

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GOSPEL FOR ASIA, INC.,  
K.P. YOHANNAN, GISELA PUNNOSE,  
DANIEL PUNNOSE, DAVID CARROLL,  
and PAT EMERICK,**

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**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 3:18-cv-0682-M**

**PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,**

**Defendant.**

**THE PARTIES’ THIRD AMENDED JOINT REPORT**

TO THE HONORABLE BARBARA M.G. LYNN; UNITED STATES DISTRICT JUDGE:

Come Now Plaintiffs, Gospel for Asia, Inc., K.P. Yohannan, Gisela Punnose, Daniel Punnose, David Carroll, and Pat Emerick (“GFA Parties”) and Defendant Philadelphia Indemnity Insurance Company (“Philadelphia”), and they hereby submit their Third Amended Joint Report pursuant to the Court’s Order Requiring Scheduling Conference and Report for Contents of Scheduling Order entered March 22, 2018 and its Order dated August 1, 2018. Pursuant to the Court’s March 22, 2018 Order, counsel for GFA Parties and counsel for Philadelphia held an in-person meeting on April 5, 2018 and have since been in continuous communication with each other.

**1. Brief Statement of the Claims and Defenses;**

1.1. GFA Parties bring this action for Philadelphia’s breaches of its common law duty of good faith and fair dealing and the Texas Insurance Code for unfair settlement practices and for

failing to promptly pay covered claims as a result of its wrongful denials and/or wrongful delays in providing defenses in lawsuits against them.

1.2. Philadelphia denies that any reasonable defense fees or expenses remain unpaid and contends that, accordingly, this case should be dismissed. Additionally, Philadelphia denies that it breached its common law duty of good faith and fair dealing or the Texas Insurance Code. Philadelphia contends that it had a reasonable basis for the coverage positions that it has taken and liability was not reasonably clear.

**2. Proposed Time Limit to File Motions For Leave To Join Other Parties;**

2.1 The Parties will file Motions for Leave to Join Other Parties on or before November 1, 2018.

**3. Proposed Time Limit to Amend the Pleadings;**

3.1 The Parties will amend their Pleadings on or before January 3, 2018.

**4. Proposed Time Limits to File Various Types of Motions, including Dispositive Motions (Note: the court prefers the deadline not less than 120 days before trial);**

4.1. The Parties will file their Motions for Relief, including Dispositive Motions on or before July 1, 2019.

**5. Proposed Time Limit for Initial Designation of Experts;**

5.1. The Parties will designate their Expert Witnesses on the causes of action in which they carry the burden of proof on or before February 7, 2019.

**6. Proposed Time Limit for Responsive Designation of Experts;**

6.1. The Parties will designate their Responsive Expert Witnesses to those Expert Witnesses designated pursuant to 5.1 on or before March 6, 2019.

**7. Proposed Time Limit for Objections to Experts (i.e. Daubert and similar motions);**

7.1. The Parties will lodge their Objections to Expert Witnesses, including but not limited to Daubert and other similar motions, on or before September 1, 2019.

**8. Discovery Plan;**

8.1. Philadelphia anticipates quickly filing a motion for summary judgment or other similar motion on the basis that all reasonable defense fees and expenses have been paid. In the event that this case is not disposed of or significantly narrowed as a result of any such motion, the Parties anticipate discovery regarding Defendant's claims handling, Plaintiff's defense fees and expenses in the underlying lawsuits and Plaintiff's damages.

8.2. The Parties will complete discovery on factual matters on or before May 15, 2019.

8.3. The Parties will complete discovery on matters involving expert witnesses on or before June 15, 2019.

8.4. The Parties do not believe that discovery should be conducted in phases or focused on particular issues.

**9. Discovery Limitations;**

9.1. GFA Parties and Philadelphia propose discovery in accordance with the Federal Rules. They are not aware of any changes or limitations on discovery imposed under the rules or by local rule that are necessary or that other limitations should be imposed.

**10. Proposed means for discovery or discovery of electronically stored information ("ESI") and a statement of any disputes regarding the disclosure or discovery of ESI;**

10.1. GFA Parties and Philadelphia are not aware of and they do not anticipate any issues regarding the proposed means for discovery or discovery of electronically stored information.

**11. Proposals regarding the handling and protection of privileged or trial-preparation material that should be reflected in a court order;**

11.1. GFA Parties and Philadelphia anticipate entering into an Agreed Protective Order regarding the handling of privileged or trial-preparation material.

**12. Proposed trial date, estimated number of days required for trial and whether jury has been demanded;**

12.1. The Parties propose a trial date on or near to November 1, 2019.

12.2. Depending on the outcome of dispositive motions, the Parties estimate a length of trial from 1-2 days.

12.3. A jury has been demanded.

**13. Proposed date for further settlement negotiations;**

13.1. The Parties are in active settlement negotiations.

**14. Objections to FRCP 26(a)(1) asserted at the Scheduling Conference and other proposed modifications to the timing, form or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made;**

14.1 The Parties do not anticipate lodging objections or proposing any modifications to the timing, form, or requirement of disclosures under Rule 26(a)(1).

14.2 The Parties propose exchanging disclosures under Rule 26(a)(1) on or before December 15, 2018.

**15. Consent to trial before U.S. Magistrate Judge Rebecca Rutherford;**

15.1. GFA Parties and Philadelphia do not consent to trial before U.S. Magistrate Judge Rebecca Rutherford.

**16. Whether the parties are considering mediation or arbitration to resolve this litigation and a statement of when it would be most effective (e.g., before discovery, after limited discovery, after motions are filed, etc.), and, if mediation is proposed, the name of any mediator the parties jointly recommend to mediate the case;**

16.1. GFA Parties and Philadelphia do not propose mediation at this time.

**17. Other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial;**

17.1. The Parties do not have any proposals regarding scheduling and discovery that the parties believe will facilitate expeditiously and orderly preparation for trial other than what is set out above.

**18. Whether a conference with the Court is desired;**

18.1. The Parties are willing to hold a conference with the Court, if the Court desires to hold a conference.

**19. Any other matters relevant to the status and disposition of this case, including any other Orders that should be entered by the Court under FRCP 16(b) and (c) and 26(c).**

19.1. The Parties are not aware of any matters relevant to the status and disposition of this case at this time.

Respectfully Submitted,

**THE ALLEN LAW GROUP**

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