FILED IN DISTRICT COURT
OKLAHOMA COUNTY
AUG 3 1 2026
RICK WARREN
COURT CLERK
128

1066636659

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

BILLY & LACY HURSH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CJ-2025-2626
	)	
STATE FARM FIRE & CASUALTY COMPANY; MARK D. WELTY; and MARK D. WELTY INSURANCE AGENCY, INC.,	)	
	)	
Defendants.	)	

STATE FARM'S EMERGENCY MOTION FOR EXTENSION OF TIME TO COMPLY WITH THE COURT'S DISCOVERY ORDERS AND FOR OTHER RELIEF

Carrie B. McNeer, OBA No. 22235
Nathan A. Miramontes, OBA No. 36212
GABLEGOTWALS
110 N. Elgin Ave., Suite 200
Tulsa, OK 74120
(918) 595-4800
(918) 595-4990 (Fax)
cmcneer@gablelaw.com
nmiramontes@gablelaw.com

-and-

Lance E. Leffel, OBA No. 19511
David R. Herber, OBA No. 33527
GABLEGOTWALS
BOK Park Plaza
499 W. Sheridan Ave., Suite 2200
Oklahoma City, OK 73102
(405) 235-5500
(405) 235-2875 (Fax)
lleffel@gablelaw.com
dherber@gablelaw.com

Attorneys for Defendant,
State Farm Fire and Casualty Company

Defendant State Farm Fire and Casualty Company ("State Farm") respectfully seeks a 180-day extension of two deadlines: (1) the September 3, 2026 deadline set by the Court's August 4, 2026 Order (Ex. 1) to respond to Plaintiffs' Interrogatories Nos. 3, 22, and 23; and (2) the September 1, 2026 deadline set by the Court's April 1, 2026 Scheduling Order (Ex. 2) to respond to Plaintiffs' Requests for Production ("RFP") Nos. 58 and 59 (Interrogatories Nos. 3, 22, and 23, and RFP Nos. 58 and 59 are collectively referred to as the "Claim File Requests"),[1] which collectively require State Farm to review approximately 143,830 voluminous non-party claim files to identify those that fall within highly specific criteria. As explained below, State Farm has begun collecting, analyzing, and reviewing the universe of claim files required for full compliance with the Court's Orders, but the extraordinary volume of materials it must collect, process, and review to identify the responsive claim files makes full compliance by September 1 and 3, 2026 not only impracticable but nearly impossible despite those efforts. As the attached declarations demonstrate, responding to just four of the Claim File Requests (Interrogatories Nos. 3, 22, and 23, and RFP No. 58) will require, collectively, at least approximately 178,475 hours of managed review—***an undertaking that would take a team of 100 attorneys approximately 179 business days to complete***. An 180-day extension to respond to these interrogatories is thus necessary to allow State Farm a reasonable opportunity to complete the required discovery in a careful and orderly manner.

[1] On or about July 28, 2026, the parties held an in-chambers conference with the Court, during which it was decided that the pretrial conference would be rescheduled to November 19, 2026. Since that in-chambers conference, the parties also agreed to reset all deadlines, including discovery deadlines, to a date closer to the anticipated November 19, 2026 pretrial conference. As of the filing of this Motion, however, the Court has not entered an order rescheduling the pretrial conference, and the parties are still conferring regarding other scheduling deadlines. Accordingly, out of an abundance of caution, and to the extent the September 1, 2026 date remains on the Court's docket as the pretrial-conference date, State Farm requests an extension related to the Claim File Requests as set forth herein.

State Farm does not file this Motion to delay discovery but, rather, to further explain the complexity of responding to Plaintiffs' Claim File Requests and how that impacts the timing of its responses. Specifically, as set forth in the attached declaration of Jay Thorpe, Technology Analyst in P&C Claims Enterprise Technology at State Farm (Ex. 3),[2] determining which claims involve "damage to the insured's soft metals" but insufficient damage to other parts of the roof to either exceed the deductible or warrant a total roof replacement, as Interrogatories Nos. 22 and 23 seek, requires a manual review of the claim file history information reports of collectively 115,464 claims because State Farm does not track such information in a way that allows it to automatically "filter" or search for files that satisfy these criteria. Further, although State Farm has been diligently working on responding to Interrogatory No. 3, it must still review approximately 800 claim files to determine if each of those claims involved a total roof payment *after* litigation commenced, as Interrogatory No. 3 requests. First-level review of these 800 claim files alone will take State Farm approximately 496 hours to complete. Moreover, it will take an estimated 106,391 hours of managed review and $7,631,899 in fees/costs to perform a first-level review of the 27,566 claim files potentially responsive to RFP No. 58 alone. This estimate excludes the additional time required to respond to RFP No. 59, which necessarily involves separate review of the policies and underwriting information associated with claims State Farm identifies as responsive to RFP No. 58.

Thus, in addition to seeking an extension of time to respond to the Claim File Requests, State Farm respectfully urges this Court to also consider granting additional relief by permitting reasonable, less burdensome, and more proportionate alternatives for compliance with the Court's

[2] "The testimony of witnesses is taken in three modes: First. By affidavits. Second. By deposition. Third. By oral examination." 12 O.S. § 421. Moreover, "[a]n affidavit may be used to verify a pleading, . . . to obtain a provisional remedy, an examination of a witness, a stay of proceedings, or upon a motion or in any other case permitted by law." *Id.* § 431.

Orders on the Claim File Requests, which will allow State Farm to respond to Plaintiffs' discovery requests in a more expeditious manner. As set forth below, the Court could (1) permit State Farm to provide broader, over-inclusive responses to Interrogatories Nos. 22 and 23, in lieu of the more granular information requested; (2) permit State Farm to provide responsive information based on a statistically valid sample of claim files; (3) narrow the Claim File Requests by the Hursh and Wong-Faust plaintiffs' dates of loss and/or geography, i.e., limiting all requests to Tulsa County, Oklahoma; (4) order phased production and review before requiring any broader claim-file review; and/or (5) if broader discovery is ordered, require an appropriate cost-sharing arrangement. Each alternative would advance discovery in a more efficient and proportional manner while preserving Plaintiffs' ability to obtain information they claim is relevant to their claims.

I. BACKGROUND

A. Factual and Procedural Background.

The present matter arises from a contractual dispute over the scope of covered damage that Plaintiffs' house allegedly sustained after weather events on October 4, 2023 and May 21, 2024. Plaintiffs assert claims against State Farm for breach of contract and bad faith; against agent Mark D. Welty and Mark D. Welty Insurance Agency for negligent procurement; and against all Defendants for constructive fraud and negligent misrepresentation. Pet. ¶¶ 40, 45-79. Plaintiffs contend State Farm should have paid approximately $22,000 for alleged roof damage. Plaintiffs also allege that State Farm engaged in a "scheme" to lower indemnity payments by, *inter alia*, misattributing roof damage from storms to non-covered "wear and tear." *See generally id.* Based on those allegations, Plaintiffs filed two motions to compel, both of which the Court granted, resulting in expansive discovery far beyond the individual claim at issue.

On October 8, 2025, Plaintiffs filed their first motion to compel discovery, seeking an order compelling numerous interrogatory responses and categories of documents—including responses to Interrogatories Nos. 3, 22, and 23 at issue here. After motion practice and oral argument, on November 25, 2025, this Court granted Plaintiffs' motion and ordered State Farm to produce broad categories of information and documents Plaintiffs claimed were relevant to the purported "scheme," including, *inter alia*, claims training materials since 2015; information from 2019 onward regarding the FME and wind/hail initiatives, including purported tracking of roof replacements, indemnity savings, and payment volumes; six years of documents and communications relating to managerial approval requirements for full roof replacements; documents about alleged efforts to reduce indemnity payments for wind/hail claims; information about other claim files in Oklahoma from the past five years; and all documents previously produced or ordered in six unrelated lawsuits.

State Farm moved to reconsider that order on December 23, 2025, but the Court denied that motion on February 5, 2026. State Farm then filed an Application to Assume Original Jurisdiction and Petition for Writ of Prohibition ("Application") with the Supreme Court, which was denied on June 23, 2026.

While that Application was pending, the Court entered its April 1, 2026 Scheduling Order, requiring the parties to "complete/answer discovery before pretrial..." and setting the pretrial conference for September 1, 2026. Ex. 2. Plaintiffs thereafter filed a second motion to compel on May 18, 2026, seeking additional interrogatory responses and documents concerning: industry standards and benchmarks regarding wind/hail claims; transcripts of and exhibits used in the depositions of State Farm personnel witnesses in other cases; and claim files and underwriting files of Tulsa County insureds dating back to January 1, 2021. RFP Nos. 58 and 59 were subject to the second motion to compel. State Farm responded on June 6, 2026, Plaintiffs replied on July 2, 2026, and the Court granted Plaintiffs' motion by minute order after oral argument on July 7, 2026.

On July 2, 2026, State Farm filed a motion to extend the Scheduling Order deadlines, which the Court denied via a docket entry on August 4, 2026. Also, on August 4, 2026, the Court set September 3, 2026 as the deadline to complete production related to Plaintiffs' First Motion to Compel in this case. Subsequently, however, on or about July 28, 2026, the parties held an in chambers conference with the Court, where it was decided that the pretrial conference would be rescheduled to November 19, 2026. While the parties are working to reach agreed deadlines based on the Court's trial and pretrial setting, as of the filing of this Motion, the Court has not entered an order rescheduling the pretrial conference or its related deadlines.

At issue in this Motion is State Farm's request for an extension of time related to the Claim File Requests—Interrogatories Nos. 3, 22, and 23, and RFP Nos. 58 and 59—each of which involves the claims of other insureds:

- **Interrogatory No. 3:** Identify all Wind/Hail Claims and corresponding civil cases in Oklahoma since January 1, 2019 wherein a Total or Full Roof Replacement was denied prior to a lawsuit being filed, but was subsequently approved and/or paid to an insured after the insured filed a civil lawsuit against State Farm.

- **Interrogatory No. 22:** Identify the total number of homeowners' wind/hail claims from 2019-present in Oklahoma in which State Farm found damage to the insured roof's soft metals (vent cap, guttering, etc.) but found the roof material itself (asphalt shingles, shake shingles, etc.) did not suffer enough damage to exceed the policy's deductible.

- **Interrogatory No. 23:** Identify the total number of homeowners' wind/hail claims from 2019-present in Oklahoma in which State Farm found damage to the insured roof's soft metals (vent cap, guttering, etc.) but found the roof material itself (asphalt shingles, shake shingles, etc.) did not suffer enough damage to warrant a Full or Total Roof Replacement.

- **RFP No. 58:** Produce a copy of every claim file where a homeowner made a claim for wind and hail damage to their roof in Tulsa County since January 1, 2021 to the present.

- **RFP No. 59:** For every homeowner claim file produced by State Farm in response to Request for Production No. 58, include any roof cover section or roof rating in the underwriting file for each home.

Due to the time and costs involved in complying with these requests, in addition to the extension of time requested herein, State Farm respectfully asks this Court to also consider granting additional relief by permitting reasonable, less burdensome, and more proportionate alternatives for compliance with the Court's Orders on the Claim File Requests, which will allow State Farm to respond to Plaintiffs' discovery requests in a more expeditious manner.

B. State Farm's Collection, Processing, and Production of Documents.

As State Farm has explained in previous filings, in responding to the Court's discovery orders, it has collected a massive volume of potentially responsive documents—more than 1.8 million documents and 518.89 GB of data—and has since made 8 voluminous productions of documents.[3] Due to this volume, State Farm engaged a third-party vendor, Consilio, to host, process, and assist with the review and production of State Farm's collections. To date, State Farm has incurred total costs of more than $1 million for Consilio's hosting, processing, first-level review, and production of documents in this case and *Wong-Faust*,[4] in which the Court ordered identical discovery. State Farm's outside counsel has also dedicated more than 15 attorneys to

[3] Included in the productions to date are: Plaintiffs' policy and relevant Claims Files; three years of financial and annual statements; underwriting guidelines in effect when the Policy issued; applicable claim-handling guidelines in place at the time of the alleged loss; Wind and Hail Guidelines from 2020 and 2021; performance evaluations for the claim handlers involved in Plaintiffs' claims; Fire Model Enhancement related documents; communications related to Sharon Arnold, Tom Moss, Susan Maynard, and Nicole Manduca; Haag-related training documents; Quality Plans and related communications; Operation Guides; Standard Claim Processes and Jurisdictional Resources; training materials, including training transcripts for relevant claim handlers; and re-productions from other lawsuits.

[4] *Wong-Faust v. State Farm Fire & Cas. Co.*, No. CJ-2025-1675 (Okla. Cty.).

second-level review and quality control, which is expected to cost more than $1 million on top of the first-level review costs.

C. Burden Associated with the Claim File Requests.

State Farm has also identified approximately 140,000 total claim files that are potentially responsive to Plaintiffs' collective Claim File Requests and is actively collecting and delivering these claim files to Consilio.[5] These approximately 140,000 total claim files are the outer limit of claim files that may collectively and potentially be responsive to Plaintiffs' Interrogatories Nos. 3, 22, and 23 and RFP No. 58—which have some overlapping files within their requests (but due to different time ranges contain many unique claims). As of August 17, 2026, Consilio received approximately 65,000 claim files from State Farm. *See* Ex. 4–Champagne Decl. at ¶ 4.[6] Consilio has estimated that the total one-time processing cost for 140,000 claim files will be approximately $420,000, with a total monthly hosting cost of approximately $33,600.[7] *Id.* at ¶ 5.

In addition to processing and hosting costs, State Farm expects to spend significant time and incur substantial expense manually reviewing claim files to assess their responsiveness to the highly specific criteria set forth in Interrogatories Nos. 3, 22, 23 and RFP No. 58. As Jay Thorpe,

---

[5] This is the approximate collective total of all unique insurance wind/hail claims submitted to State Farm in Oklahoma with a date of loss between January 1, 2019, and November 30, 2025—which may be responsive to Interrogatories Nos. 3, 22, and 23—plus additional unique wind/hail claims submitted to State Farm in Oklahoma with a date of loss between January 1, 2021, and July 6, 2026—the outer universe of claims files potentially responsive to RFP No. 58.

[6] As an update, as of the filing of this Motion, State Farm has now delivered more than 117,000 claim files to Consilio.

[7] Consilio has observed that each claim file can be estimated at about 40 MB in size. Ex. 4 at ¶ 5. Using that estimate, a total volume of 140,000 claim files is estimated at 5,600 GB in size (140,000 X 40 MB or .04 GB). *Id.* Processing costs run at about $75 per GB of data, and hosting costs per month run at about $6 per GB of data. *Id.* With those unit costs, the total one-time processing cost for 140,000 claim files is an estimated **$420,000** ($75 x 5,600 GB), and the total monthly hosting cost for 140,000 claim files is an estimated at **$33,600** ($6 x 5,600 GB).

State Farm Technology Analyst in P&C Claims Enterprise Technology, attests in the attached declaration (Ex. 3), State Farm conducted an electronic search of ECS—State Farm's internal platform for managing claims and claims information—to identify the number of wind/hail claims submitted to State Farm in the state of Oklahoma with a date of loss ("DOL") between January 1, 2019 and November 30, 2025.[8] This query revealed a total of 117,019 unique property insurance wind/hail claims with a DOL between January 1, 2019 and November 30, 2025 in the state of Oklahoma. Ex. 3–Thorpe Decl. at ¶ 5.

Among the universe of 117,019 potentially responsive wind/hail claims submitted in Oklahoma within the specified timeframe, State Farm cannot further filter the 117,019 claim files to identify wind/hail claims where "State Farm found damage to the insured roof's soft metals . . . but found the roof material itself . . . did not suffer enough damage to exceed the policy's deductible" as specified in Interrogatory No. 22. *Id.* at ¶ 6. While State Farm can filter the 117,019 claims to the 26,089 claims in which there was no payment; i.e. $0.00 payment, and that were "Closed Without Payment," there is no way to further identify which of these claims meet the additional criteria set forth in Interrogatory No. 22 without manual review of each of the 26,089 claims. *Id.*

State Farm also cannot further filter the data to identify wind/hail claims responsive to Interrogatory No. 23—claims where "State Farm found damage to the insured roof's soft metals. . . but found the roof material itself . . . did not suffer enough damage to warrant a Full or Total

[8] The Court's order compelling State Farm's responses to Interrogatories Nos. 3, 22, and 23, which sought information "from January 1, 2019 through present" was entered November 25, 2025. Accordingly, State Farm used November 30, 2025, the end of that month, as the end date for searches related to Interrogatories Nos. 3, 22, and 23. Electronic searches of ECS, and the resulting reports, are not static. Accordingly, depending on when a search is conducted, the date range for the search, and the status of the various claims contained within ECS at the time of the search, the results of an ECS search may differ. See Ex. 3–Thorpe Decl. at FN 1.

Roof Replacement." *Id.* at ¶ 7. While State Farm can filter the 117,019 claims to the 89,375 claims where a payment was made, further review is necessary to determine which of those 89,375 claims did not involve a full or total roof replacement and meet the criteria set forth in Interrogatory No. 23.[9] *Id.*

Regarding Interrogatory No. 3, State Farm has been diligently working to complete its response, but a substantial manual review remains necessary. Specifically, State Farm must still review approximately 800 claim files to determine whether each claim involved a total roof payment made *after* litigation commenced in order to provide a complete and accurate response to Interrogatory No. 3.

With respect to RFP No. 58, State Farm conducted an electronic search of ECS for wind/hail claims submitted to State Farm in Oklahoma with a DOL between January 1, 2021 and July 6, 2026.[10] Ex. 3–Thorpe Decl. at ¶ 8.[11] This query revealed a total of 121,258 unique property insurance wind/hail claims with a DOL between January 1, 2021 and July 6, 2026 in the state of Oklahoma. *Id.* State Farm was able to filter this query to claims submitted in Tulsa County, Oklahoma, which identified 27,566 wind/hail claims in Tulsa County, Oklahoma with a DOL between January 1, 2021, and July 6, 2026. *Id.* State Farm cannot, however, further filter or

[9] This excludes claims where damage was found but the amount of damages did not meet the deductible, which State Farm assumes Plaintiffs did not intend to include in Interrogatory No. 23 because such an interpretation would render Interrogatory No. 22 cumulative and duplicative.

[10] Previously, in June 2026, with respect to Plaintiffs' RFP No. 58, State Farm conducted an electronic search of ECS that included the number of wind/hail claims submitted to State Farm in Tulsa County, Oklahoma with a date of loss ("DOL") between January 1, 2021 and May 1, 2025. As noted in FN 1, electronic searches of ECS, and the resulting reports, are not static. Depending on when a search is conducted, the date range for the search, and the status of the various claims contained within ECS at the time of the search, the results of an ECS search may differ.

[11] The report used the following parameters: fire line of business for Tulsa County, Oklahoma concerning wind and hail cause of loss.

structure a query to identify which of the 27,566 wind/hail claims in Tulsa County involved a claim of damage specifically to the roof, as opposed to other parts of the property. As such, determining which of these 27,566 claims meet the specific criteria of Plaintiffs' RFP No. 58 would require a manual claim-by-claim review of each of the 27,566 unique claims. *Id.*[12]

The volume of materials associated with an individual claim depends on a variety of factors, including the severity of the damages alleged, the number of experts and other vendors involved, and whether the claim is in active litigation, among others. The claim file documents and/or other materials are not uniform in size or content. Accordingly, the materials associated with an individual claim may vary from less than a hundred pages to thousands of pages when provided to counsel's office for review in PDF format.[13]

Taking into consideration the variety of factors that can impact the volume of materials associated with an individual claim, Consilio has provided State Farm with a good faith estimate of the anticipated time and costs of conducting a review of claim files for responsiveness to Interrogatories Nos. 3, 22, and 23, on a per 100 claim file basis. Consilio estimates that it would require approximately 62 managed review hours and cost $3,037 to review the claim file history information report contained in 100 claim files—each claim file history information report being approximately 70 pages—to determine whether the claim is responsive to Interrogatories Nos. 3,

---

[12] To respond to RFP No. 59, which seeks "for every homeowner claim file produced by State Farm in response to Request for Production No. 58 . . . any roof cover section or roof rating in the underwriting file for each home," State Farm must then conduct a further search and manual review of underwriting information for policies in the universe of 27,566 potentially responsive claims. Id. at ¶ 11. Notably, State Farm must first identify the claims responsive to RFP No. 58 before it may address RFP. No. 59. As such, while responding to RFP No. 59 will certainly require even more time and costs, the related time and costs cannot fairly or reasonably be estimated until the review of files for RFP No. 58 is completed.

[13] For example, the claim files for the Plaintiffs' two claims at issue here are approximately 204 pages and 453 pages. Ex.3–Thorpe Decl. at ¶ 10.

22, and 23. Ex. 4–Champagne Decl. at ¶ 7. This estimate excludes the additional costs for a secondary review. A secondary review may be necessary to address any questions that remain unanswered after the first-level review. This secondary review phase would involve targeted review of additional claim file documents. At this stage, it is unclear whether the claim file history information reports alone will provide sufficient information to answer all questions. Id. at ¶ 7.

Consilio has also provided State Farm with a good faith estimate of the anticipated time and costs of conducting a first-level review of the claim files for responsiveness and production in response to RFP No. 58. Consilio estimates that it would require 386 managed review hours and cost $27,686 to conduct a first-level review of 100 claim files of roughly 144 documents each for responsiveness, redaction of personally identifiable information from the responsive files, and identification of documents for potential privilege as needed. Ex. 4–Champagne Decl. at ¶ 6. This first-level review estimate excludes additional costs for second-level quality control review, second-level privilege review, and preparation of the privilege log. *Id.*

Applying Consilio's per-100-claim review estimates to the claim files that require manual review confirms the extraordinary burden the Claim File Requests impose and demonstrates why State Farm cannot reasonably complete its response by September 1 or 3, 2026. Specifically, performing the first-level review required to respond to Interrogatories Nos. 3, 22, and 23 and RFP No. 58 will involve a total of approximately 178,475 hours of managed review and collectively cost an estimated $11,162,638 (excluding processing and monthly hosting costs), as follows:

- **496 hours** of managed review and **$24,296** in fees/costs to review the claim file history information reports related to the 800 claims potentially responsive to Interrogatory No. 3.
- **16,175 hours** of managed review and **$792,124** in fees/costs to review the claim file history reports related to the 26,089 claims potentially responsive to Interrogatory No. 22.
- **55,413 hours** of managed review and **$2,714,319** in fees/costs to review the claim file history information reports related to the 89,375 claims potentially responsive to Interrogatory No. 23.

- **106,391 hours** of managed review and **$7,631,899** in fees/costs to review the claim files of the 27,566 claims potentially responsive to RFP No. 58.

These estimates exclude the additional time required to respond to RFP No. 59, which will require a separate review of the policies and underwriting information associated with claims responsive to RFP No. 58 after State Farm identifies those claims. These estimates also exclude the additional costs for a secondary review of claim file information related to Interrogatories Nos. 3, 22, and 23, as well as the additional costs related to the second-level quality review, second-level privilege review, and preparation of the privilege log related to the production of claim files responsive to RFP No. 58. Ex. 4–Champagne Decl. at ¶¶ 6, 7.

II. ARGUMENT AND AUTHORITIES

A. Legal Standard.

Oklahoma district courts possess broad authority to manage their dockets and pretrial proceedings. *See Marshall v. Allstate Ins. Co.*, 1990 OK CIV APP 100, ¶ 9, 805 P.2d 689, 691. Consistent with that authority, Oklahoma law expressly authorizes the Court to extend deadlines established by court order and modify scheduling orders. Pursuant to 12 O.S. § 2006(B), when an act is required to be done within a specified time by order of the Court, "the court for cause shown may at any time in its discretion . . . [w]ith or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order[.]" Also consistent with that authority, a court may enter an order modifying a scheduling order upon written motion and for good cause shown before the scheduled dates. *See* Okla. Dist. Ct. R. 5(C). The moving party satisfies the governing "cause" requirement by demonstrating that it cannot reasonably meet the deadline despite diligent efforts. In applying that standard, Oklahoma courts may look to federal decisions interpreting analogous scheduling rules.[14]

[14] Oklahoma courts can look to federal authority when interpreting analogous procedural rules.

Under the Tenth Circuit's formulation, good cause requires a showing that deadlines cannot be met despite the movant's diligent efforts. *Gorsuch, Ltd., B.C. v. Wells Fargo Nat'l Bank Ass'n*, 771 F.3d 1230, 1240 (10th Cir. 2014); *see also Mengert v. United States*, 120 F.4th 696, 717 (10th Cir. 2024). Courts also recognize that scheduling orders can materially affect the outcome of litigation and should not be applied with undue inflexibility. *Reunion Inv. Ltd., LLC v. Hartford Cas. Ins. Co.*, No. 14-CV-0237-CVE-TLW, 2014 WL 6606634, at *4 (N.D. Okla. Nov. 19, 2014). Thus, when developments outside a party's control materially impede the parties' ability to complete discovery and prepare the case within the existing schedule, modification is appropriate to ensure the case proceeds on a full and fair record.

This Court also has authority to revise the April 1, 2026 Scheduling Order and August 4, 2026 Order because they are pretrial discovery orders, not final adjudications of any claim, defense, or issue of liability. They are therefore interlocutory and remain "subject to revision at any time before the final judgment . . . is filed with the court clerk." 12 O.S. § 994. Likewise, the Oklahoma Supreme Court has recognized that "[a] trial court's discretion to modify one of its interlocutory orders anterior to judgment is within the court's complete control." *Andrew v. Depani-Sparkes*, 2017 OK 42, ¶ 17, 396 P.3d 210, 218 (quoting *LCR, Inc. v. Linwood Props.*, 1996 OK 73, ¶ 22, 918 P.2d 1388, 1393).

B. There Is Good Cause For the Requested Extension.

As the Thorpe and Champagne Declarations demonstrate, and as set forth in Section I-C, *supra*, good cause exists for an extension of the deadlines for State Farm to respond to

---

See State ex rel. Protective Health Servs. v. Billings Fairchild Ctr., Inc., 2007 OK CIV APP 24, ¶ 18, 158 P.3d 484, 489 ("The Oklahoma Discovery Code closely tracks the Federal Rules of Civil Procedure."); *see also Marshall*, 1990 OK CIV APP 100, ¶ 9, 805 P.2d 689, 691 (looking to federal authority when interpreting Oklahoma procedural rules modeled after the Federal Rules of Civil Procedure).

Interrogatories Nos. 3, 22, and 23, and RFP Nos. 58 and 59. Responding to these requests—excluding the additional time and expense associated with responding to RFP No. 59—will require at least a total of approximately 178,475 hours of managed review. It is unfeasible and impracticable to require State Farm to complete those 178,475 hours of managed review before September 1 or 3, 2026. To put it in perspective, even with a review team of 100 attorneys working ten-hour days, it would take nearly 179 business days to complete a first-level review of the claim files.

It would also be disproportionately costly for State Farm to endeavor to complete this work by September 1 or 3, 2026. The estimated costs/fees associated with the review are approximately $11,616,238 which includes review fees and costs, the one-time $420,000 processing cost, and just one month of $33,600 monthly hosting costs. Finding more resources to try to complete production by September 1 or 3 will substantially increase the burden and costs to State Farm within a highly compressed period of time. This is all also in addition to the over $1 million State Farm has already incurred to date to host, process, review, and produce documents in this case involving $22,000 in contractual damages. Plaintiffs would have to recover *50 times their contract damages* to equal the amount *State Farm has already spent* on document discovery in this case.

Finally, the need for an extension underscores why additional relief is necessary. Based on the current estimates, a team of 100 attorneys working ten-hour days would still need nearly 179 business days to complete only the first-level managed review—before accounting for RFP No. 59, and any second-level quality control or privilege review. Thus, if the Claim File Requests remain unchanged, the requested extension will necessarily extend beyond the current trial setting of December 7, 2026. That result does not reflect delay by State Farm; it reflects the practical impossibility of responding to the Claim File Requests within the current deadlines and scheduling orders. For that reason, State Farm respectfully requests that the Court either extend the existing deadlines to allow a realistic period for compliance or enter one of the less burdensome alternatives proposed below so that discovery can proceed in a manner that is proportional to the needs of the case and does not require full-scale review of over 140,000 unrelated claim files before trial. Notably, the requested claim files—which involve other insureds, properties, policies, weather events, and alleged damages—have no connection to the handling of Plaintiffs' claim or the facts of this case.[15] While Plaintiffs allege that these claim files are relevant to State Farm's "pattern and practice of bad faith,"[16] Plaintiffs do not need a large volume of claim files to question State Farm's witnesses about any purported bad faith in corporate practices, policies, or procedures. Regardless, State Farm will continue producing claim files on a rolling basis during the extension period. Moreover, if any adjustment to subsequent deadlines ultimately becomes necessary, the Court has the authority to make any such changes.

Good cause therefore exists for an 180-day extension to the September 1 and/or 3 production deadlines.

C. Reasonable and Less Burdensome Alternatives Remain.

Although State Farm seeks additional time through this Motion and is committed to responding to Plaintiffs' Claim File Requests in good faith as the Court ordered, it alternatively requests that the Court consider less burdensome and more reasonable methods of compliance that could facilitate production and reduce unnecessary costs for all parties. At the hearing on

[15] *See, e.g.*, State Farm's Response to Plaintiffs' Motion to Compel filed Oct. 23, 2025 at 18 and State Farm's Response to Plaintiffs' Second Motion to Compel filed June 5, 2026 at 18 (explaining that the requested claim files involve different weather events, insurance policies and coverages, properties, and claims handlers who were not involved in Plaintiffs' insurance claim).

[16] Plaintiffs' Second Motion to Compel filed May 18, 2026 at 16; *see also* Plaintiffs' First Motion to Compel filed Oct. 8, 2025 at 16.

Plaintiffs' second motion to compel, State Farm offered several such alternatives, *see* Ex. 5, July 7, 2026, Hearing Tr. at 29:14-31:18, but expands on those proposed alternatives here.

Given the extraordinary burden, expense, and time required to complete the full claim-file review, State Farm requests that the Court order a narrowed and/or phased production that is proportional to the needs of this case. Any of the following alternatives described below would provide Plaintiffs with meaningful discovery directed to the claims most likely to bear on their allegations, while avoiding the disproportionate burden of requiring State Farm to review tens of thousands of claim files before any responsive interrogatory answers can be provided or production can occur.

- **Allow Broader Responses to the Interrogatories**

The Court could permit State Farm to provide broader, over-inclusive responses to Interrogatories Nos. 22 and 23 in lieu of providing the specific information requested by Plaintiffs, as follows:

- **Interrogatory No. 22:** Allow State Farm to answer a modified version of Interrogatory No. 22, in which State Farm answers by identifying all Oklahoma Wind/Hail claims during the responsive timeframe where the damages were below the deductible, regardless of whether alleged damages were to the roof or the "roof's soft metals." This answer will be over-inclusive but will require significantly fewer resources than responding to Interrogatory No. 22 as worded.

- **Interrogatory No. 23:** As with Interrogatory No. 22, consider whether State Farm should answer by identifying all Oklahoma Wind/Hail claims from the responsive timeframe where State Farm paid some amount for covered damages but not for a total roof replacement, regardless of whether alleged damages were to the roof or the "roof's soft metals" and regardless of the reason a total roof replacement was not paid. This answer will be over-inclusive but will require significantly fewer resources than responding to Interrogatory No. 23 as worded.

Each proposed broader response would still provide Plaintiffs with information of the nature they seek in their requests and would indeed provide more information because the responses would be over-inclusive. This proposal reflects a reasonable, good-faith compromise: State Farm would provide meaningful claim information without the disproportionate burden of the claim-by-claim review required by the interrogatories as written. Accepting this approach would avoid unnecessary burden and expense and allow discovery to move forward efficiently.

- **Statistical sample.**

The Court could permit State Farm to conduct its review and provide responsive information based on a statistically valid sample of potentially responsive claim files, such as 50 to 100 claim files responsive to each request. A sampling approach would allow Plaintiffs to test their theories using representative claim information without imposing the substantial burden and expense associated with reviewing the full universe of potentially responsive claims.

- **Narrowed geographic limit and date of loss.**

The Court could narrow Interrogatories Nos. 3, 22, and 23 to claims made in Tulsa County, Oklahoma, and narrow all the Claim File Requests to claims with the same dates of loss as Plaintiffs' claims— October 4, 2023 for the Hursh Plaintiffs and May 25, 2025 for the Wong-Faust Plaintiffs. That limitation would focus production on the claims most closely tied to Plaintiffs' allegations: claims involving the same county and the same weather events that allegedly caused Plaintiffs' damages. This narrower pool would give Plaintiffs discovery concerning State Farm's handling of other claims arising from the same alleged events, while substantially reducing the number of claim files requiring review.

- **Phased production and review.**

Additionally, the Court could order a phased review beginning with claim files that fall within State Farm's proposed narrowed date-of-loss and/or geographic limitations. State Farm would review that defined first-phase population, identify the claim files responsive to the interrogatories, and produce non-privileged, responsive information and documents responsive to

RFP No. 58. After that first phase is complete, Plaintiffs should be required to demonstrate why any additional claim-file review is necessary and proportional before State Farm is required to incur further burden and expense. This approach would preserve Plaintiffs' ability to seek additional discovery if the first-phase production supports it, while preventing an immediate, across-the-board review that is disproportionate to the needs of the case.

- **Cost sharing.**

If the Court concludes that broader claim-file discovery as requested in the Claim File Requests is warranted, the Court should, at a minimum, require an appropriate cost-sharing arrangement. Plaintiffs are the parties seeking this expansive discovery, and they maintain that it is important to their claims despite State Farm's repeated objections and the substantial burden State Farm's supporting declarations establish. To date, Plaintiffs have offered no analysis addressing the $22,000 in controversy or the importance or benefit of the requested discovery to resolving the issues in this case.[17] The burden and cost to State Farm are neither sustainable nor fair, and are tantamount to a sanction against State Farm simply by virtue of being a party to litigation. Requiring Plaintiffs to bear an equal and fair share of the significant fees and costs associated with that review would appropriately align the burden of discovery with the party demanding it, discourage unnecessarily expansive claim-file review, and help ensure that any production ordered remains proportional to the needs of the case.

[17] The amount alleged in the complaint or petition reflects the value the Plaintiffs have chosen to place at issue. Absent evidence showing that the actual value of the claims is materially different, the pleaded amount provides the most objective measure for evaluating proportionality. The "amount in controversy" requirement in diversity jurisdiction cases is instructive. As the Supreme Court established in *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283 (1938), "the sum claimed by the plaintiff controls … if the claim is apparently made in good faith."

Streamlining discovery in a reasonable manner as proposed can facilitate discovery by providing Plaintiffs with information they seek more promptly and saving both parties time and resources by avoiding cumulative discovery. State Farm respectfully maintains that these and other alternatives can significantly assist it in complying with the Court's discovery orders and ultimately be beneficial to both parties.

D. The Court's Order Should be Stayed Pending Resolution of This Motion.

State Farm respectfully requests that the Court stay the portion of its August 4, 2026 order setting State Farm's document production deadline pending resolution of this Motion. This Court may issue "for good cause shown ... any order which justice requires to protect a party or person" from "oppression or undue delay, burden or expense," including "that the discovery not be had" or "that the discovery may be had only on specified terms and conditions[.]" 12 O.S. § 3226(C)(1). Here, complying with the Court's order will impose tremendous and undue burden on State Farm, for the reasons set forth above. Such burden cannot be undone by a *post hoc* ruling once State Farm has incurred the associated expenses. Thus, there is good cause to stay the Court's Orders with respect to both discovery motions until this Motion is resolved.

III. CONCLUSION

For the foregoing reasons, State Farm respectfully requests that the Court grant the relief requested in this Motion. Specifically, State Farm requests that the Court: (a) extend by 180 days the deadline for State Farm to respond to Interrogatories Nos. 3, 22 and 23, and Requests for Production Nos. 58 and 59; and/or, alternatively, (b) enter an order narrowing the burden and scope of the Claim File Requests by (1) permitting State Farm to provide broader, over-inclusive responses to Interrogatories Nos. 22 and 23, and/or (2) permitting State Farm to provide responsive information and documents based on a statistical sample, or alternatively, (3) limiting the scope of all of the subject requests to claims involving Plaintiffs' dates of loss and/or claims in Tulsa County, Oklahoma (the "Phase 1 Production"); and (c) enter an order for a phased production requiring that, upon State Farm's completion of the Phase 1 Production, Plaintiffs would thereafter bear the burden to demonstrate why any additional claim-file review is necessary and proportional to the needs of the case; and/or (d) enter an order requiring Plaintiffs to share equally in the fees and costs incurred by State Farm to respond to the Claim File Requests. State Farm additionally requests that the Court stay enforcement of the portion of the Court's August 4, 2026 order setting State Farm's production deadline pending resolution of this Motion.

Respectfully submitted,

Carrie B. McNeer, OBA No. 22235
Nathan A. Miramontes, OBA No. 36212
GABLEGOTWALS
110 N. Elgin Ave., Suite 200
Tulsa, OK 74120
(918) 595-4800
(918) 595-4990 (Fax)
cmcneer@gablelaw.com
nmiramontes@gablelaw.com

-and-

Lance E. Leffel, OBA No. 19511
David R. Herber, OBA No. 33527
GABLEGOTWALS
BOK Park Plaza
499 W. Sheridan Ave., Suite 2200
Oklahoma City, OK 73102
(405) 235-5500
(405) 235-2875 (Fax)
lleffel@gablelaw.com
dherber@gablelaw.com

Attorneys for Defendant,
State Farm Fire and Casualty Company

CERTIFICATE OF MAILING

I do hereby certify that on August 31, 2026, a true, correct and exact copy of the above and foregoing document was served by placing same in the United States mail, with proper postage thereon duly prepaid, to those parties as listed below:

Reggie N. Whitten
Michael Burrage
Blake Sonne
Hannah Whitten
John S. Sanders
Jake Denne
WHITTEN BURRAGE
512 North Broadway Avenue, Suite 300
Oklahoma City, OK 73102
rwhitten@whittenburragelaw.com
mburrage@whittenburragelaw.com
bsonne@whittenburragelaw.com
hwhitten@whittenburragelaw.com
jsanders@whittenburragelaw.com
jdenne@whittenburragelaw.com

Attorneys for Plaintiffs

R. Ryan Deligans,
Durbin, Larimore & Bialick
920 North Harvey
Oklahoma City, OK 73102
rdeligans@dlb.net

Patrick F. Collogan, OBA No. 30529
BIBY LAW FIRM
6305 E. 120th Ct., Suite F
Tulsa, OK 74137
pat@bibylaw.com

Attorneys for Plaintiffs

David R. Herber

4934-2669-5115, v. 4

EXHIBIT 1

1059176564

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

AUG 04 2026

RICK WARREN
COURT CLERK

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Billy & Lacy Hursh
Petitioner(s)

Blake Sonne, Hannah ~~Whitten, Ryan Deligans~~
Attorney(s) for Petitioner

--vs.

Case No. CJ-2025-2626

State Farm, Welty Agency, & Mark Welty
Respondent(s)

Lance Leffel, David Harden
Attorney(s) for Respondent

~~FILED IN DISTRICT COURT OKLAHOMA COUNTY AUG 03 2026 RICK WARREN COURT CLERK~~

COURT MINUTE

Date: 8-4-2026

Judge Amy Palumbo

Hearing On: Plaintiffs' Motion to Enforce & State Farm's Motion to Extend SO

Ruling By Court:

Counsel to work out dates for witnesses to be deposed. Tentatively, Wensley is set for August 20, 2026. Ress + Welsh are set tentatively for August 27 or 28. The corporate representatives are Nicole Manduca and Mr. Stewart. Those depositions will take place in Judge Palumbo's courtroom between Sep. 1-3 or Sep. 9-11, as well as Manduca's fact deposition during the same time frame, but not in the courtroom. Court may attend over zoom. On production pursuant to Plaintiffs' First Motion to Compel, State Farm is ordered to complete all production and produce a privilege log by September 3, 2026. Pursuant to the depositions taking place before September 3, 2026, State Farm is ordered to either (1) complete production on August 15, 2026 or (2) allow Plaintiffs to use the production in West v. SF, CJ-2025-135, until those same documents/production is produced in this case.

Plaintiffs

State Farm

The Court

EXHIBIT 2

[redacted]

1061217252 IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY
APR 01 2026
RICK WARREN
COURT CLERK

Billy & Lacy Hursh
Plaintiff(s),

v.

State Farm et al
Defendant(s).

Case No.: CJ-2025-2626
District Judge Amy Palumbo

~~AGREED SCHEDULING~~ ORDER

THIS ORDER is entered this 1 day of April, 2026. Counsel discussed discovery needed, case complexity, and their caseload in arriving at the following; therefore, **PARTIES ARE HEREBY ORDERED** to fully comply with:

1. Joinder of Additional Parties & Amendment to Pleadings: File only with leave of Court or written consent of opposing parties. (12 O.S. § 2015).

2. Discovery: Complete/answer **before** Pretrial unless otherwise agreed and approved by the Court.

3. Witness & Exhibit List: Exchange preliminary witness/exhibit lists no later than **60 days** prior to Pretrial; Exchange final witness/exhibit lists no later than **30 days** prior to Pretrial. Additional witnesses/exhibits shall be stricken by the Court, absent extraordinary circumstances. Exchange exhibits, including demonstrative exhibits, **10 days** prior to trial. Failure to comply with this paragraph will result in exclusion of witnesses/exhibits at trial.

4. All Motions, Including Dispositive Motions: File **60 days** prior to Pretrial; Must be set and heard **before** Pretrial.

5. Motions in Limine: Deadlines and hearing set by the Court.

6. Trial Depositions: Provide Designation of Deposition Testimony to opposing parties no later than **40 days** before trial. Serve objections no later than **30 days** before trial. Heard/decided no later than **20 days** before trial. (Local Rule 18).

7. Expert Testimony: Include objections to expert witnesses in the Pretrial Conference Order. The Court will set a briefing schedule and *Daubert* hearing date at Pretrial.

8. Mediation: Complete **before** Pretrial Conference, unless otherwise approved by the Court.

9. Pretrial Conference: Date and time: September 1 at 4:00 pm o'clock am/pm. Deliver the Agreed Pretrial Conference Order to the Court by **noon one (1) week prior** to Pretrial Conference. Do not file individual or unsigned original with Court Clerk.

10. Trial: *(check one)* Jury [X] or Non-Jury [ ] Estimated time for trial: 7 days (days/weeks). If not already paid, party requesting jury trial shall pay jury fee (28 O.S. § 152.1.) Trial Date: Set at Pretrial Conference.

12. Requested Jury Instructions: File complete set with verdict forms by **noon one (1) week prior** to first day of trial; Email your 14 point, double-spaced, MS Word set to Court's bailiff, unless otherwise directed by Court.

13. Trial Brief/Proposed Findings of Fact & Conclusions of Law: At Court's request.

14. Medical Examination: (Name) ____________________ Complete no later than ____________________. Party/Counsel requesting medical examination provide copy of report to Parties/Counsel within **10 days** following exam or by ____________________.

IT IS FURTHER ORDERED: Failure to comply with the requirements set forth in paragraphs 4, 5, 6, & 7 waives the legal issue or objection. This schedule may be modified only upon written motion in compliance with Local Rule 20, for good cause shown and by Order of this Court prior to the dates scheduled. Failure to comply with this Order may result in sanctions pursuant to Rule 5(J) of the Rules of the District Courts. **FAILURE TO APPEAR AT PRETRIAL CONFERENCE MAY RESULT IN THE ENTRY OF A DEFAULT JUDGMENT OR DISMISSAL ORDER, AT THE COURT'S DISCRETION, WITHOUT FURTHER NOTICE TO THE PARTIES.**

DISTRICT JUDGE AMY PALUMBO

Signature of Attorney for Plaintiff(s)

Hannah Whitten, 35261, 405-516-7800, hwhitten@whittenburragelaw.com
Printed Name / OBA # / Telephone Number / Email

Signature of Attorney for Defendant(s)

Lance E. Leffel OBA 19511 405.235-5582 lleffel@gablelaw.com
Printed Name / OBA # / Telephone Number / Email

A copy of this Order was delivered to counsel of record/pro se party on the ________ day of ____________________, 20________. *(July 2025 Form)*

AG's Office

Christopher J. Campbell OBA # 33649 (405) 522-1260 Chris.campbell@oag.ok.gov

EXHIBIT 3

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

BILLY & LACY HURSH, Plaintiffs, v. STATE FARM FIRE & CASUALTY COMPANY; MARK D. WELTY; and MARK D. WELTY INSURANCE AGENCY, INC., Defendants.	)	Case No. CJ-2025-2626

DECLARATION OF JAY THORPE

I, Jay Thorpe, hereby certify, under penalty of perjury, that the following is true and correct:

1. I am over the age of 21 years, of sound mind, legally capable of making this Declaration, and have personal knowledge of the facts contained in this Declaration.

2. I am a Technology Analyst in P&C Claims Enterprise Technology at State Farm Mutual Automobile Insurance Company ("State Farm Mutual"), the parent company for State Farm Fire and Casualty Company ("State Farm"). In my role, I have access to and am knowledgeable about the regular practices and procedures of State Farm as to the storage and retrieval of claim data.

3. It is my understanding that State Farm received the following discovery requests (collectively the "Requests") in the above-mentioned case *Hursh v. State Farm*, and in the case *Wong-Faust v. State Farm*, Dist. Ct. Okla. Cnty. Case No. CJ-2025-1675.

> **INTERROGATORY NO. 22**: Identify the total number of homeowners wind/hail claims from 2019-present in Oklahoma in which State Farm found damage the insured roof's soft metals (vent cap, guttering, etc.) but found the roof material itself (asphalt shingles, shake shingles, etc.) did not suffer enough damage to exceed the policy's deductible.

> **INTERROGATORY NO. 23**: Identify the total number of homeowners' wind/hail claims from 2019-present in Oklahoma in which State Farm found damage the insured roof's soft metals (vent cap, guttering, etc.) but found the material itself (asphalt shingles, shake shingles, etc.) did not suffer enough damage to warrant a Full or Total Roof Replacement.

> **REQUEST FOR PRODUCTION NO. 58**: Produce a copy of every claim file where a homeowner made a claim for wind and hail damage to their roof in Tulsa County since January 1, 2021 to the present. **[You may redact the identities and residential addresses of policyholders.]**

4. Materials relating to claims are kept on the State Farm Enterprise Claim System ("ECS"). To retrieve information from the ECS, certain queries need to be developed based on fields within ECS.

5. Relevant to Plaintiffs' Interrogatory Nos. 22 and 23, an electronic search of ECS was conducted that included the number of wind/hail claims submitted to State Farm in the state of Oklahoma with a date of loss ("DOL") between January 1, 2019 and November 30, 2025. The report included the following parameters: fire line of business for the state of Oklahoma concerning wind and hail cause of loss. This query revealed a total of 117,019 unique property insurance wind/hail claims with a DOL between January 1, 2019 and November 30, 2025 in the state of Oklahoma.[1]

6. A query, however, cannot be structured to search among these 117,019 claims to identify the claims wherein "State Farm found damage to the insured's roof's soft metals (vent cap, guttering, etc.) but found the roof material itself (asphalt shingles, shake shingles, etc.) did

[1] Previously, in December 2025, with respect to Plaintiffs' Interrogatory Nos. 3, 22, and 23, State Farm conducted an electronic search of ECS that included the number of wind/hail claims submitted to State Farm in Oklahoma with a date of loss ("DOL") between January 1, 2019 and December 31, 2024. Electronic searches of ECS, and the resulting reports, are not static. Accordingly, depending on when a search is conducted, the date range for the search, and the status of the various claims contained within ECS at the time of the search, the results of an ECS search may differ.

not suffer enough damage to exceed the policy's deductible," as sought by Plaintiffs' Interrogatory No. 22. While State Farm can filter the 117,019 claims to the 26,089 claims in which there was no payment; i.e. $0.00 payment, and that were "Closed Without Payment," there is no way to further identify which of these claims meet the additional criteria set forth in Interrogatory No. 22 without manual review of each of 26,089 claims.

7. Likewise, State Farm cannot further filter the data to identify wind/hail claims responsive to Interrogatory No. 23—claims where "State Farm found damage to the insured roof's soft metals (vent gap, guttering, etc.) but found the roof material itself (asphalt shingles, shake shingles, etc.) did not suffer enough damage to warrant a Full or Total Roof Replacement,"—as requested by Interrogatory No. 23. While State Farm can filter the 117,019 claims to the 89,375 claims where a payment was made, further review is necessary to determine which of those 89,375 claims did not involve a full or total roof replacement and meet the criteria set forth in Interrogatory No. 23.[2]

8. Relevant to Plaintiffs' Request for Production ("RFP") No. 58, State Farm conducted an electronic search of ECS to identify the number of wind/hail claims submitted to State Farm in Oklahoma with a date of loss ("DOL") between January 1, 2021 and July 6, 2026. The report used the following parameters: fire line of business for the state of Oklahoma concerning wind and hail cause of loss. This query revealed a total of 121,258 unique property insurance wind/hail claims with a DOL between January 1, 2021 and July 6, 2026 in Oklahoma. While State Farm can filter the 121,258 claims to the 27,566 wind/hail claims in Tulsa County, Oklahoma with a DOL between January 1, 2021, and July 6, 2026, State Farm cannot further filter

[2] This excludes claims where damage was found but the amount of damages did not meet the deductible.

or structure a query to identify which of the 27,566 wind/hail claims in Tulsa County involved a claim of damage specifically to the roof, as opposed to other parts of the property. Accordingly, determining which of these 27,566 claims meet the specific criteria of Plaintiffs' RFP No. 58 would require an intensive manual, claim-by-claim review of each of the 27,566 unique claims.

9. The volume of materials associated with an individual claim depends on a variety of factors, including the severity of the damages alleged, the number of experts and other vendors involved, and whether the claim is in active litigation, among others. The claim file documents and/or other materials are not uniform in size or content. Accordingly, the materials associated with an individual claim may vary from less than a hundred pages to thousands of pages when provided to counsel's office for review in PDF format. For example, the claim files for the Plaintiffs' two claims at issue here are approximately 204 pages and 453 pages.

8/27/2026 Bloomington, IL
(Date and Place)

Jay Thpe
(Signature)

EXHIBIT 4

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

BILLY & LACY HURSH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CJ-2025-2626
	)	
STATE FARM FIRE & CASUALTY COMPANY;	)	
MARK D. WELTY; and MARK D. WELTY	)	
INSURANCE AGENCY, INC.,	)	
	)	
Defendants.	)	

DECLARATION OF ALICIA CHAMPAGNE

I, Alicia Champagne, hereby certify, under penalty of perjury, that the following is true and correct:

1. I am over the age of 21 years, of sound mind, legally capable of making this Declaration, and have personal knowledge of the facts contained in this Declaration.

2. I am employed as a Senior Review Manager at Consilio LLC. Consilio is a legal services and technology provider. I have held several positions at Consilio and its acquired companies, including reviewer, quality management professional, review associate, and review manager. I have personal knowledge regarding the costs associated with reviewing State Farm data as well as experience preparing cost estimates for State Farm's various managed review projects.

3. State Farm engaged Consilio to assist with hosting, processing, reviewing, and producing documents in response to the Court's Orders in *Hursh v. State Farm,* Case No. CJ-2025-2626, and *Wong-Faust v. State Farm,* Case No. CJ-2025-1675, in the District Court of Oklahoma County State of Oklahoma (collectively the "Hursh Engagement").

4. In connection with the Hursh Engagement, Consilio is receiving claim files that State Farm indicated it collected in response to certain discovery requests in *Hursh* and *Wong-Faust*. As on August 17, 2026, Consilio had already received approximately 65,000 claim files from State Farm. Consilio expects to receive, in total, approximately 140,000 claim files that State Farm has collected as part of the Hursh Engagement.

5. The cost to process and host about 140,000 claim files can be estimated as follows. First, Consilio has observed that each claim file can be estimated at about 40 MB in size. Using that estimate, a total volume of 140,000 claim files can be estimated at 5,600 GB in size (140,000 X 40 MB or .04 GB). Processing costs run at about $75 per GB of data, and hosting costs per month run at about $6 per GB of data. With those unit costs, the total one-time processing cost for 140,000 claim files can be estimated at **$420,000** ($75 x 5,6000 GB), and the total monthly hosting cost for 140,000 claim files can be estimated at **$33,600** ($6 x 5,6000 GB).

6. Although no formal first-level review estimate has been prepared—one is currently in progress—I am able to provide the Court with a good-faith estimate of the anticipated time and costs of conducting a first-level review based on my experience with document reviews in insurance litigation matters involving State Farm documents, including claim files. I estimate that it would require approximately 386 managed review hours and cost approximately $27,686 to (1) conduct a first-level review of 100 claim files of roughly 144 documents each for responsiveness; (2) redact personally identifiable information from the responsive files; and (3) identify potentially privileged information for second-level privilege review. This first-level review estimate excludes additional costs for second-level quality control review, second-level privilege review, and preparation of the privilege log.

7. Further, based on my experience, I estimate that conducting a first-level review of the claim file history information report contained in 100 claim files—with each claim file history information report being approximately 70 pages—would require approximately 62 managed-review hours and cost at least $3,027. That review would be necessary to determine which claims are responsive to any of the following questions: (1) did State Farm find damage to the roof's soft metals, such as vent caps or guttering; (2) did State Farm find that the roof material itself, such as asphalt shingles or shake, suffered damage; (3) did State Farm find that the damage to the roof did not exceed the policy deductible; (4) did State Farm find that full or total roof replacement was not warranted; (5) was a lawsuit filed against State Farm related to the claim, and, if so, (a) what date was it filed, (b) did State Farm approve or pay for a total roof replacement after the lawsuit was filed, and (c) if so, what date was the total roof replacement paid or approved. This estimate excludes the additional costs for a secondary review. A secondary review may be necessary to address any questions that remain unanswered after the first-level review. This secondary review phase would involve targeted review of additional claim file documents. At this stage, it is unclear whether the claim file history information reports alone will provide sufficient information to answer all questions.

I state under penalty of perjury that the foregoing is true and correct.

SIGNED this 27th day of August, 2026 in Morrisville, North Carolina.

Alicia S. Champagne

Alicia S. Champagne

EXHIBIT 5

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

MOONG SIAN WONG-FAUST, and STEPHEN FAUST, Plaintiff, vs. STATE FARM FIRE and CASUALTY COMPANY, GRANT GINGERICH INSURANCE AGENCY, INC, Defendants.	CASE NO. CJ-2025-1675

****

BILLY and LACY HURSH, vs. STATE FARM FIRE and CASUALTY INSURANCE COMPANY, MARK D. WELTY AND MARK D. WELTY INSURANCE AGENCY, INC., Defendants.	CASE NO. CJ-2025-2626

* * * * *

SEVENTH JUDICIAL DISTRICT OF OKLAHOMA

MOTION HEARING

TRANSCRIPT OF PROCEEDINGS

HAD ON THE

7TH DAY OF JULY, 2026

BEFORE THE HONORABLE AMY PALUMBO, DISTRICT JUDGE

* * * * *

Reported By: Cynthia Kay Jones, RMR

APPEARANCES

FOR PLAINTIFFS:

MR. REGGIE WHITTEN
MR. SONNE BLAKE
MS. HANNAH WHITTEN
MR. MIKE BURRAGE
WHITTEN BURRAGE
512 North Broadway
Suite 300
Oklahoma City, Oklahoma 73102

FOR THE DEFENDANTS:

MR. LANCE LEFFEL
MR. DAVID HERBER
GABLEGOTWALLS
BOK Park Plaza
499 West Sheridan Avenue
Suite 2200
Oklahoma City, Oklahoma 73102

let's see if we can't get ahold of them and figure out where this house is located. I mean, that's -- that's -- that's a privacy concern. They've not put their claims at issue.

And when we are supposed to be considering proportionality, it appears to me that we've not found that limit in this case. You know, should that be the standard that just because someone sues and alleges bad faith in one of hundreds of cases that they admit that they're pursuing and these kind of requests come out every single one should -- should that be the penalty is just because a lawsuit was filed against you, you're going to have to spend millions. You've already lost, Your Honor, if every time you go to court there's no limit.

So with respect to these claim files if -- if -- they should be outright denied, regarding that information in play, and it's addressing these issues in the Rogs, but to the extent that the Court is entertaining that, there are a million different ways to -- to make this less burdensome and still produce relevant information.

One of the ways that I have seen that done in my cases is by using a statistically relevant sample. And I've shared this with you before.

In federal -- in federal court where I have had this happen, sometimes it's as few as even like 50 to a hundred claim files. We can't figure out when we get to the trial stage how do you reasonably marshall that information into something useful.

Typically what you want to do, and if I'm the plaintiff I'm going to say well, we've got these 20,000 claim files and -- and, you know, 45 percent of these files, ladies and gentlemen, there was a decision made that the loss was below -- is their deductible or something less than a partial -- whatever -- whatever the data point is that you're interested in. Those are statistics without context.

So it requires you to know what really happened. What -- what if those decisions were all right. You would have to dig into each of these claim files during a trial to try to rebut whatever the -- the statistic for that context is, because that's the only way you can get it in reasonably, because that presents problems down the road as well, so I'm just kind of fighting these issues for the future.

What are some ways that you can make this possibly proportioned or less burdensome. I said statistically a relevant sample. You could limit the dates. They're asking for 5 years which yields 20,000 files.

You could do a geographic limit. You could say I want to see every claim file within a 10 or 20-mile radius around the Hurshes' home. You know, the storm's coming at that time. Different parts of town the same. There's pockets of storms. That would -- that would be narrowing it down. So there's a lot of different ways to do that.

We could do cost sharing on this so that the burden isn't all -- if you think this is relevant to your case, why should it be the plight of a defendant, a defendant in Oklahoma that you lose just by virtue of being in litigation.

So there are a lot of ways we could deal with that but there are some things that I want to consider. At what point has something become disproportionate. And I know that they take issue when we say this is 22,000. I fully understand. I tell you that every time. That's just a number that we can quantify because we don't know what these other sort of soft damages are going to tell us.

And I understand that they're pursuing a lot, but I'll leave the Court with one final issue. I raised this before but I think it ended up in the paper fortunately, but you know, we have -- there's been so much talk about the public in a single case. And that wasn't the entire ruling by the Supreme Court with respect to the agency intervention.

You are representing the collective interest of the people of Oklahoma. Oklahoma Insurance. It's a subset. This is one case between one family and their insurance. It's over one claim. Maybe there's two claims at issue but you get what I'm saying.

THE COURT: Uh-huh.

MR. LEFFEL: The public is not a party here, okay.