calabrese is the former Chief of Staff to majority leader Dick Armey and a well known right wing operative with a criminal background of using electoral dirty tricks. In 1988, Mr. Calabrese was a one of three partners of the Southern Political Consulting firm, a Houston-based political consulting firm. The Southern Political Consulting was found guilty of 38 counts of misdemeanor forgery in a scheme to fake names for a petition for presidential candidate Pete du Pont. Mr. Calabrese is also a former board member of the

⁶ Id.

⁷ *Id*.

⁸ *Id*.

⁹ See "Plaintiffs' Exhibit 5", Houston County Appraisal District

¹⁰ See "Plaintiffs' Exhibit 6", Contact information for The Patriot Group, <u>www.patriot-group.com</u>, "Plaintiffs' Exhibit 6"

Sam Adams Alliance. The Sam Adams Alliance established and created the Texas Watchdog, which is seeking the exact information that Mr. Taylor has requested from the Texas Windstorm Insurance Association.

- 19. The Patriot Group is a public affairs firm that operates nationally and internationally. Its clients include: Bob Perry/Perry Homes, State Representative Linda Harper Brown,

 Texans for Rick Perry and Texans for Lawsuit Reform. Another principal of the Patriot Group is Anthony Holm. Mr. Holm is the listed spokesman for Bob Perry, one of the largest donors to the Texas Republican Party. Mr. Holm has a political and financial relationship with Representative Larry Taylor and the Texas Republican Legislative Caucus. Since 2009, the Texas Republican Legislative Caucus has paid Mr. Holm

 \$15,000 for consulting services.

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- 20. What do these addresses have in common (5300 Memorial Ste. 1070 & 5300 Memorial Ste. 660)? The listed tenant for margin and property tax purposes is Denis Calabrese, the founder of the Patriot Group. 14 15 These entities were created in the same place and for a common purpose. The Texas Watchdog has written a story about the political enemies of the clients of the Patriot Group that then lead to an ethics complaint filed against the subjects of the stories with the Texas Ethics Commission. 16 While these two entities no

¹¹ See "Plaintiffs' Exhibit 7", Client List for The Patriot Group, www.patriot-group.com.

¹² See "Plaintiffs' Exhibit 3", Biography of Anthony Holm, www.patriot-group.com

¹³ See "Plaintiffs' Exhibit 3-A", Texas Legislative Caucus Report of Contributions and Expendituures

¹⁴ See "Plaintiffs' Exhibit 11", Franchise Tax Report for the Patriot Group

¹⁵ See "Plaintiffs' Exhibit 11-1", Campaign Finance Report for the Patriot Advisors LLC

¹⁶ See "Plaintiffs' Exhibits 8, 9, 12"

longer reside in the same location, they shared a landlord, Mr. Calabrese.¹⁷ One provides information that fuels the other's ethics complaints. One is often quoted in the others news articles. There is a nexus between the two entities.

- 21. There is direct line between the political desires of the Texas Republican Legislative
 Caucus and Texans for Rick Perry and the men who created, funded, and housed the
 Texas Watchdog. The Texas Watchdog has purported to be a journalistic entity focused
 on issues of governmental transparency and accountability. In reality, the Texas
 Watchdog is an entity wholly created by Partisans to write stories about the interests of
 their clients and to author hit pieces about enemies of their clients. These stories often
 work in tandem with another entity called Texans for Ethics and Accountability (TEA).
 On at least two occasions, allegations made by the Texas Watchdog provided seminal
 information for the ethics complaints filed by the TEA. ¹⁸ Not surprisingly, Texas
 Watchdog and an entity named Texans for Ethics and Accountability were located at the
 same location, 5300 Memorial Ste. 660, Houston, Texas, 77007. ^{19 20 21}
- Justin Rajneesh Jordan, the founder & director of Texans for Ethics and Accountability, formed an entity called TEA with a listed physical address of 5300 Memorial Ste. 660.²²
 Two weeks after its creation, TEA was dissolved and recreated with a new address. Lest

¹⁷ See "Plaintiffs' Exhibit 6"

¹⁸ See "Plaintiffs' Exhibit 8", Search results from <u>www.texaswatchdog.org</u> for stories involving the Mexican American Legislative Caucus.

¹⁹ See "Plaintiffs' Exhibit 5"

See "Plaintiffs' Exhibit 9" Complaint filed by Justin Jordan to the Texas Ethics Commission, listing TEA's address as 5300 Memorial Ste. 660, Houston, Texas, 77007.

²¹ See "Plaintiffs' Exhibit 9-1", Statement of Change of Registered Agent for Texas Watchdog

²² See "Plaintiffs' Exhibit 10", Texas Secretary of State Inquiry into Texans for Ethics and Accountability.

the connection to Mr. Calabrese & the Patriot Group be lost, in the ethics complaint filed against HillCo & Mexican American Legislative Caucus, Mr. Jordan listed the physical address of the TEA at 5300 Memorial Ste. 1070²³ – the same current address as the Patriot Group²⁴ & the former address of the Texas Watchdog.²⁵

- 23. There is also a nexus between the stories written by the Texas Watchdog and the political enemies of the Patriot Group. The Texas Watchdog has written dozens of stories critical of wealthy Democratic donors. Specifically, on August 24, 2008, the Texas Watchdog wrote a story about the connection between Fred Baron,²⁶ a wealthy Texas trial lawyer connected to the presidential campaign of Senator John Edwards, and Rielle Hunter,²⁷ the mistress of Senator Edward. On September 22, 2008, Mr. Holm started Give the Money Back Pac, which sought to force Democrats who accepted money from Baron to give the money back based on his ties to the cover-up of the Senator's extramarital affair. ²⁸
- 24. There is a direct relationship between the partisan goals of the clients of the Patriot Group and the request made by Mr. Taylor. There is every reason to believe that this information will be not used for legislative purposes but for political ones. Allowing, Mr. Taylor access to the information without strict parameters on its use is tantamount to allowing the Patriot Group, right wing political operatives, and the Texas Watchdog to fraudulently create the news and foment that created news for partisan political goals.

²³ See "Plaintiffs' Exhibit 9"

²⁴ See "Plaintiffs' Exhibit 6"

²⁵ See "Plaintiffs' Exhibit 5"

²⁶ See "Plaintiffs' Exhibit 12", Search results from www.texaswatchdog.org for stories involving Fred Baron.

²⁸ See "Plaintiffs' Exhibit 13", Give the Money Back PAC C&E Report

REQUEST FOR INJUNCTIVE RELIEF

25. Plaintiffs will show that there is no remedy at law that is clear and adequate to protect Plaintiffs' interest against the release of confidential and personal information to Mr. Taylor. Plaintiffs' request for injunctive relief is not sought for delay, but so that justice may be done.

ELEMENTS FOR INJUNCTIVE RELIEF

- 26. Plaintiffs, both individually, and on behalf of other similar situated persons, seek recovery and injunctive relief from TWIA. Plaintiffs now seek this *Temporary Restraining Order and Injunctive Relief* asking the Court to enjoin TWIA and/or its employees, agents, trustees, or substitute trustees from releasing any information and/or documents in response to Representative Larry Taylor's letter. ²⁹
- 27. Unless this Honorable Court immediately enjoins TWIA from producing to Mr. Taylor any documents responsive to his letter,, Plaintiffs will suffer immediate and irreparable injury, for which there is no adequate remedy at law to give Plaintiffs complete, final and equal relief. All facts set forth above are incorporated within this section.
- 28. More specifically, Plaintiffs will be damaged if Mr. Taylor obtains unrestricted access to the confidential and personal information he has requested from TWIA. Plaintiffs personal privacy will be invaded, for which Plaintiffs have no adequate remedy at law. Attorney's representing Plaintiffs in these lawsuits have a duty to protect their clients confidential information. Unfettered access to the information Mr. Taylor is requesting, will potentially expose these attorneys to civil liability.

²⁹ See "Plaintiffs' Exhibit 1".

- 29. The harm is imminent due to the highly confidential and personal nature of the requested information. This imminent harm will cause Plaintiffs irreparable injury in the release of personal and confidential information.
- 30. There is no other adequate remedy at law that will give Plaintiffs complete, final and equitable relief. The injuries and losses are continuing. The property and rights involved are priceless, unique and irreplaceable.
- 31. It is impossible to accurately measure, in monetary terms, the damages caused by TWIA's conduct should it be permitted to release the confidential information that Mr. Taylor has requested.

REQUEST FOR TEMPORARY RESTRAINING ORDER

- 32. Plaintiffs have met their burden by establishing each element that must be present before injunctive relief can be granted by this Court. Therefore, Plaintiffs are entitled to the requested temporary restraining order.
- 33. Plaintiffs request the Court to enjoin TWIA and/or its employees, agents, trustees, or substitute trustees from releasing any information and/or documents in response to Representative Larry Taylor's letter.

REQUEST FOR TEMPORARY INJUNCTION

- 34. Plaintiffs further ask this Court to set this application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Texas Windstorm Insurance Association.
- 35. In order to prove the facts necessary to obtain a temporary injunction, Plaintiffs will be sending discovery requests.
- 36. In order to preserve the status quo and the property rights of Texas Windstorm Insurance

Association during the pendency of this Cause, Texas Windstorm Insurance Association should be cited to appear and show cause why Texas Windstorm Insurance Association and/or its employees, agents, trustees, or substitute trustees should be precluded from releasing any information and/or documents in response to Representative Larry Taylor's letter during the pendency of this Cause, presently pending before the Judicial District Court in Galveston County, Texas.

REQUEST FOR PERMANENT INJUNCTION

- 37. Plaintiffs ask the Court to set this request for a permanent injunction for a full trial and, after the trial, issue a permanent injunction against Plaintiffs.
- On final trial on the merits, for the reasons stated in this pleading, the Court should permanently enjoin TWIA from producing any information and/or documents in response to Representative Larry Taylor's letter. If TWIA is permitted to produce to Representative Larry Taylor, the confidential information he requested from TWIA, Plaintiffs' personal and confidential information will be released without protection against further dissemination, for which Plaintiffs will have no adequate remedy at law.

REQUEST FOR DISCOVERY

- 39. Plaintiffs ask the Court to allow the depositions, and any other depositions as may become necessary, along with subpoena duces tecum allowing the discovery of documents related to these issues, of the following individuals:
 - a. Rep. Larry Taylor
 - b. Denis Calabrese
 - c. Cynthia Lawson; and
 - d. Mike Hulll.

BOND

40. Plaintiffs are asking the Court to dispense with the necessity of a bond and in the alternative set a reasonable temporary restraining order bond and Plaintiffs hereby request this Court to set such bond.

PLAINTIFFS' EXPERIENCE

41. Plaintiffs' above-numbered lawsuit against Defendants has been mediated, resolved and is pending final resolution of the settlement. Plaintiffs were hoping to put their lawsuit behind them, however, Representative Taylor's request to TWIA has put the entire process on hold.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon trial hereof, said Plaintiffs have and recover such sums as would reasonably and justly compensate them in accordance with the rules of law and procedure, both as to actual damages, treble damages under the Texas Insurance Code and all exemplary damages as may be found. In addition, Plaintiffs request that the Court issue a temporary restraining order and, that following hearing and notice to Defendant TWIA, the Court issue a temporary injunction to restrain Defendant TWIA and its officers, agents, servants, employees, successors, assigns, trustees, substitute trustees and attorneys from producing any information and/or documents in response to Representative Larry Taylor's letter. Also, that this Court dispenses with a bond, or in the alternative, set a reasonable bond for the temporary injunction order. In addition, Plaintiffs requested the award of attorney's fees for the trial and any appeal of this case, for all costs of Court in their behalf expended, for prejudgment and postjudgment interest as

officers, agents, servants, employees, successors, assigns, trustees, substitute trustees and attorneys from producing any information and/or documents in response to Representative Larry Taylor's letter. Also, that this Court dispenses with a bond, or in the alternative, set a reasonable bond for the temporary injunction order. In addition, Plaintiffs requested the award of attorney's fees for the trial and any appeal of this case, for all costs of Court in their behalf expended, for prejudgment and postjudgment interest as allowed by law, and for any other and further relief, either at law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

THE MOSTYN LAW FIRM

BY:

J. Steve Mostyn

Texas State Bar No. 0079838

3810 West Alabama Street

Houston, Texas 77027

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ATTORNEY FOR PLAINTIFFS

TEXAS HOUSE OF REPRESENTATIVES

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LARRY TAYLOR

September 8, 2010

Mr. Jim Oliver, General Manager Texas Windstorm Insurance Association 5700 S. MoPac Expy., Building E, Suite 530 Austin, Texas 78749

Dear Mr. Oliver:

Please allow this letter to serve as a formal request for information from the Texas Windstorm Insurance Association (Association). This request involves the Association settlement with insured's totaling approximately \$189,000,000 was reported in the press in July, 2010 ("the settlement"). To the extent records are available to explain the process or document of what has occurred, those documents are requested.

- 1. The style (including case name, case number, county of filing, court number and attorneys or record) for each case and claim covered by the proposed settlement.
- 2. For each case or claim identified in response to #1, please provide the following:
 - a. The total amount claimed for property damage
 - b. The total amount claim for non-economic loss
 - c. The total amount claimed for living expenses
 - d. The total amount claimed for any other form of loss
 - e. The amount of attorneys fees, costs or expenses paid to attorneys
 - f. The name and address of the attorney or attorneys who were paid fees, or reimbursed for costs and expenses
 - g. A description of work done by the attorney(s) to justify the fee
- 3. Total compensation paid or scheduled to be paid to those making claims under Association policies, including those who have filed suit against the Association.
- 4. Total fees, costs and expenses paid or scheduled to be paid to attorneys representing those making claims under Association policies, including those who have filed suit against the Association.

LARRY. TAYLOR @HOUSE STATE. TX. US

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- 5. Estimate the number of class action lawsuits that will be resolved by this settlement.
- 6. The number of class action lawsuits involving the Association that will remain pending after the settlement is concluded. Also, the names of the lawyers who filed the cases that will remain

Your firmely response to this request is greatly appreciated. Should you have any questions, do

Regards,

Larry Taylor, Legislative Oversight Board Co-Chairman

State Representative

District 24

CC: Windstorm Insurance Legislative Oversight Board (all members) Texas Department of Insurance, Commissioner

Cases:

IN RE:	§	IN THE DISTRICT LATENIA OF WILSON
	§	CLERK DISTRICT COURT
HURRICANE IKE	§	CALVESTONICOLD HAP de 2/1000
RESIDENTIAL PROPERTY	§ &	GALVESTON COUN MAR , 1163x 2069
RESIDENTIALTROTERT	8 8	GALYESTON COUNTY, TEXAS
CLAIM LITIGATION	\$ §	212TH JUDICIAL DISTRICT COUR Deputy

STANDING PRETRIAL ORDER CONCERNING HURRICANE IKE RESIDENTIAL PROPERTY CLAIMS

The 212th District Court of Galveston County, Texas, has been appointed as the Consolidated Pretrial Court over Hurricane Ike Litigation filed in District Court in Galveston County, Texas. After consideration of pretrial issues and discussion with counsel representing claimants and counsel representing residential insurance carriers, the Court finds that pretrial matters should be expedited for the efficient handling of such claims.

IT IS ACCORDINGLY ORDERED AS FOLLOWS:

- A. This Order shall be affective and apply to all lawsuits filed in the District Court of Galveston County, Texas wherein any policyholder (the "Plaintiff Insured") asserts a claim arising from damage to residential property caused by Hurricane Ike, against an insurance carrier who issues insurance policies for residential property (the "Residential Insurance Carrier"); and
- B. Immediately upon the filing of an Original Petition, the District Clerk is hereby Ordered to send a copy of this Order to all parties in any lawsuit affected by this Order. Any Plaintiff who is aware of this Order shall attach a copy of this Order to its Original Petition, or to otherwise send a copy of this Order to any party, if pro se, or to such party's counsel of record.
- C. Within one hundred (100) days after the Residential Insurance Carrier makes an appearance in the lawsuit or the date of this Order, whichever is later, all parties are Ordered to agree on a mediator and mediation date. However, the mediation can be set to occur outside of this time period. Once the parties have agreed on a mediator and mediation date, they shall notify the Court by filing the attached Mediation Order (Exhibit "A"). If the parties make an agreement around the timing in this provision, the parties must obtain approval of their agreement from the Court.
- D. Immediately upon the filing of the Residential Insurance Carrier's Original Answer, the case will be abated until (1) 30 days after unsuccessful mediation or (2) notice by any party that the party desires to unilaterally end the abatement period applicable to a particular case 30 days from the date the notice is received by the opposing party. The abatement period will apply to all Court ordered deadlines or Rule 190 Discovery deadlines. The abatement period will not apply to any statutory deadline, interest or penalties that may apply under any statutory code or law. The parties may send written discovery during the abatement time period, however, the responses and objections to

EXHIBIT

Segregary

- those discovery requests will not be due until 30 days after the earlier of an unsuccessful mediation or a party's termination of the abatement period.
- Furthermore, within 60 days of the filing of the Insurance Carrier's Original Answer or E. the date of this Order, whichever is later, the parties will use their best efforts to exchange information and documentation pertaining to the residence, to the extent same exists, including the following: Expert Reports, Engineering Reports, Estimates of Damage or repairs; Contents Lists for contents damage claim; Photographs; Repair Receipts or Invoices; Flood claim payments received by Plaintiff(s) including the estimate the flood payment was made on; the non-privileged portions of the Residential Insurance Carrier and Adjusting Company's claims file (including all claim diary notes, activity logs, loss notes and email correspondence regarding the insurance claim); payment ledger, payment log and/or proof of payment from the Insurance Carrier; a copy of the insurance policy in effect at the time of the Hurricane Ike claim; and the non-privileged portions of the underwriting file. If the Insurance Carrier is not in possession of the Adjusting Company's/Adjuster's claims file, and the Adjusting Company/Adjuster is not a named as a party in the lawsuit represented by separate counsel, then the Insurance Carrier shall seek the Adjusting Company's claims file and use their best efforts to exchange this information within the 60 day time period. The Insurance Carrier is also Ordered to notify the independent adjusting company that all emails, activity notes and loss diary notes pertaining to a hurricane claim in litigation shall be preserved and not destroyed pursuant to the Court's "Save & Hold" directive regarding those emails and claims correspondence. Lastly, a privilege log will also be produced in accordance with the Texas Rules of Civil Procedure for any redactions or privileges being asserted on any documents in the claims file or claim correspondence.
- F. Any Expert Reports, Engineering Reports, Contractor Estimates or any other estimates of damages or repairs obtained by directive of Counsel for settlement, demand, or mediation purposes and exchanged prior to mediation shall be for "Mediation Purposes Only" and shall be considered confidential, except that any estimates and/or reports that are part of the claims file, which were obtained or prepared during the claims handling, shall not be considered confidential under this paragraph. Otherwise, such reports and estimates exchanged for mediation purposes shall only be used at trial if Plaintiff or Defendant designates the consultant as a retained testifying expert and does not properly dedesignate prior to trial. If a consultant, whose report is produced at mediation, produces a subsequent report for use at trial, the mediation report shall remain confidential unless agreed to otherwise. The reports and estimates are only confidential for the lawsuit in which they are being used. Expert reports designated for mediation purposes shall be returned to the providing party within 14 days of a written request by the providing party for their return after mediation. Such reports shall not be discoverable or admissible at trial or any hearing. If the party procuring the report designates the expert to testify, such party shall have the right to prevent discovery or testimony by the expert regarding the mediation report and any opinions therein. The procuring party may use data such as measurements and photographs without waiving this privilege. Nothing herein shall prohibit the use of those reports and estimates in any subsequent insurance claims or lawsuits involving the same Residential Insurance Carrier.

- G. Once a mediation date and mediator are agreed to by all parties, the Residential Insurance Carrier shall be permitted to inspect the residence involved in the lawsuit (as soon as practicable) prior to mediation. If mediation is unsuccessful, the Residential Insurance Carrier and other Defendants may reinspect the residence with the same, new or additional experts pursuant to the Texas Rules of Civil Procedure.
- H. The Mediator shall notify the Court within 48 hours once an impasse has been declared by the Mediator. This notice shall be in writing and sent to all parties and the Court.
- Upon the expiration of the abatement period applicable to the case (30 days) the parties I. will enter into an Agreed Scheduling Order, which will include a date for trial.
- J. The Court shall set a Status Conference to occur on each case under this Order 150 days from the date the Original Petition was filed and provide written notice to all parties of the date and time of the Status Conference.

Signed this 1'3 day of mach

, 2009.

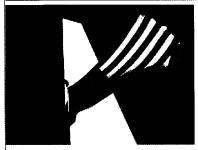
Judge Presiding



PATRIOT, noun: One who loves, supports, and defends their country and her interest with devotion; one who regards themself as a defender of individual rights.

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government budgets and

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spending in context.

Tell Your Friends to Vote

How Conservatives Can Close
the "Online Communication"
Gap

Navigation enterprise-washington

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Anthony Holm

Principal - Austin, Texas

Anthony Holm, an attorney by training, has a strong background in political and corporate affairs at the local, state, and federal levels. Anthony advises Fortune 50 corporations, national advocacy groups, and political candidates on strategy and communications, with an emphasis on pro-active media outreach and crisis communications. Anthony devises communications strategies for client implementation and often speaks for the client in the national and regional press.

Having lived and worked primarily in Texas and Washington, DC, Anthony has served in political positions working on behalf of the Vice President of the United States, several United States Senators, and the President of the United States' Cabinet Secretaries. Anthony also served as Special Projects Director for Texas Governor Rick Perry and Special Assistant to the Texas Secretary of State.

Anthony is a graduate of The University of Texas College of Liberal Arts and The University of Texas School of Law. He serves on the boards of The University of Texas College of Liberal Arts and the Texas School for the Deaf Foundation.



LEGISLATIVE CAUCUS

REPORT OF CONTRIBUTIONS & EXPENDITURES

P.O.Box 12070

FORM LEG

COVER PAGE

					OOVER 1 AGE
The Form LEG I NSTR	RUCTION GUIDE explains how to complete this form.	1 ACCOUNT#	2 PAGE	#	
		00034401	1 of 10		
3 CAUCUS NAME	Texas Republican Legislative Caucus	·····		OFFICE (JSE ONLY
177 11712			Date Receiv	ed	
4 CAUCUS CHAIR	MS/MRS/MR FIRST MI NICKNAME LAST Taylor, Larry (Rep.)	SUFFIX			
5 CAUCUS	STREET OR PO BOX; APT/SUITE #; CITY; STATE;	ZIP CODE			
MAILING ADDRESS	P.O. BOX 13305 Austin, TX 78711-3305		Date Hand-o	delivered or Da	ate Postmarked
X Change of Address			Receipt #	hees	Amount
6 REPORT					
TYPE	January 15 X July 15		Date Image	d	
7 PERIOD COVERED	•	Month Day Ye	ar		
COVERED	01/01/2009 THROUGH	06/30/2009			
8 NO REPORTABLE ACTIVITY	Check here if the caucus has no reportable activity during t	this report period.			
9 CONTRIBUTION TOTALS	TOTAL CONTRIBUTIONS OF \$50 OR LESS FROM N (Do Not Include Loan Information or Amounts Itemized on Scheol		tS.	\$	0.00
	TOTAL CONTRIBUTIONS (Include Contributions from Caucus Members; Do Not Include Lo	oan Information)		\$ 	35,500.00
EXPENDITURE TOTALS	TOTAL EXPENDITURES OF \$50 OR LESS (Do Not Include Amounts Itemized on Schedule F(L))			\$	154.03
	4 TOTAL EXPENDITURES			 \$	70,081.93
OUTSTANDING LOAN TOTALS	5. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LAST DAY OF THE REPORT PERIOD	G LOANS AS OF THE		 	0.00
10 AFFIDAVIT		, under penalty of perjur des all information requi	•		• '
		Signature of	Caucus Cha	ir	
	AMP / SEAL ABOVE				
	before me, by the said	·	, th	is the	day
ot	_ , 20 , to certify which, witness my hand and seal of offic	e.			
	EXHIBIT	•			
Signature of officer admin		th	Title of office	cer administe	ering oath

NON-CAUCUS MEMBER CONTRIBUTIONS

(512)463-5800

ITEMIZED CONTRIBUTIONS OTHER THAN LOANS

SCHEDULE A(L) (FOR FORM LEG)

	THE INSTRUCTION	ON C	GUIDE explains how to complete this form	1	PAGE # Schedule: 1/1	R	eport: 2/10
2	Caucus Name	•	Texas Republican Legislative Caucus		ACCOUNT # 00034401		
3	Date 06/16/2009	5	Full name of contributor Texas Cable Association INc. Contributor address; City; State; ZipCode Austin, TX 78701	6 cc	Amount of ontribution (\$) \$2,500.00	7	In-kind contribution description (if applicable)

LEGISLATIVE CAUCUS EXPENDITURES

SCHEDULE F(L)

ITEMIZED	EXPENDITURES		(FOR FORM LEG)
The Instruction	อง Guide explains how to complete this form.	1 PAGE# Schedule: 1/8 Rep	port: 3/10
2 CAUCUS NAM	Texas Republican Legislative Caucus	ACCOUNT # 00034401	
3 Date	4 Payee name Apple Store	6	Amount (\$)
06/08/2009	5 Payee address; City; State; Zip Code 2901 S. Capital of Texas Highway Austin, TX 78746		\$1,189.61
	penditure (See instructions regarding type of information required.) op and Software	·	
Date	Payee name AT&T Company		Amount (\$)
01/14/2009	Payee address; City; State; Zip Code PO BOX 5001 Carol Stream, IL 60197-5001		\$130.64
Purpose of exp Caucus Phor	penditure (See instructions regarding type of information required.) ne		
Date	Payee name AT&T Company		Amount (\$)
01/27/2009	Payee address; City; State; Zip Code PO BOX 5001 Carol Stream, IL 60197-5001		\$143.73
Purpose of exp Caucus Phor	penditure (See instructions regarding type of information required.) ne		
Date	Payee name AT&T Company		Amount (\$)
03/09/2009	Payee address; City; State; Zip Code PO BOX 5001 Carol Stream, IL 60197-5001		\$138.24
Purpose of exp Caucus Phor	Denditure (See instructions regarding type of information required.) ne		
	·		

LEGISLATIVE CAUCUS EXPENDITURES

SCHEDULE F(L)

ITEMIZED	EXPENDITURES		(FOR FORM LEG)
The Instruction	איס Guide explains how to complete this form.	1 PAGE# Schedule: 2/8	Report: 4/10
2 CAUCUS NAM	IE Texas Republican Legislative Caucus	ACCOUNT # 00034401	·
3 Date	4 Payee name AT&T Company		6 Amount (\$)
05/04/2009	5 Payee address; City; State; Zip Code PO BOX 5001 Carol Stream, IL 60197-5001		\$135.04
7 Purpose of exp Caucus Phon	penditure (See instructions regarding type of information required.) ne		
Date	Payee name AT&T Company		Amount (\$)
05/07/2009	Payee address; City; State; Zip Code PO BOX 5001 Carol Stream, IL 60197-5001		\$135.55
Purpose of exp Caucus Phon	penditure (See instructions regarding type of information required.) ne		
Date	Payee name AT&T Company		Amount (\$)
06/23/2009	Payee address; City; State; Zip Code PO BOX 5001 Carol Stream, IL 60197-5001		\$135.43
Purpose of exp Caucus Phor	penditure (See instructions regarding type of information required.) ne		
Date	Payee name Golf Connections		Amount (\$)
02/03/2009	Payee address; City; State; Zip Code 2720 Kinney Oaks CT Austin, TX 78704		\$10,699.59
Purpose of exp Golf Tournam	penditure (See instructions regarding type of information required.) nent Services		

LEGISLATIVE CAUCUS EXPENDITURES SCHEDULE F(L) ITEMIZED EXPENDITURES (FOR FORM LEG) 1 PAGE# The Instruction Guide explains how to complete this form. Schedule: 3/8 Report: 5/10 2 CAUCUS NAME ACCOUNT # Texas Republican Legislative Caucus 00034401 3 Date Payee name Amount Holm, Anthony (Mr.) (\$) 05/06/2009 \$5,000.00 5 Payee address; City; State; Zip Code P.O. Box 427 Austin, TX 78767 7 Purpose of expenditure (See instructions regarding type of information required.) Consulting Date Payee name Amount Holm, Anthony (Mr.) (\$) 06/08/2009 \$5,000.00 Payee address; City; State; Zip Code P.O. Box 427 Austin, TX 78767 Purpose of expenditure (See instructions regarding type of information required.) Consulting Date Payee name Amount Holm, Anthony (Mr.) 06/30/2009 \$5,000.00 City; State; Zip Code Payee address; P.O. Box 427 Austin, TX 78767 Purpose of expenditure (See instructions regarding type of information required.) Consulting Date Payee name Amount Leonard, Chris (Mr.) (\$) 06/04/2009 \$1,500.00 Payee address; City; State; Zip Code 1781 Spyglass Drive Austin, AL 78746 Purpose of expenditure (See instructions regarding type of information required.) Web site Development

Texas Ethics Commission P.O.Box 12070 Austin, Texas 78711-2070 (512)463-5800 1-800-325-8506 LEGISLATIVE CAUCUS EXPENDITURES SCHEDULE F(L) ITEMIZED EXPENDITURES (FOR FORM LEG) 1 PAGE# The Instruction Guide explains how to complete this form. Schedule: 4/8 Report: 6/10 2 CAUCUS NAME ACCOUNT# Texas Republican Legislative Caucus 00034401 3 Date Payee name Amount Northwest Hills Pharmacy and Florist (\$) 06/08/2009 \$94.18 5 Payee address; City; State; Zip Code 3801 N. Capital of TX Hwy #D200 Austin, TX 78746 Purpose of expenditure (See instructions regarding type of information required.) **Flowers** Date Amount Pavee name PlainsCapital Banks (\$) 05/01/2009 \$2.04 Payee address; City; State; Zip Code P.O. Box 271 Lubbock, TX 79408-0271 Purpose of expenditure (See instructions regarding type of information required.) Service Fee Date Payee name Amount PlainsCapital Banks (\$) 05/20/2009 \$672.99 Payee address; City; State; Zip Code P.O. Box 271 Lubbock, TX 79408-0271 Purpose of expenditure (See instructions regarding type of information required.) Payroll Taxes Date Amount PlainsCapital Banks (\$) 05/20/2009 \$925.07 Payee address; City; State; Zip Code P.O. Box 271 Lubbock, TX 79408-0271 Purpose of expenditure (See instructions regarding type of information required.) **Payroll Taxes**

LEGISLATIVE CAUCUS EXPENDITURES SCHEDULE F(L) ITEMIZED EXPENDITURES (FOR FORM LEG) 1 PAGE# The Instruction Guide explains how to complete this form. Schedule: 5/8 Report: 7/10 2 CAUCUS NAME ACCOUNT # Texas Republican Legislative Caucus 00034401 3 Date Payee name Amount PlainsCapital Banks (\$) 06/04/2009 \$925.07 5 Payee address; City; State; Zip Code P.O. Box 271 Lubbock, TX 79408-0271 7 Purpose of expenditure (See instructions regarding type of information required.) Payroll Taxes Date Payee name Amount RSD (\$) 06/12/2009 \$1,727.67 Payee address; City; State; Zip Code P.O. Box 200670 Austin, TX 78720 Purpose of expenditure (See instructions regarding type of information required.) Letterhead and Envelopes Date Payee name Amount RSD 06/23/2009 \$3,602.35 Payee address; City; State; Zip Code P.O. Box 200670 Austin, TX 78720 Purpose of expenditure (See instructions regarding type of information required.) **Directories** Date Payee name Amount Simmons, Carrie (Ms.) (\$) 05/04/2009 \$2,436.96 Payee address; City; State; Zip Code 3809 S. Congress APT #139 Austin, TX 78704 Purpose of expenditure (See instructions regarding type of information required.) Salary

Texas Ethics Commission P.O.Box 12070 Austin, Texas 78711-2070 (512)463-5800 1-800-325-8506 LEGISLATIVE CAUCUS EXPENDITURES SCHEDULE F(L) (FOR FORM LEG) ITEMIZED EXPENDITURES 1 PAGE# The Instruction Guide explains how to complete this form. Schedule: 6/8 Report: 8/10 2 CAUCUS NAME ACCOUNT # Texas Republican Legislative Caucus 00034401 Date Payee name Amount Simmons, Carrie (Ms.) (\$) 05/15/2009 \$3,300.00 5 Payee address; City; State; Zip Code 3809 S. Congress APT #139 Austin, TX 78704 7 Purpose of expenditure (See instructions regarding type of information required.) Salary Date Payee name Amount Simmons, Carrie (Ms.) (\$) 06/09/2009 \$3,300.00 City; State; Zip Code Payee address; 3809 S. Congress APT #139 Austin, TX 78704 Purpose of expenditure (See instructions regarding type of information required.) Salary Date Payee name Amount T-Mobile USA (\$) 06/08/2009 \$103.08 City; State; Zip Code Payee address; P.O. Box 37380 Albuquerque, NM 87176 Purpose of expenditure (See instructions regarding type of information required.) Caucus Phone Date Amount Texas Restaurant Assoc. (\$) 02/02/2009 \$577.84 Payee address; City; State; Zip Code 1440 Lavaca Austin, TX 78701 Purpose of expenditure (See instructions regarding type of information required.) Rent

LEGISLATIVE CAUCUS EXPENDITURES

SCHEDULE F(L)

ITEMIZED	EXPENDITURES		(FOR FORM LEG)
The Instruction	N GUIDE explains how to complete this form.	1 PAGE# Schedule: 7/8	Report: 9/10
2 CAUCUS NAM	E Texas Republican Legislative Caucus	ACCOUNT # 00034401	
3 Date	Payee name Texas Restaurant Assoc.		6 Amount (\$)
03/01/2009	5 Payee address; City; State; Zip Code 1440 Lavaca Austin, TX 78701		\$577.84
7 Purpose of exp Rent	enditure (See instructions regarding type of information required.)		
Date	Payee name Texas Restaurant Assoc.		Amount (\$)
03/18/2009	Payee address; City; State; Zip Code 1440 Lavaca Austin, TX 78701		\$577.84
Purpose of exp Rent	enditure (See instructions regarding type of information required.)		
Date	Payee name The Go Daddy Group Inc.		Amount (\$)
06/08/2009	Payee address; City; State; Zip Code 14455 N. Hayden Rd. Suite 219 Scottsdale, TX 85260		\$55.14
Purpose of exp Web site hos	venditure (See instructions regarding type of information required.)		
Date	Payee name The Wilbanks Group		Amount (\$)
01/28/2009	Payee address; City; State; Zip Code 12601 Bee Caves Parkway Suite 243 Austin, TX 78738		\$5,000.00
Purpose of exp Consulting	penditure (See instructions regarding type of information required.)		

	EXPENDITURES		SCHEDULE F(L) (FOR FORM LEG)
The Instruction	אס Guide explains how to complete this form.	1 PAGE# Schedule: 8/8	Report: 10/10
2 CAUCUS NAN	Texas Republican Legislative Caucus	ACCOUNT # 00034401	
3 Date	4 Payee name The Wilbanks Group		6 Amount (\$)
02/03/2009	5 Payee address; City; State; Zip Code 12601 Bee Caves Parkway Suite 243 Austin, TX 78738		\$16,670.00
7 Purpose of expe	penditure (See instructions regarding type of information required.) enses		
Date	Payee name United States Post Office		Amount (\$)
05/01/2009	Payee address; City; State; Zip Code 111 E 17TH ST Austin, TX 78711		\$172.00
Purpose of exp	penditure (See instructions regarding type of information required.)		
	<u> </u>		

Form 202 (Revised 10/07)

Return in duplicate to: Secretary of State P.O. Box 13697 Austin, TX 78711-3697 512 463-5555 FAX: 512/463-5709



Certificate of Formation Nonprofit Corporation

This space reserved for office use.

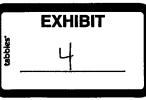
FILED In the Office of the Secretary of State of Texas

JUL 28 2008

Corporations Section

FAX: 512/463-5709 Filing Fee: \$25					
Artic	cle 1 – Enti	y Name and T	уре		
The filing entity being formed is a non	profit corpo	ration. The nan	ne of the ent	ity is:	
TEXAS 1	NATO	HDOG			
Article 2 – Re	egistered A	gent and Register A or B and comp	tered Offic lete C)	e	
A. The initial registered agent is an	n organizatio	On (cannot be entity	named above)	by the name	of:
OR B. The initial registered agent is an	individual	resident of the s	state whose	name is set i	forth below:
First Name M.	I.	Last Name			Suffix
C. The business address of the register 5300 MEMORIAL Street Address			ston.	rx =	+7007
	City	Management	,	State Zip C	oge .
The management of the affairs of the directors constituting the initial board of to serve as directors until the first annuqualified are as follows:	of directors and meeting	and the names a	and address until their s	es of the per	sons who are
Director I	1				
TRENT	٤	SEI	BENU	\	
First Name	M.1.	Last Name			Suffix
3131 SW FREEWAY 32	Ha.	StoN	TX	77090	2U 2
Street or Mailing Address	City		State	Zip Code	Country
Director 2					
CEE AND		10'N	EAL	-	
First Name	М.І.	Last Name			Suffix
JUL 282008	tabbies.	HIBIT +			

Secretary of State



3131 SN PILEEWOIL 32	Hou	Ston	TX	77098				
Street or Mailing Address	City		State	Zip Code	Country			
Director 3								
JENNIFER		PEE	Brez					
First Name	M.I.	Last Name			iuffix			
1100 Brosows	NAS	Hville	TN	37-203				
Street or Mailing Address	City		State	Zip Code	Country			
The management of the affairs o members. (See instructions. Do not select s	Article 4 —	Membership		-	-			
A. The nonprofit corporation shall	have memb	ers.						
B. The nonprofit corporation will	have no mer	nbers.						
(See instructions. This form does not contain The nonprofit corporation is organized TEAS WATCH DOG IS	language need for the follo	wing purpose	or purposes:	^	deral level.)			
FOR LAWFUL PURPOSES	UNDER	title I			TITLE			
chapter 22 of t	HE B	<u>.oc.</u>						
The following text area may be used to include any	additional langu	age or provisions to	hat may be neede	ed to obtain tax-exer	npt status.			
THE PRIMARY	Pur	POIF	of 7	LCKAJ	•			
WATEHDOG W	ill t	3E A	SA					
dominatific E	シナナ	Y, RE	PanH.	nd ch				
BUEIUS AT THE STATE CAPITOL AUS								
Herovotot S	74H	TEYA	MA 2-	else wi	heile.			
*								

Supplemental Provisions/Information (See instructions.)

Text Area: [The	attached addendun	n, if any, is incorpora	ted herein by ref	erence.]		
				· ·		
	· · · · · · · · · · · · · · · · · · ·					
			Organiz	er		
The name a	nd address of the	he organizer:			•	
		SE IBE	1			
	· EN.	72 (02)	<u> </u>			
Name		ard Freu	# 3	2		
3131	Southwi	Ist Freu	1	touston	ィーケメ	77078
Street or Mailin	g Address	(Clty		State	Zip Code
		F ffeetivene	es of Vilian (Select either A, B, or	۸.	
_		Effectivenes	22 OI LHURK (Sciect Cither A, B, or	C.)	
A This	document beco	mes effective w	hen the docu	ment is filed by	the secretary o	f state.
				which is not mo		
		elayed effective				(>o) aayo nom
	_ •	•		of a future even	or fact other i	han the
passage of t	ime. The 90 th	day after the dat	e of signing	ie.	or race, outer t	
				take effect in th		ibad balann
THE IONOWA	ing event of fac	t will cause the	document to	take effect in th	e manner descr	idea below:
						<u> </u>
			Execution	n		
The undersig	gned signs this	document subje	ct to the pen	alties imposed b	y law for the s	ubmission of a
materially fa	ilse or fraudule	nt instrument.	·		-	
_ 1		7000				
Date:	102 CO.	100	- 1	٧ , ٣ (ハム	
9)			1N S	·	
,			Signatur	oforganizer		
				,		

Thursday, September 09, 2010

Tax Year: 2010 ·

HARRIS COUNTY APPRAISAL DISTRICT PERSONAL PROPERTY ACCOUNT INFORMATION 1033364

吕_{Print} 回_{E-mail}

Owner and Property Information

Owner Name & DENIS CALABRESE

Mailing Address: 5300 MEMORIAL DR STE 1070 HOUSTON TX 77007-8230

Property Address:

5300 MEMORIAL DR **HOUSTON TX 77007**

Description: Computers

Furniture and Fixtures

State Class Code

L1 -- Tangible, Commercial

SIC Code

Property Type

A -- Business Personal Property

Square Ft

Key Map®

8939A -- OFFICE-GENERAL 0-999 SQ FT

500

492C

Value Status Information Value Status All Values Pending

Evernations and Turisdiction

		Exemptions a	and Jurisdictions	i		•
Exemption Type	Districts	Jurisdictions	ARB Status	2009 Rate	2010 Rate	Online Tax Bill
None	001	HOUSTON ISD	Pending	1,15670		
	040	HARRIS COUNTY	Pending	0.39224		
	041	HARRIS CO FLOOD CNTRL	Pending	0.02922		
	042	PORT OF HOUSTON AUTHY	Pending	0.01636		
	043	HARRIS CO HOSP DIST	Pending	0.19216		
	044	HARRIS CO EDUC DEPT	Pending	0.00605		
	048	HOU COMMUNITY COLLEGE	Pending	0.09222		
	061	CITY OF HOUSTON	Pending	0.63875		
		Valu	ıations			
				2009 Value		2010 Value
Total Appraised		•		9,876		Pending
		Valu	e Detail			_
	Catego	ory		2009 Value		2010 Value
Aircraft				0		Pending
Vessels				0		Pending
Inventory				0		Pending
Supplies				250		Pending
Raw Materials				0		Pending
Work In Progress				0		Pending
Furniture and Fixture	es			8,829		Pending
Machinery and Other	Equipmer	it		0		Pending
Computers				797		Pending
Leasehold Improvem	ents	EV	UDIT	0		Pending
Vehicles		· ·	HIBIT	0		Pending
Miscellaneous		tabbies.	5	0	4	Pending



PATRIOT, noun: One who loves, supports, and defends their country and her interest with devotion; one who regards themself as a defender of individual rights.

AUSTIN - DALLAS - HOUSTON - WASHINGTON, DC

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The Principals

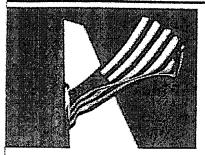
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released by state agencies
and local governments, but
also provides unique analysis
that puts government budgets

Latest Blog Posts
Tell Your Friends to Vote
How Conservatives Can
Close the "Online
Communication" Gap

and spending in centext.

Contact the Patriot Group

The Patriot Group has offices in Austin, Dallas, Houston, and Washington D.C.

Austin

720 Brazos, Suite 400 Austin, Texas 78701 512.477.6717 512.692.1928 fax

Houston

5300 Memorial Drive, Suite 1070 Houston, Texas 77007 713.869.8820 phone 713.869.8943 fax

Washington, D.C.

123 D Street, SE, Washington, D.C. 20003 202.470.4045 phone

Use this form to e-mail a message to The Patriot Group:

Your Name: *

Your E-mail Address: *

Your Message: *



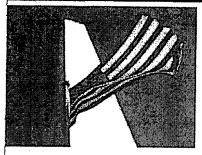


PATRIOT, noun: One who loves, supports, and defends their country and her interest with devotion; one who regards themself as a defender of individual rights.

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Texas Comptroller Susan Combs

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Genocide Intervention Network - Sudan Divestment Task Force

Hispanic Alliance for Progress

Maritime Jobs for Texas

State Representative Brian McCall

ORYXE Energy International

State Representative Tan Parker

Power Across Texas

Texans for Excellence in the Classroom

Texans for Fiscal Responsibility

Texans for Lawsuit Reform

Texans for Rick Perry

Texas Public Policy Foundation

Topaz Power Group

Dick Weekley

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EXHIBIT _____

September 10, 2010 8:30 AM in Houston, Texas





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Why hasn't state Rep. Trey Martinez Fischer answered questions ..

Apr 26, 2010 ... The head of the Mexican American Legislative Caucus promised weeks ago to answer questions about its relationship with powerful lobbying ...

http://www.texaswatchdog.org/2010/04/why-nasnt-state-rep-trey-martinez-fischer-answered/1272320614 column

Powerful HillCo lobbying firm sues former employees; see ethics ..

Jul 6, 2010... dollars' worth of free office rent that HillCo had given to the state Mexican American Legislative Caucus and its nonprofit foundation.

http://www.texaswatchdog.org/2010/07/powerful-hillco-tobbying-firm-sues-former-employeessee/1278459059 column

After three months, Texas Watchdog is finally promised answers ... Mar 31, 2010 ... Texans for Ethics and Accountability files complaint against HillCo Partners, Mexican American

Legislative Caucus; Texas Watchdog had ...
http://www.lexaswatchdog.org/2010/03/after-three-months-texas-watchdog-is-finally-promised/1270080592 column

Lawmakers' relatives work for GEO Group prison co. as state weighs.

Apr 27, 2009 ... See a listing of state legislative proposals that would limit the ... free office rent to the state Mexican

American Legislative Caucus and ...
http://www.iexaswalchdog.org/2009/04/hawmakers-relatives-work-for-geo-group-pnson-co-as-state-worghsclampdown-on-embattled-firm/

Salary for Texas Lottery's executive director could get boost ...

Jan 8, 2010... appointments relatively late in the last legislative session. ... free office rent to the state Mexican American Legislative Caucus and .

http://www.texaswatchdog.crg/2010/01/salary-for-texas-lotterys-executive-director-could-get-boost/

Gaping loophole in Texas ethics law: Officials' spouses left off

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http://www.texaswatchdog.org/2009/09/gaping-toophole-in-texas-ethics-law-officials-spouses-left-off-financial-

School volunteer and mother Peyton Wolcott starts national ..

Mar 15, 2010 ... But like the tradesmen and farmers who didn't look like American free office rent to the state Mexican American Legislative Caucus and ...

hito hwww.texaswatchdog.org/2010/03/school-volunteer-and-mother-payton-wolcoti-starts-

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Houston Airport System's hidden international web of companies ...
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Houston Independent School District Issues credit cards to ...

... thousands of dollars' worth of free office rent to the state Mexican American Legislative Caucus and its nonprofit foundation despite state laws that http://www.texaswatchdog.org/2009/10/housion-independent-school-district-issues-credit-cards-to-employees-with-

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State Sen. Royce West's firm earned \$1M from public agencies, many.

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- complainant's driver's license or personal identification certificate issued under Chapter 521
 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the
 Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

Effective September 1, 2009, an individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

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1 COMPLAINANT NAME	MS/MRS/MR FIRST Mr. JUSTIN NICKNAME LAST JORDAN	AII. SUFFIX
2 COMPLAINANT PHYSICAL ADDRESS	ADDRESS APT/SUITE#: CITY: 5300 Memorial Drive, Suite 1070 Howston [Full home or business address, including street, city, state, and zip.	,,,,,
3 COMPLAINANT MAILING ADDRESS (check if seeing its above	P.O. Box 56671 Houston	STATE; ZIPCODE TX 77256 code)
4 COMPLAINANT TELEPHONE NUMBER		@ texas accountability
	II. IDENTITY OF RESPONDENT	
S RESPONDENT NAME	MS/MRS/MR FIRST HILCO Partners NICKNAME LAST	M) SUFFIX
RESPONDENT POSITION OR TITLE	Registered Lobbyist	
RESPONDENT PHYSICAL ADDRESS	ADDRESS APT/SUITE#; CITY; 823 Congress Ave. #900 Austin (Full home or business address, including street, city, state, and zip co	TX 78701 de)
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C (check if same as above) RESPONDENT	(Full home or business address, including street, city, state, and ztp co	ode)

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Return in duplicate to: Secretary of State P.O. Box 13697 Austin, TX 78711-3697 512 463-5555

FAX: 512/463-5709



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In the Office of the
Secretary of State of Texas

AUG 2'8 2009

Corporations Section

Filing Fee: See instructions							
Entity Information							
2247 2240 224							
The name of the entity is: Ticxus Watchdog							
State the name of the entity as currently shown in the records of the secretary of state.							
The file number issued to the filing entity by the secretary of state is: 801009561							
The registered agent and registered office of the entity as currently shown on the records of the secretary of state are: Treet E. Seibe -							
5300 Memorial Drive, Suite 660							
Houston TX 77007							
Change to Registered Agent/Registered Office							
The certificate of formation or registration is modified to change the registered agent and/or office of the filing entity as follows: Registered Agent Change (Complete either A or B, but not both. Also complete C if the address has changed.)							
A. The new registered agent is an organization (cannot be entity named above) by the name of:							
OR B. The new registered agent is an individual resident of the state whose name is:							
First Name M.S. Last Name Suffix							
Registered Office Change							
C. The business address of the registered agent and the registered office address is changed to:							
4402 Leeland St. Houston Tx 77023.							
Street Address (No P.O. Box) City State Zip Code							
The street address of the registered office as stated in this instrument is the same as the registered RECEIVED AUG 28 2009 Secretary of State RECEIVED Secretary of State RECEIVED AUG 28 2009							
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Filing Number:

801154514

Entity Type:

Domestic Nonprofit

Corporation

Original Date of Filing: August 4, 2009

Entity Status:

Voluntarily dissolved

Formation Date:

N/A

Non-Profit

N/A

Tax ID:

32040063490

Type: FEIN:

Duration:

Perpetual

Name:

Texans For Ethics and Accountability

Address:

5535 MEMORIAL DR STE FNO601

HOUSTON, TX 770078021 USA

REGISTERED **AGENT**

<u>FILING</u> **HISTORY**

<u>NAMES</u>

<u>MANAGEMENT</u>

ASSUMED

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ASSOCIATED ENTITIES

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Address

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Justin Rajneesh Jordan

5300 Memorial Drive, Suite 660

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Tampayer name PATRIOT ADVISORS LLC Mailling address P.O. BOX 52266 City MIDLAND	lamp LTX	you. Contact us at:	(5 <i>12) 463-4600, 67</i> (Secretary of State	e file number
Check box if there are currently no changes or addi	tions to the information	displayed in Section A of this repo	ort. Then complete Sectio	ns B and C.	
Entity's principal critica P.O. BOX 52266, MIDLAND, TX Principal place of business P.O. BOX 52266, MIDLAND, TX				JBA 453	
Please sign below! Officer, director, and me Information Report is completed. The Inform report. There is no requirement or procedure or members change throughout the year.	lation is updated a a for supplementin	innually as part of the francing the information as officer	thice tay		
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DENIS CALABRESE Mailing address 5300 MEMORIAL DRIVE, STE 6 Name	City 600 HOUSTO Title)M	X Yes Term expire State	ation ZIP (TX 770	07
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Name of owned (subsidiary) corporation or limited liability of		State of formation	Texas 909 file numbe	` }	ga of Ownership
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The lamest ticket in town: The Fred Baron Christmas party | Texas ...

We here at Texas Watchdog have been a wee bit critical of Dallas attorney and Democratic financier Fred Baron.

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Aug 4, 2010 ... When Baron, the so-called King of Torts, died, the Dallas Morning News ran a lengthy obituary. The

investigation was not mentioned. ... http://www.texaswatchdog.org/blog/82012page=5

Wendy Davis continues to tear down Kim Brimer, and we like it ...

Sep 24, 2008 ... While this joke of a watchdog group reports about Fred Baron's taste in ... Oh yea Wendy is none to pleased the Fred Baron's (John Edwards ...

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High wattage: Trial lawyer Mikal Watts funds Democrats' resurgence ...

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HISD board president Greg Meyers corrects campaign finance form.

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4	COMMITTEE ADDRESS	ADDRESS / PO BOX; APT / SUIT	E#;	CITY;	STATE; ZIP CODE	1		
	Change of Address	P.O. Box 427 Austin, TX 78767				Date Hand-delivered of	or Date Postmarked	
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6	CAMPAIGN TREASURER'S STREET ADDRESS (Residence or business)	STREET ADDRESS (NO PO BOX PLE 3635 Peregrine Falcon Austin, TX 78746	ASE); APT/SU	ITE#;	CITY; STATE;	ZIP CODE	-	
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9	REPORT TYPE	January 15 July 15	X C	30th day befo 8th day before Runoff			(attach PAC-DR) ter campaign	
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FORM SPAC SPECIFIC-PURPOSE COMMITTEE REPORT: COVER SHEET PG 2 **PURPOSE & TOTALS** ACCOUNT # (Ethics Commission filers) 12 COMMITTEE Give the Money Back PAC 00065026 NAME CANDIDATE / OFFICEHOLDER NAME X CANDIDATE 13 COMMITTEE **PURPOSE** Rielle Hunter (Attach lists on plain paper to complete this OFFICE SOUGHT (candidate) / OFFICE HELD (officeholder) OFFICEHOLDER report if necessary.) State Representative BALLOT IDENTIFICATION / # **ELECTION DATE** SUPPORT Month Day Year (Candidate or Measure) X OPPOSE (Candidate or Measure) DESCRIPTION ASSIST MEASURE (Officeholder only) **14 CONTRIBUTION** TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED TOTALS \$ 0.00 **TOTAL POLITICAL CONTRIBUTIONS** 2. (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS) 3,500.00 **EXPENDITURE** TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED 3. \$ 0.00 **TOTALS TOTAL POLITICAL EXPENDITURES** 4. 0.00 CONTRIBUTION TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY **BALANCE** 0.00 OF THE REPORTING PERIOD **OUTSTANDING** TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE 6. LOAN TOTALS LAST DAY OF THE REPORTING PERIOD 0.00 15 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code. Anthony Holm Signature of Campaign Treasurer AFFIX NOTARY STAMP / SEAL ABOVE , this the Sworn to and subscribed before me, by the said , 20_____, to certify which, witness my hand and seal of office.

Print name of officer administering oath

Title of officer administering oath

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				Page 3 of 4
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Texas Democratic donor, GOP legislator spar over insurance settlement

Rep. Larry Taylor says request for data on Ike deal not personally directed at Houston lawyer Steve Mostyn.

By Jason Embry

AMERICAN-STATESMAN STAFF

Published: 8:43 p.m. Friday, Sept. 10, 2010

Houston trial lawyer Steve Mostyn, arguably the most powerful Democratic donor in the state, has taken offense at a Republican lawmaker's effort to get information about a series of Mostyn's cases.

The lawmaker, state Rep. Larry Taylor, R-Friendswood, said he is simply seeking information that fits under the purview of a legislative panel he leads.

Earlier this week, Taylor asked the Texas Windstorm Insurance Association a series of questions about a \$189 million settlement between the association and more than 2,000 Galveston-area property owners who were hit by Hurricane Ike and sued to get more compensation from the association.

The association is the insurer of last resort for homeowners in coastal areas most vulnerable to hurricanes.

Taylor, co-chairman of the Windstorm Insurance Legislative Oversight Board, asked for detailed information about each of the cases in the settlement, including the amount of attorney fees paid and a description of the work that justified the fees, plus the total amount claimed in each case for property damage, noneconomic losses and living expenses.

The lead lawyer representing those property owners was Mostyn, the president-elect of the Texas Trial Lawyers Association and a major Democratic donor.

Mostyn on Friday told the insurance association, known as TWIA, that he planned to file for a temporary restraining order to block it from releasing the information to Taylor, who is chairman of the House Republican Caucus.

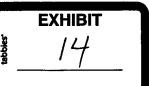
"I represent individuals whose private information is sought by Mr. Taylor and much of that information requested is confidential under statute, administrative rulings, judicial decisions and common-law doctrines," Mostyn wrote to TWIA on Friday. "Second, Mr. Taylor has no authority to issue a 'legislative investigation request' or any other document under color of law that would compel the production of documents."

Taylor said he is just seeking information for his committee and, noting that many other lawyers were involved in the TWIA settlement, said he isn't going after Mostyn, who is not specifically named in his request.

"It's hit a nerve, obviously, with Steve Mostyn, but my request is for information for the legislative oversight board," Taylor said. "We certainly have a reason to look into what's going on at TWIA."

Taylor said he wants to see whether TWIA is handling the claims in an efficient way and whether an appropriate amount of policyholders' funds is going toward attorneys' fees.

But Mostyn said he suspects that Taylor is interested in his work because he has become such a high-



profile Democratic donor.

Mostyn has put millions of dollars into Democratic campaigns and causes this year, mostly to a political action committee called Back to Basics. The PAC has aired four television spots that are highly critical of Republican Gov. Rick Perry.

Mostyn's money also figures prominently into Democratic efforts to win control of the state House.

Taylor said politics are not his motivation for seeking the information. He said the information could be helpful as the oversight panel prepares a November report on TWIA.

Mostyn said Taylor is asking for information that a member of the public would not be able to obtain through an open records request.

TWIA General Manager Jim Oliver said that if a member of the public asked for the information Taylor requested, he would check with the property owners' lawyers before releasing it. He said he has no objection to giving Taylor the information but will hold off on doing so until a court responds to Mostyn's request that it be withheld.

Mostyn said he thinks Taylor is acting in cooperation with Texans for Lawsuit Reform, which is the archenemy of the trial lawyers' group Mostyn heads. A Mostyn ally submitted a Texas Public Information Act request to Taylor's office to find out what communication he had with Texans for Lawsuit Reform representatives before submitting his request.

Taylor said he consulted with a number of lawyers but wasn't sure how many of them, if any, were connected to the group.

"No one representing TLR was involved with Rep. Taylor's inquiry," said the group's spokeswoman, Sherry Sylvester.

TWIA is a quasi-state entity. The money that it plans to pay the plaintiffs in the settlement does not come from taxpayer dollars, but rather from premiums paid by property owners and from reinsurance coverage purchased by TWIA.

jembry@statesman.com; 445-3572

Find this article at:

http://www.statesman.com/news/texas-politics/texas-democratic-donor-gop-legislator-spar-over-insurance-909251.html



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THE TEXAS TRIBUNE

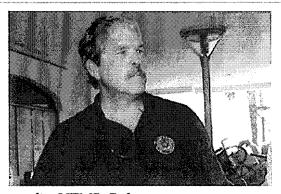
Taylor "Can't Believe Firestorm" Over TWIA Request

by Elise Hu September 10, 2010



Print version sponsored by:

State Rep. Larry Taylor,
R-Friendswood, says the
hullabaloo over his
information request to the
Texas Windstorm
Insurance Association, or
TWIA, has been blown
out of proportion. The
co-chair of the newly
created legislative
oversight panel over



credit: UTMB Galveston

TWIA says he was sitting State Rep. Larry Taylor, R-Friendswood, touring UTMB Galveston in 2008. in Houston's Chinese embassy trying to get a visa to visit his daughter when his phone started filling up with messages about a feud with Democratic donor and Houston-based attorney Steve Mostyn. "I don't know why Steve Mostyn has gone off the deep end over this," he said.

Taylor explains that he made a detailed request to TWIA general manager Jim Oliver about attorney payouts in a \$189 million settlement between TWIA and homeowners because his oversight committee has a report on the matter due in November. (Mostyn's firm reportedly collected \$86 million from the settlements on behalf of 2,400 homeowners.) Taylor said he needs the settlement details for the committee report and the hearing he's planning to hold, both aiming to address whether TWIA could be operating more efficiently. "Did TWIA do a terrible job of settling claims, and is there something we need to do to correct that? Is there inefficiency in settling the claims?" Taylor said. "All I've done is ask for information. I haven't attacked anybody, but apparently this has touched the nerve of Steve Mostyn. I'm just asking for information."

Taylor did talk about the broader issue at hand: whether TWIA is paying attorneys too much in these settlements instead of coming up with a way to pay claims to homeowners directly, without lawsuits spurring action. "We oughta be putting people back in their houses and not making attorneys rich. If I need legislation to fix this in the future, I need to know what happened this time," Taylor said.

Mostyn, who obviously thinks differently, discussed the issue at length with me in our interview last

EXHIBIT

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Ine rexas imbune Page 2 of 2

week, and I've clipped out the insurance segment below:



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Offices in Houston, Beaumont, Austin and San Antonio

September 10, 2010

Via Facsimile 512-482-0342

Mr. Jim Oliver
c/o David Wright Attorney for Texas Windstorm Insurance Association
General Manager
Texas Windstorm Insurance Association
5700 South MoPac Expressway
Building E, Suite 530
Austin, Texas 78749

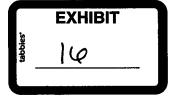
Dear Mr. Oliver:

I understand you have received a letter from Representative Larry Taylor requesting certain information. It is unclear to me whether Mr. Taylor's letter is a request for information for legislative purposes under Section 552.008, Government Code, or if the letter purports to be some sort of "legislative investigative request" or other similar language suggesting that the request is issued under color of law. It is issued and signed under his formal capacity as an elected official.

First, you are advised that I represent individuals whose private information is sought by Mr. Taylor and much of that information requested is confidential under statute, administrative rulings, judicial decision, and common-law doctrines.

Second, Mr. Taylor has no authority to issue a "legislative investigative request" or any other document under color of law that would compel the production of documents. Under Chapter 301, Government Code, and the Rules of the Texas House of Representatives, a subpoena may be issued only upon a vote of the full committee. There are no public records, including meeting minutes, that show that any vote has been taken to issue a subpoena. Further, a request for assistance or information may only be requested of a state agency, which the Association is not.

Even if the Association were to be determined to be a governmental agency, Mr. Taylor is not entitled to the confidential information under Chapter 552, Government Code, unless he signs a confidentiality agreement and agrees not to disclose the information to a third party.



As you should know Mr. Taylor's request comes immediately after my call to Mike Hull who works for the political action group Texans for Lawsuit Reform contacted your counsel seeking the same specific information regarding my clients and the fees earned by my firm. Mr. Hull's request for information came at the same time that an article appeared in the Austin American Statesman about me and my wife being top political donors to the Democratic Party. Your counsel Davis & Wilkerson did the right thing by refusing to produce private information. In addition, Mr. Taylor's request for information comes immediately after a partisan effort to obtain records from the Galveston County Clerk by a political operative. As those documents were not available to that individual, the timing of Mr. Taylor's strongly suggests that he is using his position on the legislative oversight committee for non-legislative purposes, namely political and partisan purposes. This suggestion is also backed by the fact that there has been no committee meeting previously on this matter.

As you know, any state official, including a Member of the Legislature, who uses his office for improper reasons unrelated to his official position commits a criminal offense under Chapter 39, Penal Code, including Abuse of Official Capacity under Section 39.02, Penal Code, Official Oppression under Section 39.03, Penal Code, and Misuse of Official Information under Section 39.06, Penal Code, all of which carry the possibility of fines or jail time, or both.

I appreciate your cooperation in this matter, in regards to not tendering any document in response to the request until this matter can be heard by a court of proper jurisdiction.

Sincerely,

J. Steven Mostyn

cc: Ms. Susan Denmon Banowsky

Vinson & Elkins, L.L.P.

For Texas Windstorm Insurance Association

2801 Via Fortuna, Suite 100 Austin, Texas 78746-7568

PENAL CODE

TITLE 8. OFFENSES AGAINST PUBLIC ADMINISTRATION

CHAPTER 39. ABUSE OF OFFICE

Sec. 39.01. DEFINITIONS. In this chapter:

- (1) "Law relating to a public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly:
 - (A) imposes a duty on the public servant; or
 - (B) governs the conduct of the public servant.
 - (2) "Misuse" means to deal with property contrary to:
- $\hbox{(A)} \quad \text{an agreement under which the public servant holds} \\$ the property;
- (B) a contract of employment or oath of office of a public servant;
- (C) a law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
- (D) a limited purpose for which the property is delivered or received.

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES UNDER THIS CHAPTER. With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 378, Sec. 2, eff. June 15, 2007.

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY. (a) A public servant commits an offense if, with intent to obtain a benefit or with intent

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to harm or defraud another, he intentionally or knowingly:

- (1) violates a law relating to the public servant's office or employment; or
- (2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.
- (b) An offense under Subsection (a)(1) is a Class A misdemeanor.
 - (c) An offense under Subsection (a)(2) is:
- (1) a Class C misdemeanor if the value of the use of the thing misused is less than \$20;
- (2) a Class B misdemeanor if the value of the use of the thing misused is \$20 or more but less than \$500;
- (3) a Class A misdemeanor if the value of the use of the thing misused is \$500 or more but less than \$1,500;
- (4) a state jail felony if the value of the use of the thing misused is \$1,500 or more but less than \$20,000;
- (5) a felony of the third degree if the value of the use of the thing misused is \$20,000 or more but less than \$100,000;
- (6) a felony of the second degree if the value of the use of the thing misused is \$100,000 or more but less than \$200,000; or
- (7) a felony of the first degree if the value of the use of the thing misused is \$200,000 or more.
- (d) A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the government for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for a governmental entity.
- (e) If separate transactions that violate Subsection (a)(2) are conducted pursuant to one scheme or continuing course of conduct, the conduct may be considered as one offense and the value of the use of the things misused in the transactions may be aggregated in determining the classification of the offense.
- (f) The value of the use of a thing of value misused under Subsection (a)(2) may not exceed:
- (1) the fair market value of the thing at the time of the offense; or

(2) if the fair market value of the thing cannot be ascertained, the cost of replacing the thing within a reasonable time after the offense.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1983, 68th Leg., p. 3241, ch. 558, Sec. 7, eff. Sept. 1, 1983. Renumbered from Penal Code Sec. 39.01 and amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by:

Acts 2009, 81st Leg., R.S., Ch. $\underline{82}$, Sec. 1, eff. September 1, 2009.

- Sec. 39.03. OFFICIAL OPPRESSION. (a) A public servant acting under color of his office or employment commits an offense if he:
- (1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
- (2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or
 - (3) intentionally subjects another to sexual harassment.
- (b) For purposes of this section, a public servant acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.
- (c) In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.
 - (d) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1989, 71st Leg., ch. 1217, Sec. 1, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 16, Sec. 19.01(34), eff. Aug. 26, 1991. Renumbered from Penal Code Sec. 39.02 by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

- Sec. 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY. (a) An official of a correctional facility, an employee of a correctional facility, a person other than an employee who works for compensation at a correctional facility, a volunteer at a correctional facility, or a peace officer commits an offense if the person intentionally:
- (1) denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful; or
- (2) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual in custody or, in the case of an individual in the custody of the Texas Youth Commission, employs, authorizes, or induces the individual to engage in sexual conduct or a sexual performance.
- (b) An offense under Subsection (a)(1) is a Class A misdemeanor. An offense under Subsection (a)(2) is a state jail felony, except that an offense under Subsection (a)(2) is a felony of the second degree if the offense is committed against:
- (1) an individual in the custody of the Texas Youth Commission; or
- (2) a juvenile offender detained in or committed to a correctional facility the operation of which is financed primarily with state funds.
- (c) This section shall not preclude prosecution for any other offense set out in this code.
- (d) The Attorney General of Texas shall have concurrent jurisdiction with law enforcement agencies to investigate violations of this statute involving serious bodily injury or death.
 - (e) In this section:
 - (1) "Correctional facility" means:
 - (A) any place described by Section 1.07(a)(14); or
- (B) a "secure correctional facility" or "secure detention facility" as defined by Section 51.02, Family Code.
- (2) "Custody" means the detention, arrest, or confinement of an adult offender or the detention or the commitment of a juvenile offender to a facility operated by or under a contract with the Texas Youth Commission or a facility operated by or under contract with a

obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that:

- (1) he has access to by means of his office or employment; and
 - (2) has not been made public.
- (c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he solicits or receives from a public servant information that:
- (1) the public servant has access to by means of his office or employment; and
 - (2) has not been made public.
- (d) In this section, "information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code.
- (e) Except as provided by Subsection (f), an offense under this section is a felony of the third degree.
- (f) An offense under Subsection (a)(3) is a Class C misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1983, 68th Leg., p. 3243, ch. 558, Sec. 9, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 30, Sec. 1, eff. Sept. 1, 1987; Acts 1987, 70th Leg., 2nd C.S., ch. 43, Sec. 3, eff. Oct. 20, 1987; Acts 1989, 71st Leg., ch. 927, Sec. 1, eff. Aug. 28, 1989. Renumbered from Penal Code Sec. 39.03 and amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(90), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 76, Sec. 14.52, eff. Sept. 1, 1995.

CAUSE NO. 09-CV-2012

JOE VARDELL AND JACQUELYN	§	IN THE DISTRICT COURT OF
VARDELL	§	
Plaintiffs,	§	
	§	
V.	§	GALVESTON COUNTY, TEXAS
	§	
TEXAS WINDSTORM	§	
INSURANCE ASSOCIATION,	§	
PAUL MIKKELSEN, BILL ASTIN,	§	
AND REGGIE WARREN	§ .	
Defendants.	§	122nd JUDICIAL DISTRICT

VERIFICATION

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared STEVE MOSTYN, attorney for the Plaintiffs, Joe and Jacquelyn Vardell, applicants for a temporary restraining order and temporary injunction in the above entitled and numbered cause, and after being duly sworn, states that he has reviewed the Application for Temporary Restraining Order and Request for Injunctive Relief and that the following facts are true and correct to the best of his personal knowledge.

Representative Larry Taylor made a request for information to Texas Windstorm

Insurance Association, attached hereto as Plaintiffs' Exhibit 1. The documents requested by

Representative Taylor contain the personal and private information, which is confidential under

both the Galveston County Residential Hurricane Ike Standing Pretrial Order and The Texas

Civil Practice & Remedies Code. I sent a letter to TWIA, attached hereto as Plaintiffs' Exhibit 2,

requesting TWIA to not release the documents requested by Representative Taylor until the

matter could be heard by a court of proper jurisdiction. I sent this letter after being told by TWIA that the documents requested by Representative Taylor had been compiled and would be produced unless I intended to seek a temporary restraining order. Mr. Taylor is the Co-Chair on The Windstorm Insurance Legislative Oversight Board. Under section 2210.653(b) of the Texas Insurance Code, the board may request reports and other information from the Department and the Asociation as necessary to implement this subchapter. Tex. Ins. Code. §2210.653 (b). Mr. Taylor took it upon himself without consulting with the board, as required by statute 2210.653, to send the request for information and documents to TWIA. The statute clearly states that the board may request reports. Mr. Taylor took it upon himself to act unilaterally without consulting the board in contradiction to the statute. Irreparable injury will occur if the private and personal information sought by Representative Taylor is released.

worn and subscribed before me, the undersigned authority on this the day of

Sesten hu 2010.

DALLON JAMES
Notary Public, State of Texas
My Commission Expires
JULY 7, 2014

Notary Public for the state of Texas

My Commission expires: 7-7-2014

TEXAS HOUSE OF REPRESENTATIVES

Capitol Office: P.O. Box 2910 Austin, Texas 78768 2910 512-463-0729 Fax: 512-474 2398



DISTRICT OFFICE: 174 CALDER ROAD, SUITE 116 LEAGUF CITY, TEXAS 77573 281-338-0924 FAX: 281-554-9240

LARRY TAYLOR

September 8, 2010

Mr. Jim Oliver, General Manager Texas: Windstorm Insurance Association 5700 S. MoPac Expy., Building E, Suite 530 Austin, Texas 78749

Dear Mr. Oliver:

Please allow this letter to serve as a formal request for information from the Texas Windstorm Insurance Association (Association). This request involves the Association settlement with insured's totaling approximately \$189,000,000 was reported in the press in July, 2010 ("the settlement"). To the extent records are available to explain the process or document of what has occurred, those documents are requested.

- 1. The style (including case name, case number, county of filing, court number and attorneys or record) for each case and claim covered by the proposed settlement.
- 2. For each case or claim identified in response to #1, please provide the following:
 - a. The total amount claimed for property damage
 - b. The total amount claim for non-economic loss
 - c. The total amount claimed for living expenses
 - d. The total amount claimed for any other form of loss
 - e. The amount of attorneys fees, costs or expenses paid to attorneys
 - f. The name and address of the attorney or attorneys who were paid fees, or reimbursed for costs and expenses
 - g. A description of work done by the attorney(s) to justify the fee
- 3. Total compensation paid or scheduled to be paid to those making claims under Association policies, including those who have filed suit against the Association.
- 4. Total fees, costs and expenses paid or scheduled to be paid to attorneys representing those making claims under Association policies, including those who have filed suit against the Association.

LARRY. TAYLOR @HOUSE. STATE. TX. US



- 5. Estimate the number of class action lawsuits that will be resolved by this settlement.
- The number of class action lawsuits involving the Association that will remain pending after the settlement is concluded. Also, the names of the lawyers who filed the cases that will remain pending.

Your timely response to this request is greatly appreciated. Should you have any questions, do

Regards,

Larry Taylor, Legislative Oversight Board Co-Chairman

State Representative

District 24

CC: Windstorm Insurance Legislative Oversight Board (all members) Texas Department of Insurance, Commissioner

CAUSE NO. 09-CV-2012

JOE VARDELL AND JACQUELYN	§	IN THE DISTRICT COURT OF
VARDELL	§	
Plaintiffs,	§	
	§	
V.	§	GALVESTON COUNTY, TEXAS
	§	
TEXAS WINDSTORM	§ §	
INSURANCE ASSOCIATION,	§	
PAUL MIKKELSEN, BILL ASTIN,	§	
AND REGGIE WARREN	§	
Defendants.	§	122nd JUDICIAL DISTRICT

PLAINTIFFS' TEMPORARY RESTRAINING ORDER, PROTECTIVE ORDER AND ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION

After considering Plaintiffs Joe and Jacquelyn Vardell's ("Plaintiffs") application for temporary restraining order, the pleadings, the affidavits, and arguments of counsel, the Court finds there is evidence that harm is imminent to Plaintiffs, and if the Court does not issue the temporary restraining order and Protective Order, Plaintiffs will be irreparably injured because the evidence necessary to the prosecution of Plaintiffs' causes of action will not be preserved.

Plaintiffs would show that under the circumstances, immediate and irreparable injury, loss, or damage are possible, if not likely, to occur before notice before notice can be served and a hearing held. Specifically, it appears that confidential and personal information of the Plaintiffs will be produced by Defendant TWIA pursuant to a letter request of Representative Taylor if TWIA is not enjoined. Once such information is produced, its confidentiality will forever be lost and irretrievable and irreparable injury will occur.

An ex parte order, without notice to Defendants, is necessary because there was not

enough time to give notice to Defendants, hold a hearing, and issue a restraining order before the irreparable injury, loss or damage occurs. Specifically, the production could take place at any time without notice to Plaintiffs.

Therefore, by this Order, the Court does the following:

1.	restrained from	n copying and cepresentative T	producing any of t	byees and/or attorneys, are the requested information est, a copy of which shall		
2. Order the clerk to issue notice to Defendants, that the harmonic Plaintiffs' Application for Temporary Injunction is setday of2010, ata.m./p.m. The purphearing shall be to determine whether this temporary restrainshould be made a temporary injunction pending a full trial on the						
3.	Sets bond at \$	·				
This Order exp	pires on the	day of	2010.			
Signed on this	the	day of	2010, at	a.m./p.m.		
			JUDGE PR	ESIDING		