

**345TH DISTRICT COURT  
TRAVIS COUNTY COURTHOUSE  
P. O. BOX 1748  
AUSTIN, TEXAS 78767**

**STEPHEN YELENOSKY**

**Judge**  
(512) 854-9374  
(512) 854-4540

**DANA LEWIS**  
Staff Attorney  
(512) 854-9892

**ANGELA RILEY**  
Court Operations Officer  
(512) 854-9712

**ALBERT ALVAREZ**  
Official Reporter  
(512) 854-9373

**DANIKAE DOETSCH**  
Court Clerk  
(512) 854-5836

July 23, 2012

Mr. Robert Tyler  
Tyler & Casteel  
1812 Centre Creek Drive, Suite 110  
Austin, Texas 78754  
**VIA FAX: (512) 201-1505**

Mr. J. Hampton Skelton  
Mr. Edward Kaye  
Skelton & Woody  
P.O. Box 1609  
**VIA FAX: (512) 651-7001**

Re: Cause No. D-1-GN-11-002764; *Matthew George vs. State Farms Lloyds Inc. in the 53<sup>rd</sup> Judicial District Court, Travis County Texas*

Dear Counsel:

Enclosed please find attached a decision letter from Judge Yelenosky regarding the above mentioned cause. The original letter has been filed with the District Clerk's Office.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Angela Riley". The signature is written in a cursive, flowing style.

Angela Riley  
Court Operations Officer, 345<sup>th</sup> District Court  
Travis County, Texas

Orig: Amalia Rodriguez Mendoza, District Clerk  
Enclosure (s) 2 pages including this cover page



Filed in The District Court  
of Travis County, Texas

JUL 23 2012 LL

At 12:15 P.M.  
Amalia Rodriguez-Mendoza, Clerk

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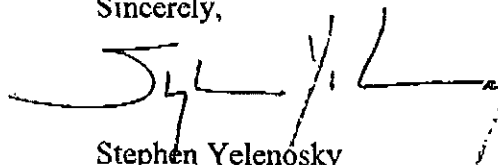
Re: Cause No. D-1-GN-11-002764; *Matthew George vs. State Farms Lloyds Inc. in the 53<sup>rd</sup> Judicial District Court, Travis County Texas*

Dear Counsel:

The drainage ditch is a body of water, and it did overflow its banks. The reason it overflowed is not relevant. Mr. George argues that common sense requires that this event be treated just as would be treated a cut bank – which I will accept *arguendo* is not an “overflow.” This argument is unavailing because it is an argument for how the policy *should be* written, not how it is written. That “common sense” policy would not turn on words like “body of water” and “overflow” but instead would turn on whether water damage occurred in a localized area by human intervention.

Please prepare an order. If there is to be an appeal, and a request for findings of fact and conclusions of law, your stipulated facts will, of course, be the findings. As for conclusions of law, the prevailing party should present all possible conclusions, and I will then decide what to include. Although I have explained my primary conclusion above, I may very well include alternate conclusions supporting the ruling.

Sincerely,

  
Stephen Yelenosky  
Judge, 345th District Court

Orig: Amalia Rodriguez Mendoza, District Clerk