

CIRCUIT COURT
IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

ASHLEY EBBERT and
RICK EBBERT

2009 OCT 5 AM 10 08

*
BRENDA L. MILLER

Plaintiffs,

vs.

LIBERTY MUTUAL INSURANCE

Defendant.

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Civil Action No. 03-C-505
Martin J. Gaughan, Judge

ORDER

On the 28th day of August, 2009, a hearing commenced regarding the Plaintiffs' Plaintiffs' *Fourth Motion to Compel Discovery Responses of Defendant Liberty Mutual Insurance Company and Plaintiffs' Fifth Motion to Compel Discovery Responses of Defendant Liberty Mutual Insurance Company* and Incorporated Memorandum In Support Thereof. Having heard the argument of counsel, the Court states as follows:

- (1) By subsequent Order the Court shall appoint a special master to thoroughly analyze counsel's arguments and determine: (a) whether or not Liberty Mutual complied with the Court's March 16, 2009 Order; and (b) whether or not the outstanding issues presented in Plaintiff's Fifth Motion to Compel should be granted in whole or in part.
- (2) The discovery commissioner may hold conferences regarding the parties' dispute and the parties may file whatever pleadings they desire to clarify the discovery dispute.
- (3) Thereafter the Court will review the recommendations of the Special Master and enter an Order regarding the parties pending discovery dispute.

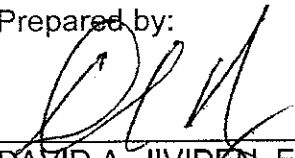
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- (4) The Court is quite concerned about Liberty Mutual's answers and responses to Plaintiff's discovery requests.
- (5) The Plaintiff is entitled to discovery regarding Liberty Mutual's business profile. As such, the defendant was specifically ordered to produce documents relevant to defendant's business model of claims handling and further ordered to produce claim and training manuals containing the process of how defendant evaluates its claims.
- (6) The Court finds that the Plaintiff is specifically entitled to documents regarding the CFR program, Claims Outcome Advisor ("COA"), as well as documents that deal with bonuses, incentives and the process for claims settlement.
- (7) The Court is not precluding the possibility of fines.
- (8) The Court further finds that the affidavit of Tres Robertson is of no value and that Liberty Mutual must answer and respond on its own behalf. The limited knowledge of a single employee is not dispositive of any issue.

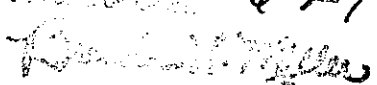
ENTERED this 25th day of Sept, 2009


 HON. MARTIN J. GAUGHAN, JUDGE

Prepared by:


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 BRENDA L. MILLER
 CLERK OF THE CIRCUIT,
 COURT OF OHIO COUNTY, WV
 copy, Tester


 Brenda L. Miller
 Circuit Clerk