

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA *ex rel.*;
CORI RIGSBY; AND KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE No. 1:06-cv-433-LTS-RHW

STATE FARM MUTUAL
INSURANCE COMPANY

DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS
ENGINEERING CORPORATION;
EXPONENT, INC.;
HAAG ENGINEERING CO.;
JADE ENGINEERING;
RIMKUS CONSULTING GROUP INC.;
STRUCTURES GROUP;
E. A. RENFROE, INC.;
JANA RENFROE;
GENE RENFROE; AND
ALEXIS KING

DEFENDANTS

**AFFIDAVIT OF BENJAMIN R. DAVIDSON IN SUPPORT OF THE RELATORS'
CONSOLIDATED PRE-HEARING RESPONSE TO ALL DISPOSITIVE MOTIONS**

I, Benjamin R. Davidson, affirm the following to be true:

1. I am a duly licensed attorney at law, admitted to the District of Columbia bar. I have been admitted pro hac vice in this action. I am an associate in the law firm of Gilbert Oshinsky LLP ("Gilbert Oshinsky") in Washington D.C.
2. Gilbert Oshinsky represents the Relators in this action.
3. I offer this affidavit in support of the Relators.

4. The Court has not yet permitted discovery to begin in this case. Accordingly, the parties have not engaged in any written discovery, nor have they taken depositions or exchanged documents.

5. As set forth in the Relators' Consolidated Pre-hearing Response to All Dispositive Motions, Relators respectfully submit that the dispositive motions should be denied on the merits. In the alternative, however, the Relators seek discovery to present an opposition to the dispositive motions.

6. The requested discovery would include all documents in State Farm's possession relating to its adjustment of the McIntoshes' claims following Hurricane Katrina. This includes but is not limited to: complete damage estimates, transaction logs, digital photographs of the McIntosh home, and correspondence relating to Forensics Analysis and Engineering Company's assessments of the McIntosh home.

7. The Relators also request that they be allowed to depose the following individuals with direct knowledge of the damage to the McIntosh home and its claims adjustment: Alexis King, Brian Ford, John Kelly, Mike Church, Craig Robertson, and Ron and Linda Muchk.

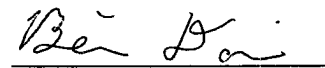
8. Because Relators have not yet had the opportunity to conduct discovery, Relators have obtained certain documents from the public record, including documents that State Farm placed on the docket in this and other courts. Accordingly,

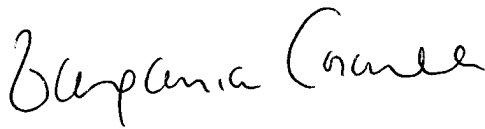
- a. Attached as Tab A is a true and correct copy of portions of the McIntoshes' activity logs that State Farm attached to its Memorandum in Support of Motion for Summary Judgment in *McIntosh v. State Farm Fire and Cas. Co.*, 1:06-cv-1080 docket no. [821] ("*McIntosh* Summary Judgment Motion"), as Exhibits D and E.

- b. Attached as Tab B is a true and correct copy of portions of the October 12, 2005 Engineering Report authored by Brian Ford, which State Farm attached to the *McIntosh* Summary Judgment Motion as Exhibit C.
- c. Attached as Tab C is a true and correct copy of Mississippi Attorney General Jim Hood's February 28, 2007 testimony before the United States House of Representatives Committee on Financial Services Subcommittee on Oversight and Investigations.
- d. Attached as Tab D is a true and correct copy of an October 17, 2005 email from Bob Kochan to Brian Ford, that was attached as Exhibit 18 to the Complaint in *Shows v. State Farm Automobile Ins. Co.*, 1:07-cv-00709 docket no. [1] ("*Shows* complaint").
- e. Attached as Tab E is a true and correct copy of an October 17, 2005 email from Brian Ford to Bob Kochan that was attached as Exhibit 15 to the *Shows* complaint.
- f. Attached as Tab F is a true and correct copy of an October 17, 2005 email from Adam Sammis to Bob Kochan that was attached as Exhibit 14 to the *Shows* complaint.
- g. Attached as Tab G is a true and correct copy of the October 17, 2005 email from Lecky King to Nellie Williams that was attached as Exhibit 16 to *Shows* complaint.
- h. Attached as Tab H is a true and correct copy of the October 18, 2005 email from Randy Down to Bob Kochan that was attached as Exhibit 20 to the *Shows* complaint.
- i. Attached as Tab I is a true and correct copy of the October 19, 2005 email from Bob Kochan to Randy Down that was attached as Exhibit 24 to the *Shows* complaint.
- j. Attached as Tab J is a true and correct copy of the October 20, 2005 Engineering Report authored by John Kelly that State Farm attached to its *McIntosh* Summary Judgment Motion as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct.

Dated March 12, 2009


Benjamin R. Davidson



VIRGINIA CORNELL
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 14, 2012