

THOUGHT LEADERSHIP

News

COURT FINDS PLAINTIFF'S "BAD FAITH" DISCOVERY TACTICS WARRANT SANCTIONS

Newsbrief

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Recently, Judge Micaela Alvarez of the United States District Court, Southern District of Texas McAllen Division, reviewed State Farm Lloyds' motion to quash abusive discovery propounded by Plaintiff's counsel and then; struck Plaintiff's 188 requests for admission, quashed the deposition notice for State Farm's corporate representative and notified Plaintiff's counsel that once State Farm's counsel submits a motion for recovery of expenses in making the motion, the court will award State Farm's expenses.

In *Montoya v. State Farm Lloyds*, No. 7:14-CV-00182 (S.D.Tex. January 27, 2015), the insured sued State Farm Lloyds alleging breach of contract and asserting common law and statutory bad faith claims arising from wind and hail damage. After the initial status conference, Plaintiff's counsel served 188 requests for admission and noticed the deposition of a State Farm corporate representative on eleven categories of testimony and demanded production of twenty-three categories of documents. After a thorough review of the facts and applicable rules, the Court found that ..."Plaintiff's bad faith discovery tactics and misrepresentations to the Court warrant that counsel be sanctioned." The Court limited discovery to the breach of contract of action, struck Plaintiff's 188 requests for admission in their entirety and quashed the corporate representative's deposition.

Editor's Note: We congratulate State Farm Lloyds and their counsel, Brian Chandler and Ron Schramm with Ramey, Chandler, Quinn & Zito firm in securing this just and significant result.