

NO. 09-0772

IN THE SUPREME COURT OF TEXAS

TEXAS HEALTH INSURANCE RISK POOL

Petitioner

vs.

SHARON SIGMUNDIK, BENJAMIN J. SIGMUNDIK, ZACHARY P. SIGMUNDIK, as the
Sole and Legal Heirs and Beneficiaries of Thomas M. Sigmundik, Deceased and/or the Estate of
Thomas M. Sigmundik, Deceased; OTTO L. MONECKE; and VIRGINIA L. MONECKE

Respondents

On Petition for Review from the
Third Court of Appeals, Austin, Texas
Cause No. 03-05-00057-CV

**RESPONDENTS' BRIEF BY
RESPONDENTS OTTO L. MONECKE AND VIRGINIA L. MONECKE**

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COUNSEL FOR RESPONDENTS
OTTO L. MONECKE AND VIRGINIA L. MONECKE

TO THE HONORABLE JUSTICES OF SAID COURT:

Pursuant to Rule 9.7 of the Texas Rules of Appellate Procedure, Respondents OTTO L. MONECKE and VIRGINIA L. MONECKE (“the Moneckes”) respectfully join in and adopt by reference the Sigmundik Respondents’ Brief on the Merits.

WHEREFORE, the Moneckes respectfully request that this Court deny the Petition for Review or, in the alternative, that this Court affirm the Third Court of Appeals’ July 31, 2009 decision.

Respectfully submitted,

Holloway, Rowley & Caflisch, P.C.

BY: _____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on by certified mail, return receipt requested on the following counsel of record on this the 29th day of January, 2010.

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