

Countrywide SLA – USRM - Key Activities and Timelines

Activity	Communication	Ownership	Suggested Timeline
Legal Referral, Strategy Selection and Action Plan	<ul style="list-style-type: none"> Claims recommends initial strategy at time of referral or Claims communicates to Legal any change in strategy Legal agrees or recommends alternative strategy, i.e., particularly if case ripe for early resolution/settlement and whether any dispositive motion practice might be effective. Legal provides Initial Case Evaluation with action plan and dates for completion (the detail of the evaluation will be contingent on the complexities of the case). <ul style="list-style-type: none"> When defense expenses (fees + costs) are anticipated to exceed \$5k a Litigation Budget will be provided. When defense expenses (fees + costs) are anticipated to be below \$5k, a Cost Range Estimate will be provided and include the following: <ul style="list-style-type: none"> Pleadings Motion Practice Paper Discovery Conferences Depositions Other litigation costs Exception for AFA Program Cases: Firms will provide an estimate of litigation expenses not included in AFA pricing; Claims will utilize the AFA Program Reference Tool for defense fees by Phase/Tier Legal provides Initial Case Evaluation with action plan and dates for completion (the detail of the evaluation will be contingent on the complexities of the case). Legal indicates next contact point on all cases after referral Legal to provide viability of success on potential motions pertaining to liability and/or damages, both upon initial review and going forward. Legal to timely advise Claims of any value changing events or critical information developed 	<ul style="list-style-type: none"> Claim Task Legal Task Legal Task Legal Task Legal Task Legal Task Legal Task 	<ul style="list-style-type: none"> At time of referral 10 business days of referral or notice of strategy change 10 business days of referral or notice of strategy change At time of event or upon receipt of information At time of event or upon receipt of information
Settlement	<ul style="list-style-type: none"> Legal to notify Claims if plaintiff attorney inquires about settlement Claims will notify Legal of Settlement discussions (Legal will notify Claims if handling negotiations) Legal will assist when and where appropriate Negotiation is a Claims' task Claims will draft Release via use of Release builder If Claims settles the case, prepares the Release and submits it to the Plaintiff attorney, claims to notify Legal of the details Should Claims receive the executed Release, the Claim Representative will forward Release to Legal. Legal will file any necessary closing paperwork and will follow up for the executed Release as needed. 	<ul style="list-style-type: none"> Legal Task Claim Task Legal Task Claim Task Claim Task Claim Task Claim Task Claim Task 	<ul style="list-style-type: none"> 5 business days
Time Limit Demands/Offers of Judgment	<ul style="list-style-type: none"> Legal will notify claims and insured client, and provide copies upon receiving any time limited demands or offers of judgment. Adjuster to receive a direct e-mail with documents, and Legal to post file with forwarding of documents to claims' imaging 	<ul style="list-style-type: none"> Legal Task Claim and Legal Task 	<ul style="list-style-type: none"> Same day or next business day if received after hours
Investigation Activity	<ul style="list-style-type: none"> Update after activity is completed, highlighting impact on strategy (anything completed by Claims or Legal outside of the normal discovery through the court systems i.e., hospital trace, ISO search, social media search) Legal will update Claims indicating any impact on strategy, or no impact if appropriate, and will indicate the next touch point. 	<ul style="list-style-type: none"> Claim and/or Legal Task Legal Task 	<ul style="list-style-type: none"> 10 business days

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Written Discovery	<ul style="list-style-type: none"> Legal identifies appropriate written discovery including tailored non-standard discovery to strategically defend the claim. Legal to upload written discovery to claims file as soon as possible but no longer than 5 business days of receipt. Legal provides discovery received to Claims, with a high-level summary, analysis and impact on case, indicating what if any impact on file strategy as well as indicating next steps; and if Plaintiff's responses are incomplete, Legal to outline what is missing and next steps to pursue (e.g., Motion to Compel.) If Plaintiff Counsel asserts that our discovery responses were incomplete, Legal to advise Claims along with how alleged to be incomplete Claims reviews discovery and collaborates with and communicates to Legal the updates to the Strategy and Plan (can be a verbal communication with post to file) If records are obtained through subpoena, Legal to obtain those records. If records are obtained via authorization, Claims is to obtain the records. 	<ul style="list-style-type: none"> Legal Task Legal Task Legal Task Legal task Claim Task Legal Task Claims Task 	<ul style="list-style-type: none"> 5 business days 5 business days 10 business days 5 business days
Motions to Compel	<ul style="list-style-type: none"> Legal to communicate expected date of receipt of response to written discovery Legal will file motions to compel on overdue discovery. When necessary, Legal will discuss and align with claims on when motions to compel are not advised; local custom and practice is a factor in this motion practice 	<ul style="list-style-type: none"> Legal Task Legal Task 	<ul style="list-style-type: none"> 10 days after filing of discovery. 10 business days of discovery responses being overdue
Depositions	<ul style="list-style-type: none"> Legal notifies claims of scheduled depositions Legal contacts claims, prior to the deposition to discuss strategy; if a PLG matter, the PLG handling attorney is the contact. Communication is posted to file by Legal. Legal advises of any change in deposition schedule as well as the reason for the change and any impact. Claims to provide legal any specific deposition questions or issues to be addressed in depositions (verbal or written) Legal provides claims with summary of deposition including impact to strategy and further handling recommendations; if a PLG matter, the PLG handling attorney is the contact however the PLG Contact Attorney who conducted the deposition will be involved to provide both the summary and participate in any post deposition call with Claims.. Legal contacts claims after the deposition to discuss case and future strategy, if deemed necessary by Claims and Legal; if a PLG matter, the PLG handling attorney is the contact. 	<ul style="list-style-type: none"> Legal Task Legal Task Legal Task Claim Task Legal Task Legal Task 	<ul style="list-style-type: none"> 10 business days of receipt of notice of scheduled deposition Minimum 5 business days prior to scheduled deposition 2 business days 10 business days upon completion, or 5 business days if there is a deadline such as a PFS, TLD, discovery end date or if something discussed could materially change the case strategy 5 business days

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Experts	<ul style="list-style-type: none"> Joint ownership of expert selection between Claims and Legal is expected. Legal (Attorney handling file) will recommend either a specific expert to utilize, or a specific type of expert to utilize. In congested litigation venues, Legal may list several experts in order of preference. If neither Claims or Legal has a recommendation, both are required to review available resources and reconvene to finalize expert selection. Claims will then use its vendor tool to retain that recommended expert at the appropriate cost. Joint ownership is also expected on defining what questions we are asking the expert to address, what information should be provided to the expert (medical records, photographs, estimates, other expert reports, etc.), and whether we are requesting a written or verbal report. Legal will contact claims and confer. Claims schedules IMR/IME's when needed and provides scheduled date to legal. Legal advises Claims on expert disclosure deadlines and provides status upon receipt of any scheduling order. Claims receives and sends report to Legal Claims and legal to collaborate on outcome of expert report, impact to case and any recommended changes to strategy or next steps. Legal posts to file regarding impact and next steps. Claims completes CERS (PL) / strategy note (SC) with analysis and impact to strategy and plan. 	<ul style="list-style-type: none"> Claim and Legal Task Legal Task Claim And Legal Task Claim Task Claim and Legal Task Claim Task Legal Task Claim Task Claim and Legal Task Claim and Legal Task 	<ul style="list-style-type: none"> Upon request legal will provide expert recommendation in 5 business days 5 business days 5 business days Upon receipt 5 business days Upon receipt 5 business days after receipt of report
Scheduling Orders	<ul style="list-style-type: none"> Legal to provide claims with copies of all scheduling orders, highlighting trial date, discovery cutoff date, expert designation dates and dates for dispositive motions; Legal to update Claims on any scheduling changes 	<ul style="list-style-type: none"> Legal Task 	<ul style="list-style-type: none"> 5 business days of receipt or sooner if deadline requires
Pre-Trial Conference	<ul style="list-style-type: none"> Legal to notify Claims of any Pre Trial Conference or Settlement Conference dates, as well as any changes to those scheduled dates Claims and Legal will discuss strategy for conference (i.e., propose mediation, ADR, etc.) Legal to provide claims any submissions. Claims and Legal to summarize as appropriate conference events, findings and action items; if there are unknowns at the time of the pre-trial discussion/report that Legal will update Claims as they develop 	<ul style="list-style-type: none"> Legal task Claim and Legal Task Legal Task Claim and Legal Task 	<ul style="list-style-type: none"> 5 business days after receipt of scheduling 1 week prior to conference 1 week prior to conference 5 business days
Trial Prep	<ul style="list-style-type: none"> Legal submits final trial plans <ul style="list-style-type: none"> Legal will provide information: <ul style="list-style-type: none"> On the jurisdiction Any prior similar case jury verdicts Jury pool Judge issues Claims reviews and confirms final trial strategy with Legal Claims schedules Pre Trial Call with Legal if needed Legal provides outstanding pretrial motions, expected results, and impact On a case reserved at \$25,000 or lower, Pre Trial report will be streamlined. 	<ul style="list-style-type: none"> Legal Task Claim and Legal Task Claim Task Legal Task Legal Task 	<ul style="list-style-type: none"> 2 months prior to trial 2 months prior to trial 30 days before trial 2 months prior to trial 2 months prior to trial
Trial	<ul style="list-style-type: none"> Claims and Legal discuss trial developments highlighting impact to strategy 	<ul style="list-style-type: none"> Claim and Legal Task 	<ul style="list-style-type: none"> Claims and Legal to agree prior to Trial on cadence and method of communication

Appendix A – Pre Trial Report

PAL Defense Counsel Pre-Trial Report

Claim #

Adjuster

Date

Prepared by

Trial Date

Court

The trial plan should be a succinct summary of the whole case. When it is read by Claims and insureds, there should be no doubt that Counsel has a total grasp of the facts, issues, witnesses, etc. The plan should convey that Counsel, in concert with his/her client, has a blueprint as to how the case will be presented at trial.

Impact Reporting

Analysis

Trial Strategy:

Trial Plan Overview:

Facts of the case and how they will be presented at trial, including expected witnesses and testimony:

Liability:

Damages:

Assessment:

Venue: Jurisdiction:

Settlement status (last demand, last offers):

Pre-trial motions, motions in limine and chances of success:

Pre-judgment interest? Yes ☐ No ☐ Calculation?

Post-judgment interest? Yes ☐ No ☐ Calculation?

Verdict potential (insured and all parties).

Statutory caps (if any):

Settlement potential and recommended strategy (if applicable):

What are your proposed jury instructions? Is plaintiff likely to agree? What will the jury see on the verdict form?

Other:

Has the Insured/Defendant and/or Excess/Umbrella carrier been advised of all demands and offers? Their reactions? Duty owed to Excess/Umbrella carrier?

Should an appeal be necessary, what are the rules of the court? Number of days to file Post-Trial Motions, number of days to appeal, potential costs of appeal, cost of appeal bond (or will available policy coverage be acceptable?

Other issues, concerns and comments

Expense Estimate:

Updated expense estimate through trial. If the previous estimate is still applicable, there should be an affirmative statement to claims acknowledging that the previous budget is still viable.

Appendix B – Cost Range Estimate Example (used for cases under \$5000 in expected fees/costs)

- Pleadings - Prepare Answer, 1 hour @\$150
- Motion Practice – Prepare Motion to Compel Discovery, .8 hour @\$150
- Paper Discovery - .5 hour @\$150
- Conferences – Prepare and attend pre-trial conference @ 4.5 hours @\$150
- Depositions – Plaintiff and defendant, 7 hours @ \$150
- Other litigation costs – IME exam and report
- Anticipated incurred costs prior to trial prep - \$2070