

TEXAS MUTUAL INSURANCE	§	IN THE DISTRICT COURT
COMPANY,	§	
Plaintiff	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
JUAN NARVAEZ,	§	
Defendant	§	68th JUDICIAL DISTRICT

ORDER OF SANCTIONS FINDING THAT
TEXAS MUTUAL COMMITTED FRAUD ON THE COURT
AND FOR FINAL SUMMARY JUDGMENT

This Court has considered the Motion for Summary Judgment along with the Request for Sanctions to be Imposed for Fraud on the Court, both filed by the Defendant Juan Narvaez against Plaintiff Texas Mutual Insurance Company. The Court has considered those motions, reviewed the evidence and conducted a hearing on the motions.

Having considered Defendant's No-Evidence Motion for Summary Judgment, this Court finds that there is no or legally insufficient evidence to sustain Texas Mutual Insurance Company's claims in this suit, and summary judgment is therefore **GRANTED** against Texas Mutual Insurance Company and in favor of Defendant. Texas Mutual Insurance Company's claims against Defendant are therefore dismissed with prejudice. In accordance with this summary judgment, the Court finds and enters judgment confirming the final decision of the Texas Workers' Compensation Commission (now know as Texas Department of Insurance, Division of Workers' Compensation)

Hearing Officer Decision on DA-04384950-01-CC-DA47, as affirmed by the Appeals Panel decision No. 041144 in Docket No. DA-04-384950-01-CC-DA47, as follows:

Juan Narvaez sustained a compensable injury on August 29, 2003, and had a disability from September 2, 2003 and continuing through the date of the Contested Case Hearing.

This Court finds that Defendant Juan Narvaez is the prevailing party on all issues pursuant to Texas Labor Code Section 408.221(c), and the Court will enter separate orders awarding attorneys fees pursuant to law.

This Court further finds that Texas Mutual Insurance Company committed fraud on this Court and the Defendant by falsifying a critical medical record, and then using that record throughout discovery, depositions and trial. This fraudulent conduct was committed knowingly and intentionally by agents and representatives of Texas Mutual Insurance Company. This Court finds that the falsified medical record was used knowingly and intentionally by Texas Mutual Insurance Company in order to gain an advantage in this suit. Accordingly, Defendant's Request for Sanctions to be Imposed for Fraud on the Court is **GRANTED**.

As sanctions for this conduct, Texas Mutual Insurance Company is **ORDERED** as follows:

1. Texas Mutual Insurance Company must pay monetary sanctions to Defendant Juan Narvaez in the amount of \$30,000 within seven (7) days of entry of this Order.

2. Texas Mutual Insurance Company is further ordered to post a link on the home page of its website (www.texasmutual.com) entitled "Sanctions order against Texas Mutual in Texas Mutual v. Juan Narvaez". This link must contain a direct link to a certified copy of this Order. This link must be posted within seven (7) days of this Order and remain live for 180 days, and the notice of the link on the home page must be in a type size and font consistent with the other links on the home page.

All other Relief not expressly granted is denied. This is a Final Judgment.

SIGNED this 9th day of January, 2007.



MARTIN HOFFMAN
DISTRICT JUDGE