

SUPREME COURT OF TEXAS

In re CNA Lloyds of Texas, et al.

In re CNA Lloyds · No. 07-0808 · Decided November 14, 2007

OPINION

PER CURIAM.

November 14, 2007 Mr. Daniel M. McClure Fulbright & Jaworski L.L.P. 1301 McKinney, Suite 5100 Houston, TX 77010-3095 Mr. David L. Orr Kuperman Orr & Albers 1501 S. Mopac Expwy Suite 350 Austin, TX 78746 Mr. Jack W. Latson Flahive, Ogden & Latson P.O. Drawer 13367 Austin, TX 78711 Mr. John C. Wander Vinson & Elkins 2001 Ross Avenue, Suite 3700 Dallas, TX 75201-2975 Mr. Roger Higgins Thompson Coe Cousins and Irons, L.L.P.

700 N. Pearl Street, 25th Floor Dallas, TX 75201-1840 Mr. W. Neil Rambin Sedgwick Detert Moran & Arnold 1717 Main Street, Suite 5400 Dallas, TX 75201 Mr. Keith M. Jensen Jensen Belew & Gonzalez, PLLC 1024 N. Main St. Fort Worth, TX 76164 Mr. David G. Oliveira Roerig Oliveira & Fisher 855 W. Price Road, Suite 9 Brownsville, Tx 78520-8766 Mr. David P. Andis Gauntt & Kruppstadt, L.L.P.

1400 Woodloch Forest Drive, Suite 575 The Woodlands, TX 77380 Mr. Jeff D. Otto Thomposon Coe Cousins & Irons 701 Brazos, Suite 1500 Austin, TX 78701 Mr. P. M. Schenkkan Graves Dougherty Hearon & Moody, P.C. 401 Congress Avenue, Suite 2200 Austin, TX 78701 Mr. Ronald L. Bair The Bair Law Firm, P.C. 14711 Pebble Bend Drive Houston, TX 77068 Honorable Mario E. Ramirez 332nd District Court Hildago County Courthouse 100 N. Closner, 2nd Floor Edinburg, TX 78539 RE: Case Number: 07-0808 Court of Appeals Number: 13-07-00386-CV Trial Court Number: C-2198-04-B Style: IN RE CNA LLOYDS OF TEXAS, ET AL. Dear Counsel: Today the Supreme Court of Texas granted the Motion for Temporary Relief and issued the enclosed stay order in the above-referenced case.

Pursuant to Tex. R. App. P. 55.1, you are requested to file briefs on the merits in the above-styled case. Please refer to Tex. R. App. P. 55 for the requirements of relators' and real parties in interest briefs. Please note that any party may elect to rely upon the briefs already on file with this Court by notifying this office in writing no later than the due date of the brief.

If you elect to rely upon a brief filed with the court of appeals, you must provide twelve copies in accordance with Tex. R. App. P. 9.3(b). The filing of a notification letter shall invoke the same timetable as the filing of a brief.

The petition for writ of mandamus remains under consideration by the Court. The briefing schedule is outlined below. See Tex. R. App. P. 55.7. Please note that Tex. R. App. P. 9.2(b) does

not apply. All briefs are due to be filed in this office on or before 3:00 p.m. on the due date: Relator/s shall file their brief within thirty days of this date (on or before December 14, 2007).

Real party/parties in interest shall file their response brief within twenty days after receiving relator/s brief (no later than January 3, 2008). Relator/s shall file any reply brief within fifteen days after receiving real party/parties in interest brief (no later than January 18, 2008). Additionally, the Court requests that parties submit a copy of all briefs on the merits (including amicus and post-submission briefs) and the respective petitions, responses, and replies - already on file - in electronic form within ten (10) days of the date of this letter.

Also, please submit an electronic copy when filing the hard copies of any brief. Please see the enclosed information for guidelines. Sincerely, [pic] Blake A. Hawthorne, Clerk by Claudia Jenks, Chief Deputy Clerk Enclosures [cc:]Mr. Daniel L. Bates | | |Mr. James L. Carroll | | |Mr. Raymond Alan | | |Cowley | | |Mr. Christopher W. | | |Martin | | |Ms. Cathy Wilborn | | |Ms.

Laura Hinojosa | | |Mr. Michael C. Crowley| SUPREME COURT OF TEXAS INFORMATION ON SUBMISSION OF ELECTRONIC BRIEFING In order to provide convenient access to briefs filed with the Supreme Court of Texas, the Court posts electronic copies of briefs on its website when it requests briefs on the merits.

The Court requests that the parties submit an electronic copy of all briefs on the merits (including amicus and post-submission briefs) as well as the respective petitions, responses, and replies that are already on file.

The Court asks the parties to comply with the following guidelines when submitting eBriefs: 1. The Court prefers the use of searchable PDF files because files in this format generally may not be altered. If this format is not available to you, please use either Microsoft Word (up to Word 2003/XP versions) or WordPerfect (versions 7 through X3). Documents submitted as Word/WordPerfect documents will be converted to searchable PDFs by the Clerk's office.

2. All eBriefs should be submitted either by email attachment or on a CD. NOTE: If you are emailing the eBrief and the file size is greater than 5 MB, you will need to separate the document into different files and email each file individually. Please identify each file clearly by labeling the individual parts (e.g. Appendix Part 1, Appendix Part 2, etc.). 3.

Each email subject line or CD must include information or a label which identifies the case style and the case number. In addition, a Certificate of Compliance must accompany the submission of all eBriefs. A copy of the Certificate of Compliance is included with this letter.

The Certificate of Compliance is also available in both Word and PDF format on the Supreme Court's Website at <http://www.supreme.courts.state.tx.us/ebriefs/ebriefs.asp>. 4. The email attachment or CD must contain only an electronic copy of the submitted filing.

The email attachment or CD must not contain any document or material that is not included in the original hard copy of the filing with the Court. 5. The email attachment or CD must be free of viruses or any other files that would be disruptive to the Court's computer system. 6. You may submit the eBrief(s) as an email attachment to the following email address: scebriefs@courts.state.tx.us Email attachments must not exceed 5 megabytes.

EBRIEF CERTIFICATE OF COMPLIANCE At the request of the Supreme Court of Texas, I certify that this submitted computer CD or email attachment complies with the following requests of the Court: 1. 1. Information for eBrief(s) being submitted: 1. a. Case Style: _____ 2. b. Case Number: _____ 3. c. Type of Brief(s) (i.e. petition for review, response, reply, petitioner's brief, respondent's brief, brief in reply, amicus brief): _____ 4. _____ 5. _____ 6. d. The Word Processing Software and Version Used to prepare the eBrief(s): _____ 7. _____

1. 2. This CD or email attachment contains only an electronic copy of the original document which was filed in the Texas Supreme Court Clerk's office and does not contain any document or portion thereof that is not included in the original filing. 1. 2. 3.

The electronic brief is free of viruses or any other files that would be disruptive to the Court's computer system. The following software, if any, was used to ensure the filing is virus-free: _____. 1. 2. 4. I understand that the attached eBrief(s) will be posted on the Court's web site. PLEASE NOTE: The submission of a brief in electronic format (eBrief) is not considered a filing in this Court.

All eBriefs submitted must have been previously filed in compliance with the Texas Rules of Appellate Procedure. _____ (Signature of filing party and date)
_____ (Printed name) _____
(Firm)