

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION
4

5 THOMAS AND PAMELA MCINTOSH)

6 Plaintiffs)

7 -vs-)

CIVIL ACTION NO.:

8 STATE FARM FIRE & CASUALTY COMPANY,) 1:06-CV-1080-LTS-RHW
9 FORENSIC ANALYSIS & ENGINEERING)
CORPORATION, AND E.A. RENFROE &) VOLUME II
10 COMPANY, INC., AND DOES 1 THROUGH)
10,)

11 Defendants.)

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13
14
15
16 CONTINUATION OF THE
17 VIDEO DEPOSITION OF
18 J. BRIAN FORD
19 ATHENS, GEORGIA
20 FRIDAY, JANUARY 11, 2008
21
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23
24
25

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4 THOMAS AND PAMELA MCINTOSH)
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 8 -vs-) CIVIL ACTION NO.:
 9) 1:06-CV-1080-LTS-RHW
 10 STATE FARM FIRE & CASUALTY COMPANY,))
 11 FORENSIC ANALYSIS & ENGINEERING))
 12 CORPORATION, AND E.A. RENFROE &))
 13 COMPANY, INC., AND DOES 1 THROUGH))
 14 10,))
 15))
 16 Defendants.))

17 Continuation of the video deposition of J.
 18 Brian Ford, taken on behalf of State Farm, pursuant to
 19 the stipulations agreed to herein, before Linda K.
 20 Jackson, Certified Court Reporter, at The Holiday Inn,
 21 Athens, Georgia, on the 11th day of January, 2008,
 22 commencing at the hour of 9:03 a.m.
 23
 24
 25

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 34 Videographer: Leo Mileman
 35

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1 (9:03 a.m.)
2 (WHEREUPON, Exhibit Numbers 16
3 and 17 were marked for
4 identification by the court
5 reporter.)
6 (On Video.)
7 THE VIDEOGRAPHER: Here begins videotape number
8 one in the deposition of Mr. Brian Ford in the matter
9 of Thomas and Pamela McIntosh versus State Farm, et.
10 al. Today's date is January 11, 2008. The time on the
11 video monitor is 9:03 a.m.
12 The video operator today is Leo Mileman,
13 contracted by MLS Atlanta. This video
14 deposition is taking place at The Holiday Inn
15 in Athens, Georgia.
16 Would counsel please state your name for
17 the record and whom you represent.
18 MR. HAHN: Ryan Hahn, I represent Brian Ford.
19 MR. WYATT: Derek Wyatt, I represent the
20 McIntoshes.
21 MR. NORRIS: David Norris, I represent E.A.
22 Renfro & Company, Inc. I have got my client Janet
23 Renfro on the telephone.
24 MS. AVERILL: Amy Averill, I represent State Farm.
25 MR. BANAHAN: John Banahan, State Farm.
MR. WEBB: Dan Webb, State Farm --

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1 MR. ROBIE: Jim Robie, State Farm.
2 MR. TOMPKINS: Bruce Tompkins, State Farm Fire &
3 Casualty.
4 THE VIDEOGRAPHER: Your court reporter today is
5 Linda Jackson of Merrill Legal Solutions. Would you
6 please state your name for the record -- would you
7 swear in the witness.
8 BRIAN FORD,
9 after having been first duly sworn was examined and
10 testified as follows:
11 MR. ROBIE: Mr. Ford -- oh, I think, Mr. Wyatt,
12 before I begin, has some kind of an objection.
13 MR. WYATT: Thank you, Mr. Robie, I appreciate it.
14 Briefly, Plaintiffs want to make the record that the
15 objective in the taking of this deposition on
16 procedural grounds that the Notice in the deposition
17 appears to be a re-notice of a deposition that was
18 previously taken of Mr. Ford back on October 3, 2007.
19 And that unless there are orders of the
20 Court which specifically have authorized the
21 defense to re-notice a deposition of Mr. Ford
22 and exceed the seven hours originally allotted
23 for that, we object.
24 And we further object that any Notice that
25 was issued for this deposition today was issued
overtly outside the discovery deadline in the

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1 McIntosh case. And likewise unless there has
2 been specific leave the Court sought and
3 authorized for that, we want to reserve our
4 objections today for the taking of this
5 deposition in its entirety.
6 Thank you, Mr. Robie.
7 MR. ROBIE: Mr. Wyatt, did you bring me a
8 transcript of the Brian Versiga interview which was
9 ordered by Judge Walker?
10 MR. WYATT: I think the transcript has been sent
11 to counsel.
12 MR. ROBIE: Well, it was sent electronically last
13 night and I don't have any way to retrieve it. Did you
14 bring me a typed transcript of that recording?
15 MR. WYATT: First of all, I wasn't compelled to
16 bring you anything, but we complied with what the Order
17 said. And counsel obviously has been provided with --
18 to my knowledge has been provided with a copy of the
19 statement, also by the way, which was sought outside
20 the discovery deadline, was clearly work product, and
21 was done in a fashion which we object to entirely. But
22 aside from all that, it has been provided to defense
23 counsel.
24 MR. ROBIE: Can you tell me in what format?
25 MR. WYATT: As far as I know, it has been

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1 e-mailed.
2 MR. ROBIE: And what kind of transcript is it?
3 MR. WYATT: It is a statement.
4 MR. ROBIE: It is a recording?
5 MR. WYATT: It is a recorded statement from
6 Mr. Ford.
7 MR. ROBIE: Do you have a copy of that for me?
8 MR. WYATT: No.
9 MR. ROBIE: And you don't have a transcript of
10 that either?
11 MR. WYATT: No.
12 MR. ROBIE: Did you furnish one to the witness?
13 MR. WYATT: Mr. Robie, first of all, I'm not under
14 interrogation here.
15 MR. ROBIE: I just keep trying to get the record
16 straight, Mr. Wyatt.
17 MR. WYATT: The record is straight. We complied
18 with what the Order requested, okay. To my knowledge
19 we have complied.
20 MR. ROBIE: Well, the Order required production by
21 noon yesterday.
22 MR. WYATT: Okay, well if that was done then it
23 was done.
24 MR. ROBIE: It wasn't because I waited in my
25 office to come to Georgia --

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1 MR. WYATT: Okay.
 2 MR. ROBIE: -- and ended up arriving late because
 3 there was no production and I had to take the last
 4 plane out to get here.
 5 MR. WYATT: You don't have the statement?
 6 MR. ROBIE: No.
 7 MR. WYATT: Well, why hasn't Mr. Webb given it to
 8 you?
 9 MR. ROBIE: Well, when did you transmit and is it
 10 in a form that I can use here today?
 11 MR. WYATT: My question to you is: Why haven't
 12 you gotten it from your counsel?
 13 MR. ROBIE: Mr. Ford, have you received a copy of
 14 that statement?
 15 THE WITNESS: No.
 16 MR. ROBIE: Has your counsel received a copy of
 17 that statement?
 18 THE WITNESS: You will have to ask him.
 19 MR. ROBIE: Have you gotten one?
 20 MR. HAHN: Yes, I received a copy.
 21 MR. ROBIE: In what format?
 22 MR. HAHN: It was sent electronically and then
 23 also it was sent digitally in the format in which it
 24 was maintained approximately in the early evening
 25 yesterday.

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1 MR. ROBIE: What time was that?
 2 MR. HAHN: I'm not sure.
 3 MR. ROBIE: Do you have it in a format that I can
 4 use here today?
 5 MR. HAHN: I did not bring a copy of it.
 6 MR. ROBIE: Have you ever seen a printed
 7 transcript?
 8 MR. HAHN: No, I have not seen a printed
 9 transcript nor have we requested a printed transcript.
 10 MR. ROBIE: It is an audio recording of some kind?
 11 MR. HAHN: It is both a printed transcript and an
 12 audio recording.
 13 MR. ROBIE: They sent you a printed transcript?
 14 MR. HAHN: That is correct.
 15 MR. BANAHAN: We didn't get one -- did you get a
 16 printed transcript?
 17 MR. HAHN: I think it was sent from the --
 18 transcribed from the audio recording.
 19 MR. ROBIE: Can you e-mail me that printed
 20 transcript so I can get it printed?
 21 Examination
 22 BY MR. ROBIE:
 23 Q Have you reviewed that transcript, Mr. Ford?
 24 A No.
 25 Q Have you heard it?

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1 A No.
 2 Q Have you talked to Mr. Wyatt about this
 3 deposition?
 4 A About?
 5 Q This deposition.
 6 A Today?
 7 Q No. Up to today, anytime prior to today?
 8 A About today's deposition?
 9 Q Yes.
 10 A No. We met in the hall and spoke just a
 11 few minutes ago.
 12 Q And what did he say to you and what did you say
 13 to him?
 14 A He said he wanted to meet Ryan, he didn't
 15 know him. And I introduced him to Ryan and he said
 16 he wanted to speak to him.
 17 Q All right. Did you have a conversation with
 18 him?
 19 A No.
 20 Q Before your deposition in October, did you have
 21 a conversation with Mr. Wyatt about your deposition?
 22 A No, I don't recall that.
 23 Q Did you have a conversation with anybody from
 24 the Scruggs Katrina group or the Katrina litigation group
 25 prior to your October 3rd deposition about that

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1 proceeding?
 2 A No.
 3 Q Is somebody other than you paying your
 4 attorney's fees here today?
 5 A No.
 6 Q Do you have an understanding, either expressed
 7 or implied, that Mr. Wyatt, Mr. Scruggs, David Nutt, Meg
 8 McAlister, or anybody from the SKG or Katrina litigation
 9 group is going to pay you something for your services
 10 today?
 11 A No.
 12 Q Have they paid you anything to-date?
 13 A No.
 14 Q Have you asked for payment?
 15 A No. We discussed a consulting service
 16 agreement many months ago and we never reached an
 17 agreement. We never consummated an agreement. And
 18 I haven't provided a service and they haven't paid
 19 for it.
 20 Q You have provided no services?
 21 A I haven't provided them consulting
 22 services, no.
 23 Q Have you kept track of the time you have spent?
 24 A No.
 25 Q No kind of record at all?

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1 A No.
2 Q I've marked for identification a set of
3 documents as Number 17. We will get to 16 in a minute,
4 but I would like to start with 17 for just a minute.
5 MR. HAHN: If I can interject that statement.
6 That was e-mailed to all counsel, I think, plus
7 yourself, at 4:29 last night in a transcribed format.
8 And so everybody should have that in their e-mail
9 account.
10 MR. ROBIE: What I got was something that's not a
11 transcript.
12 MR. HAHN: I'm looking at it right now and I can
13 read counsels' names in the record to who it was sent
14 to, but I'm looking at it right now.
15 MR. ROBIE: Is it a link or an attachment?
16 MR. HAHN: It is an attachment. All you have to
17 do is open it.
18 MR. BANAHAN: Well, what we opened, we had to go
19 to some You --
20 MR. HAHN: That was also sent last night. There
21 were about five or six e-mails that were sent out.
22 MR. BANAHAN: It was an audio that we got. I
23 didn't get a --
24 MR. ROBIE: I didn't get anything that I could
25 open.

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1 MR. WYATT: My understanding -- this is going from
2 recollection, I wasn't in my office yesterday. There
3 was no transcribed version of Brian Ford's statement.
4 There was a disk with a recording on the disk.
5 MR. BANAHAN: That's what -- we received an audio
6 recording.
7 MR. WYATT: So what we were trying to do was get
8 the statement to you, but we had no transcribed version
9 to do that with. And so I'm not sure that we were
10 compelled or should be even compelled to reduce it to a
11 transcribed version, but apparently that was done. I
12 wasn't there, but apparently someone made an attempt to
13 go even further and reduce the statement to a
14 transcribed version and then sent it to you in addition
15 to the recorded statement.
16 MR. ROBIE: Ryan, do you have a copy of the
17 transcript?
18 MR. HAHN: Yes, I do just on my Blackberry. But
19 it was sent to -- the transcript was sent to Twillford
20 Hunter; Ben Mullins; Derek Wyatt; Don Barry; Megan
21 McAlister; John Banahan; Dan Webb; Michelle Morgan;
22 Matthew Perkins; David Norris; and a few other
23 attorneys, plus yourself, at 4:29 last night.
24 MR. BANAHAN: Ask them just if they will re-send
25 it to Dan and I, if you can e-mail them, Ryan?

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1 MR. HAHN: Sure.
2 MR. ROBIE: Well, just forward it from your
3 Blackberry. You have got the transcript there.
4 MR. HAHN: I don't have the attachment for it.
5 MR. ROBIE: Because what I got as an attachment
6 was some kind of an audio service that I don't
7 subscribe to.
8 MR. BANAHAN: John1@bnsbc.
9 MR. HAHN: Are you forwarding that transcript now?
10 MR. NORRIS: I'm forwarding what I have got. I'm
11 assuming that's what you are talking about. The e-mail
12 I got indicates it is a fragment of the transcript, not
13 the entire thing.
14 BY MR. ROBIE:
15 Q Well, while we are waiting for the fragments to
16 find their way through the Internet, I think I placed in
17 front of you a stack of documents marked for
18 identification as Exhibit 17. These are documents which
19 you produced recently from your files. And I will ask
20 you please will you identify these for me?
21 MR. WYATT: Are these numbered sequential to the
22 other depositions? Is that why you are marking it 17?
23 MR. ROBIE: Yes.
24 MR. WYATT: This is a continuation of the other
25 deposition, right?

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1 MR. ROBIE: If you would like it to be a new
2 deposition, I could start with new numbers, but it
3 would only be confusing.
4 MR. WYATT: I'm just asking.
5 MR. ROBIE: I don't know that I know the answer to
6 that. I just know the next exhibit in order is 16 and
7 I have premarked it and given it to the court reporter.
8 And the one I want to use now, I have premarked as 17.
9 And so that's what I have put in front of the witness.
10 MR. WYATT: Okay. And where did those come from?
11 MR. ROBIE: From Mr. Ford.
12 BY MR. ROBIE:
13 Q These are your documents, aren't they?
14 A This page is, yes. I haven't looked at
15 all of them.
16 Q Why don't you flip through it and tell us if
17 these are all of the materials you have produced to us.
18 MR. HAHN: Brian, you don't have to hurry on this
19 if you need to take time for you to verify. There are
20 300 plus documents here so take your time.
21 MR. ROBIE: I will represent to you these are all
22 documents that you produced. You will see on the
23 left-hand side the shadow of the hole from the
24 three-ring binder.
25 MR. WYATT: Were those documents produced pursuant

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1 to Mr. Webb's Subpoena served on October 10th on
2 Mr. Ford here in Athens, Georgia?
3 MR. ROBIE: I believe so.
4 MR. WYATT: With no prior notice of that Subpoena
5 being issued?
6 MR. ROBIE: I'm sorry, I don't understand why you
7 are trying to disrupt this deposition, Mr. Wyatt.
8 MR. WYATT: I'm trying to find out procedurally
9 how you acquired these documents. You got them from
10 a --
11 MR. ROBIE: I recommend that you and Mr. Webb go
12 outside and have this conversation. I didn't have
13 anything to do with that. These are documents he
14 produced. His lawyer is here. He is here to
15 authenticate them.
16 MR. WYATT: I'm asking this question: Was prior
17 Notice given of that Subpoena?
18 MR. ROBIE: I'm sure it was. In fact, it was the
19 subject of rather extensive briefing, which your office
20 was involved in.
21 MR. WYATT: Your answer is, yes, there was prior
22 notice, is that right?
23 MR. ROBIE: Yes.
24 MR. WYATT: Okay, thank you.
25 MR. HAHN: For the record, you have stipulated

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1 that these are the documents that he produced to you at
2 his last deposition?
3 MR. ROBIE: No, I haven't stipulated to that at
4 all. These are documents he produced. He produced
5 some -- he gave a partial production at his deposition.
6 He sent additional documents on after that deposition.
7 And then there was a series of Motions to Compel
8 Further Production. This is part of the overall
9 production of documents for him.
10 MR. HAHN: But you are not asking him to
11 authenticate this particular stack of documents in
12 front of him, is that correct?
13 MR. ROBIE: I'm asking him whether or not these
14 appear to be documents that came out of his three-ring
15 binder that he produced. That's all.
16 MR. BANAHAN: Let's go off the record as far as
17 the video.
18 THE VIDEOGRAPHER: Off the video record at 9:17
19 a.m.
20 (Off Video.)
21 MR. WEBB: If you wanted to check, by the way, the
22 date of the Order from Judge Walker is November the
23 16th. The Order allowing this deposition to be taken.
24 MR. WYATT: Is that the only Order that was issued
25 November 16?

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1 MR. WEBB: I'm not going to represent to you
2 that's the only Order. That was an Order allowing the
3 taking of the deposition out of the discovery period
4 and didn't include specifically this one.
5 MR. BANAHAN: I think the Order, the specific
6 order, reads: Parties shall be allowed to fully
7 question Mr. Ford regarding evidence revealed at
8 Plaintiff's deposition and documents produced by Ford
9 after the deposition adjourned. Whatever was produced
10 then and after the Court --
11 MR. NORRIS: It is here if you want to see it.
12 MR. WYATT: Your understanding of that, Dan, is
13 that you are not being afforded under that Order to ask
14 him the same questions you asked him back on
15 October 10th again, is that right?
16 MR. WEBB: I'm not -- I don't think that the Order
17 addressed that. I think there actually could be
18 questions that were asked back on October 10th, by the
19 way.
20 MR. WYATT: Excuse me.
21 MR. WEBB: That's fine.
22 MR. HAHN: To the extent they are not --
23 MR. WEBB: There could be questions that would be
24 the same related to these documents that we didn't have
25 at that time.

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1 MR. WYATT: But outside of the new documents, it
2 is your position that this Order affords you the right
3 to ask him the same material -- materials and subject
4 questions that you covered in the deposition on
5 October 10th, is that right?
6 MR. BANAHAN: Did you say that?
7 MR. WEBB: No, I didn't say that. What I said was
8 that we are allowed to fully question the Fords. In
9 this instance, Mr. Ford regarding evidence revealed at
10 Plaintiffs October 10, 2007 deposition and documents
11 produced after that deposition adjourned.
12 MR. WYATT: My only question is: Are you entitled
13 to ask him the same things you asked him before?
14 MR. WEBB: I'm entitled to do that. We are
15 entitled to do that.
16 MR. WYATT: You believe that?
17 MR. WEBB: Yes.
18 MR. WYATT: Are we on the record right now?
19 THE VIDEOGRAPHER: We are off video.
20 MR. NORRIS: Jim, for the benefit of discussion
21 again, I have a copy of it pulled up on my computer. I
22 will be glad to let you look at it.
23 MR. WYATT: It would be a good idea if we could
24 print this thing.
25 MR. NORRIS: I'm not hooked up to a printer, but

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1 you can look at it on the screen.
2 MR. BANAHAN: Mr. Ford -- are we on the record?
3 THE COURT REPORTER: Uh-huh.
4 MR. BANAHAN: Mr. Ford, do those documents all
5 have Bates numbers on the bottom?
6 MR. ROBIE: No. No. That's why I'm asking him
7 about that.
8 MR. BANAHAN: I didn't realize that.
9 MR. ROBIE: It would have been a lot easier --
10 THE WITNESS: It has some number on here. I can't
11 tell you --
12 MR. HAHN: And what's that, Ford --
13 THE WITNESS: Ford, dash, SDT, dash 100139.
14 MR. HAHN: Those are your numbers?
15 MR. BANAHAN: So it doesn't have --
16 MR. ROBIE: No, that's why we are doing this.
17 MR. BANAHAN: I'm sorry.
18 MR. WYATT: These numbers are Dan's numbers?
19 MR. HAHN: They are Dan's numbers, yeah.
20 MR. NORRIS: Jana, can you hear everything?
21 MS. RENFOE: I'm struggling a little bit, but I
22 think once y'all settle down I will be able to.
23 MR. BANAHAN: Let's go off the record completely.
24 (Off-the-record.)
25 (Off-the-record discussion.)

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1 (Video on.)
2 THE VIDEOGRAPHER: Back on the video record at
3 9:36 a.m.
4 BY MR. ROBIE:
5 Q Mr. Ford, have you had a chance now to go
6 through this material which I have marked collectively as
7 Exhibit 17?
8 A Yes.
9 Q Is this material that was contained in your
10 three-ring binder which you produced?
11 A This is the material I have produced. I
12 can't tell you if it was all -- no, it wasn't all in
13 my three-ring binder.
14 Q Well, if we look at the page starting with
15 Bates Stamp 280, SDT 280, at the bottom. There is a
16 collection of materials which are your handwritten notes,
17 correct?
18 A Correct.
19 Q Those were not in your three-ring binder?
20 A That was in the spiral notebook.
21 Q Right. If I take this out of the material, do
22 we have the material from your three-ring binder?
23 A Yes, probably plus some.
24 Q Plus some?
25 A It looks like there is e-mails here. I

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1 don't know. I don't know if it is in there or not.
2 Q You didn't have e-mails in your three-ring
3 binder?
4 A Yes, there were some e-mails in there.
5 Q Can you identify any document in this
6 collection of materials marked as Exhibit 17, that was
7 not in your three-ring binder, except the notes from the
8 spiral notebook starting as SDT280?
9 MR. HAHN: I'm going to object to the extent you
10 are asking him to compare this with his notebook or
11 file which he does not have a copy of today.
12 MR. ROBIE: I'm asking him of his knowledge today
13 if he can.
14 THE WITNESS: My material was not this thick.
15 BY MR. ROBIE:
16 Q Do you have your binder with you?
17 A No.
18 Q What did you do with it?
19 A I think it is at home.
20 Q You still have it?
21 A Yes.
22 Q Why did you compile that binder?
23 MR. WYATT: Counsel, can you furnish us a copy?
24 THE WITNESS: Why did I keep --
25 MR. ROBIE: Let the record reflect I am giving

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1 Mr. Wyatt a set of this material marked Exhibit 17.
2 MR. WYATT: Thank you.
3 THE WITNESS: For reference.
4 BY MR. ROBIE:
5 Q For reference to what?
6 A Of what was going on with Katrina.
7 Q Going on with what?
8 A Katrina.
9 Q Katrina? When did you start working on this
10 binder?
11 A Probably, in '06.
12 Q Can you place that by month?
13 A No.
14 Q And what prompted you in early '06 to start
15 compiling this binder?
16 A As I read information, collected
17 information on the subject, I printed some of it. I
18 just kept -- kept notes on it.
19 Q You didn't start this process while you were
20 working on Katrina?
21 MR. HAHN: Object to form.
22 MR. WYATT: Join.
23 MR. ROBIE: Let me withdraw the question and
24 rephrase it.
25

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1 BY MR. ROBIE:
2 Q You didn't start this process while you were
3 investigating Katrina losses in '05, did you?
4 A No, in '06.
5 Q You left FAEC in October of '05?
6 A Right.
7 Q And at the time you left FAEC, they had offered
8 you another position with the company?
9 A No.
10 Q They didn't?
11 A No.
12 MR. WYATT: Object to form. Let me object to the
13 form of that question.
14 BY MR. ROBIE:
15 Q Mr. Kochan didn't offer you a job other than as
16 a forensic engineer with the company?
17 MR. WYATT: Object to leading. Object to form.
18 BY MR. ROBIE:
19 Q Did Mr. Kochan offer you a job in marketing
20 with FAEC?
21 A No.
22 Q Or any other position?
23 A No.
24 Q Is it your testimony that he terminated you?
25 A Yes.

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1 Q And when was that?
2 A October of '05.
3 Q Do you have a date?
4 A Not an exact date, no.
5 Q Give me your best estimate, please.
6 MR. WYATT: Object. Calls for speculation.
7 THE WITNESS: My best speculation?
8 BY MR. ROBIE:
9 Q Your best estimate.
10 A Best estimate? I think it was a Wednesday
11 and somewhere around October 20th, plus or minus.
12 Q And when he told you you were finished, can you
13 tell me exactly what he said to you?
14 MR. WYATT: Object to form.
15 THE WITNESS: I may not be able to tell you
16 exactly what he said, but he called me. I was at home
17 working on reports. He called and said that he had
18 heard I had had a meeting at a couple of job sites,
19 field sites, with State Farm. I said yes. He said,
20 well, tell me how that was and so we discussed it and
21 he said good. I said good.
22 He said they have -- let me see how he
23 phrased it. Basically, he said they didn't
24 want me to work on their work anymore. And
25 that I no longer would be working for Forensic.

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1 BY MR. ROBIE:
2 Q Did ask you him why?
3 MR. WYATT: Let me object to the question on the
4 grounds that this is twice now State Farm is asking the
5 same questions to the witness. And throughout anytime
6 you ask a question that has been covered in the October
7 10th deposition, I will make the same objection.
8 MR. HAHN: I join in the objection.
9 MR. ROBIE: I think there was a question pending.
10 Do you know the question?
11 MR. HAHN: Would you repeat the question?
12 MR. ROBIE: Can you read it back, please.
13 (The referred-to question was
14 read back by the court
15 reporter.)
16 THE WITNESS: He told me.
17 BY MR. ROBIE:
18 Q Did you ask him why you would no longer be
19 working for Forensic?
20 MR. WYATT: Same objection.
21 MR. HAHN: Join.
22 THE WITNESS: No.
23 BY MR. ROBIE:
24 Q Did you ask him to put you to work on
25 Nationwide cases?
A No.

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1 Q Or any other insurance company matters?
2 THE WITNESS: No.
3 MR. WYATT: Same objection.
4 BY MR. ROBIE:
5 Q Other than him saying you would no longer be
6 working for Forensic, did you have any other discussion
7 with Mr. Kochan then or thereafter about your termination
8 from Forensic?
9 MR. HAHN: Objection to form.
10 MR. WYATT: Same objection and object to all
11 questions covering the same subject matter.
12 MR. ROBIE: Why don't we just give you that
13 continuing objection?
14 MR. WYATT: Just as long as it is clear in the
15 record. I want to make sure it is clear for everything
16 you ask.
17 MR. ROBIE: I'm happy to consider it made and
18 overruled.
19 MR. WYATT: Well, you were not at the October 10
20 deposition, were you?
21 MR. ROBIE: I read it.
22 MR. WYATT: As long as you have committed it to
23 memory, that entire deposition, we will just have it on
24 the table. We will agree.
25 MR. ROBIE: I have done that, Mr. Wyatt.

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1 MR. WYATT: Okay.
2 BY MR. ROBIE:
3 Q The question, Mr. Ford, is: Other than the
4 single sentence that you have told me about from
5 Mr. Kochan, did you have any further discussion with him
6 at that time or thereafter about your termination?
7 A Yes, I asked him -- I told him where I
8 stood in the process of the reports I was reviewing
9 and preparing. I asked him if he wanted me to
10 complete those and turn them in. He said, no, stop
11 what you are doing and take those reports and your
12 laptop and turn it in.
13 Q Okay. Any other discussion?
14 A I did not hear from him until August of
15 '07 when I first met him in person.
16 Q So between this date in October and August of
17 '07 you had no other discussions with Mr. Kochan other
18 than what you have told me about?
19 A No.
20 Q Did you turn your laptop in?
21 A Yes.
22 Q When did you prepare this document called
23 talking points which is the first page of Exhibit 17
24 before you?
25 A In May of '06.

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1 Q Had you already started compiling your
2 three-ring binder before you prepared this document?
3 A Yes.
4 Q How far in advance of May of '06 was it that
5 you started compiling this three-ring binder?
6 A Two or three months.
7 Q Between October '05, when you had this
8 conversation with Mr. Kochan and May of '06, did you do
9 any work on any Katrina matters?
10 A Yes.
11 Q When did you pick it up again to do some work
12 on Katrina matters?
13 A I believe it was December through February
14 when I relocated, it was pretty much full-time. And
15 then part-time after that.
16 Q So in December of '05 you started working on
17 Katrina matters again?
18 A Right.
19 Q Had you started your three-ring binder before
20 then?
21 A I don't think so.
22 Q Did you start your three-ring binder when you
23 picked up work in December of '05?
24 A No, I think it was sometime early '06.
25 Q And what motivated you at that point to start

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1 collecting this material?
2 A As I was winding down this other project,
3 I just consolidated my printed records.
4 Q I'm not sure I understand what that means. You
5 consolidated your printed records. Had you maintained
6 them in some kind of file or loose-leaf folders?
7 A Just files and folders.
8 Q How many folders did you have?
9 A Two or three.
10 Q Two or three? Do you know what they are
11 labeled?
12 MR. HAHN: Object to form.
13 THE WITNESS: No, I do not.
14 BY MR. ROBIE:
15 Q Did they have labels?
16 A I don't recall if I had them labeled or
17 not. It was just folders where I kept time sheets,
18 expense records, that type thing that I would keep
19 up with my mileage and expenses.
20 Q This document called talking points on the face
21 of Exhibit 17, who typed that?
22 A I did.
23 Q And what machine did you use to type it on?
24 A My personal computer.
25 Q So it would be a computer that you had at your

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1 home? I need a verbal, is that a yes?
2 A Yes.
3 Q Yes. So you had a word processing system on
4 your computer at home?
5 A Yes.
6 Q And is that on the same hard drive that you no
7 longer have?
8 A Correct.
9 Q And what happened to that hard drive?
10 A Sometime -- I don't know when, six months
11 ago, eight months ago, it crashed.
12 Q So help me with the math here. When do you
13 estimate what year and month it is that your hard drive
14 crashed?
15 A Mid '07. I don't know what month.
16 Q How far in advance of your October deposition
17 was it that that hard drive crashed?
18 A From mid '07 to October.
19 THE COURT REPORTER: I'm sorry, would you repeat
20 that?
21 THE WITNESS: From mid '07 to October.
22 BY MR. ROBIE:
23 Q Is that somewhere 120 days, 90 to 120 days,
24 before your depo? Is that your best estimate?
25 A 120 plus or minus 30 days, yes.

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1 Q And can you describe for me the circumstances
2 of the computer crash, please?
3 A It locked up and stopped working.
4 Q Were you able to boot the computer up?
5 A No.
6 Q Do you know whether or not the failure was a
7 system failure or a hard drive failure?
8 A I don't know.
9 Q What did you do with that hard drive?
10 A It was disposed of.
11 Q When did you dispose of it?
12 A I don't -- sometime -- I don't know. A
13 couple of months after that.
14 Q So we're talking 60 to 90 days, plus or minus
15 30, before your deposition?
16 A (Witness nods head affirmatively.)
17 Q I need a verbal response.
18 A Yes, I'm sorry.
19 Q And what had you maintained on that computer?
20 A What do you mean by maintained?
21 Q What kind of records did you create on that
22 computer?
23 A E-mails, Word Documents. That's it.
24 Q Did you make any effort to see if you could fix
25 it?

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1 A No.
2 Q Did you have it diagnosed by anybody?
3 A No.
4 Q Did you notify anybody at the Scruggs Katrina
5 group that your computer had failed?
6 A No.
7 Q Did you notify Courtney Schloemer?
8 A No.
9 Q Did you tell anybody from the attorney
10 general's office, the Mississippi Attorney General's
11 office, that your -- just let me finish the question.
12 MR. WYATT: I thought you were finished. Excuse
13 me, go ahead.
14 BY MR. ROBIE:
15 Q Did you tell anybody from the
16 Mississippi Attorney General's office that your computer
17 had crashed?
18 MR. WYATT: I object to that question.
19 MR. HAHN: Objection.
20 MR. WYATT: He is probing into protected grand
21 jury matters that shouldn't even be asked.
22 And I caution counsel to that unless you
23 have a blanket waiver for all of the matters
24 that transpired between this witness and the
25 grand jury, state or federal, I'm going to ask

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1 you -- or at least let you know that we intend
2 to take full action on it.
3 MR. ROBIE: Do you have the question in mind?
4 THE WITNESS: I do not recall discussing that with
5 anybody. My information was still available through
6 the e-mail. That was basically what I had, just e-mail
7 files.
8 BY MR. ROBIE:
9 Q I'm looking for data bases or documents that
10 were stored on your computer that are no longer
11 retrievable, Mr. Ford.
12 A I do not know what that would be.
13 Q Well, for example, the document which is the
14 first page of Exhibit 17 is no longer retrievable on your
15 machine, is it?
16 MR. WYATT: Object to form.
17 THE WITNESS: I can't answer that. It might be.
18 I don't know if I e-mailed it to myself or not. I
19 don't know.
20 BY MR. ROBIE:
21 Q Well, were you using Microsoft Word, Word
22 Perfect, or some other word processing software?
23 A My software.
24 Q You cannot access the documents that you store
25 in Microsoft Word format on your machine, can you?

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1 A No, I said unless I e-mailed it to myself.
2 Q Right. In which case you might have an e-mail?
3 A Right.
4 Q But you don't have the document itself?
5 A Not the original, digital record, no.
6 Q Did you ever prepare a consulting agreement and
7 submit it to Mr. Wyatt; Mr. Scruggs; Mr. Butterworth;
8 anybody else at the SKG, KLG group?
9 MR. WYATT: Let me object to that question and ask
10 that you re-state it in a non-compounded way. You
11 purposely asked a compound question. There is no way
12 to tell what his answer pertains to.
13 MR. HAHN: I join in the objection.
14 BY MR. ROBIE:
15 Q Are you able to answer the question?
16 A I submitted a proposal to Mr. Scruggs'
17 office at his request. He asked me to e-mail it to
18 his office administrator.
19 Q Do you have that proposal?
20 A Yes, I have a copy of the e-mail, yes.
21 Q Was the e-mail the proposal or was there a
22 proposal -- a proposed consulting agreement attached to
23 the e-mail?
24 A Just an e-mail.
25 Q It is embedded in the e-mail? It is part of

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1 the e-mail?
2 A Right.
3 Q And when did you send that proposal to
4 Mr. Scruggs?
5 A May of '07.
6 Q Was that submitted before or after you prepared
7 this talking points document?
8 A After.
9 Q You prepared this talking points document,
10 didn't you?
11 A Yes.
12 Q And by the talking points, I'm talking about
13 Page 1 of Exhibit 17.
14 A Right.
15 Q In the printing that appears on the face of
16 that document, is writing in your hand, isn't it?
17 A Yes.
18 Q Did you say you sent this in May of '07 the
19 proposal to Mr. Scruggs? Did you mean to say '06?
20 A I'm sorry, no, excuse me. '06.
21 Q And the terms of that proposal included
22 compensation at what rate per month?
23 A I would have to look at it and see. 10 or
24 12,000 a month, I don't remember which.
25 Q Was this proposal that you prepared put

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1 together after you met with Mr. Scruggs?
2 A Correct.
3 Q Who else did you meet with?
4 A On that first meeting day?
5 Q Yes.
6 A Mr. Scruggs, Mr. Wyatt, Mr. Butterworth,
7 and Darren Versiga.
8 Q And this meeting took place at your home?
9 A Correct.
10 Q And what was the address of that home?
11 A 1153 Ivy Brook Drive.
12 Q And who set up the meeting?
13 MR. WYATT: Object to all of these questions
14 concerning the meetings. Every one of them are in the
15 previous deposition. And I will ask for a continuing
16 objection, please.
17 MR. ROBIE: I will give it to you.
18 MR. WYATT: Thank you.
19 THE WITNESS: Darren Versiga contacted me and we
20 had a meeting. He made the arrangement and set it up.
21 BY MR. ROBIE:
22 Q And how far in advance of the meeting was it
23 that you understood they would be coming to your home?
24 A He called me early that week and then
25 again on Saturday. I don't remember the exact date.

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1 Q Had you already given Mr. Versiga a recorded
2 statement?
3 A Yes. The day he called me he set up an
4 appointment later that evening to take a recorded
5 statement.
6 Q So you had a conversation with Mr. Versiga
7 sometime during the day. Was that in May?
8 A Correct.
9 Q And then he called you and took a recorded
10 statement?
11 A Correct.
12 Q So that would be two conversations that day so
13 far?
14 A (Witness nods head affirmatively.)
15 Q And then he called you a third time later that
16 night and set up a meeting?
17 A No, it was a day or two later to set up a
18 time.
19 Q So you had two conversations with him on the
20 day of your recorded statement?
21 A Correct.
22 Q And then a day or two later he called you?
23 A (Witness nods head affirmatively.)
24 Q And what did he tell you during that
25 conversation?

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1 A He said that they would like to meet with
2 me and wanted to work out a time and location.
3 Q Did you ask him whether you would be
4 compensated for the meeting?
5 A No.
6 Q And 'they', who was 'they' that wanted to me
7 with you?
8 A Mr. Scruggs was the only person mentioned.
9 Q And they agreed to come to your home?
10 A Correct.
11 Q What time of the day did that meeting start?
12 A 9:00 a.m.
13 Q And when they arrived at your home, did they
14 introduce themselves?
15 A Yes.
16 Q Was that the first time you ever met Mr. Wyatt?
17 A Yes.
18 Q And did Mr. Wyatt tell you at that time what
19 law firm he worked for?
20 A I can't answer that. I don't know if he
21 did or not.
22 Q You do know as you sit here today that as of
23 the date of that meeting, Mr. Wyatt was an attorney with
24 the Don Barrett law firm?
25 MR. WYATT: Object to leading. Move to strike the

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1 answer.
2 THE WITNESS: I can't recall whether he told me
3 who he was with or not.
4 BY MR. ROBIE:
5 Q Well, you later had a fair amount of
6 communication with Mr. Wyatt, didn't you?
7 A Correct.
8 MR. HAHN: Object to form.
9 MR. WYATT: Object to leading.
10 BY MR. ROBIE:
11 Q Your answer was yes?
12 A A fair amount, yes.
13 Q And you swapped e-mails with him?
14 MR. HAHN: Object to leading.
15 MR. WYATT: Object to form.
16 BY MR. ROBIE:
17 Q And the e-mails reflected that at least at that
18 stage that Mr. Wyatt was with the law firm of Don
19 Barrett?
20 MR. WYATT: Object to leading.
21 MR. HAHN: Join in the objection.
22 THE WITNESS: Whatever letterhead it was. I'm
23 sorry, I don't recall.
24 BY MR. ROBIE:
25 Q And did Mr. Butterworth introduce himself?

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1 A Yes.
2 Q And who did he introduce himself as?
3 A I do not know.
4 Q Do you know what law firm Mr. Butterworth was
5 with?
6 A No, I do not.
7 Q What was his role in the meeting?
8 A He came along, but he didn't participate
9 much.
10 Q You don't know -- do you know why he was there?
11 A No.
12 Q Do you know why Mr. Wyatt was there?
13 A No.
14 Q Do you know why Mr. Scruggs was there?
15 A He wanted to talk to me. He wanted to see
16 what I knew.
17 Q Okay. Did you know what law firm Mr. Scruggs
18 was with?
19 A Mr. Scruggs' law firm.
20 Q And how about Mr. Versiga, where was he from?
21 A Darren is not a lawyer. I think he was
22 hired by the Scruggs Group to do some investigative
23 work.
24 Q Had you met him before he took your recorded
25 statement?

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1 A Yes.
2 Q How did you meet him?
3 A I don't know when I first met Darren.
4 Darren had worked for the sheriff's department at
5 one time. And I think I met him -- I don't remember
6 how I first met him because I had known him for a
7 few years.
8 Q Your wife had worked for the DA?
9 A Correct.
10 Q In what capacity?
11 A Director of the worthless check unit.
12 Q The what? I didn't hear you.
13 A Bad check unit.
14 Q Is she an attorney?
15 A No.
16 Q Had you met Mr. Versiga as part of your wife's
17 work?
18 A No. I knew Darren prior to that.
19 Q Had you ever met any member of the SKG group as
20 a result of your wife's work?
21 A No.
22 Q How about members of the attorney general's
23 office?
24 A No.
25 Q Any of their investigators?

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1 A No.
2 Q How about Jim Hudd; did you ever meet him?
3 A Never met him.
4 Q Did you ever meet Trent Lott?
5 A Yes, I have met Trent Lott.
6 Q When did you first meet Trent Lott?
7 A Wow, '92 or '93.
8 Q Under what circumstances?
9 A Church and through some public meetings.
10 Q Did you have any contact with Trent Lott after
11 Katrina hit landfall in August of 2005?
12 A One time.
13 Q And when was that?
14 A I don't remember the date, but he called
15 me one day.
16 Q Called you where?
17 A I was at work and he called.
18 Q And where were you working?
19 A At Power Engineers, Incorporated.
20 Q And where was Power Engineers located at?
21 A Norcross, Georgia.
22 Q Again, I didn't hear you.
23 A Norcross, Georgia.
24 Q What year was that?
25 A It had to be 2007.

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1 Q Can you place --
2 A No. No. I'm not sure what year it was.
3 Q But it was after Katrina?
4 A Yes, after Katrina, right.
5 Q Was it before or after you testified before the
6 grand jury in the United State's attorney matter?
7 A Before.
8 Q It was before?
9 A Yes.
10 Q Can you place for me what month it was that you
11 appeared before the United States Grand Jury?
12 MR. HAHN: Object to form.
13 MR. WYATT: Object to all questions asking
14 anything about his involvement or testimony to the
15 grand jury. And again caution counsel that that is
16 privileged and you know it is privileged.
17 BY MR. ROBIE:
18 Q Sorry, I didn't hear your answer, Mr. Ford.
19 A August of '07.
20 Q So Trent Lott called you at Power Engineering
21 somewhere before August of '07? I need a verbal
22 response.
23 A Yes, but I don't remember the month. It
24 is in my notes.
25 Q And how did he get your number?

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1 A I have no idea.
2 Q Were you at that point consulting with any
3 attorneys on Katrina matters?
4 A No.
5 Q Were you doing any work related to Katrina?
6 A Occasionally, I would get a follow-up work
7 request from MACTEC Engineering with some work that
8 was intermittent; very little.
9 Q And did Trent Lott tell you why he was calling?
10 A The reason he said he called was to thank
11 me for any help I was providing on Katrina recovery.
12 Q Did you ask him where in the world he got your
13 name and number?
14 A No.
15 MR. WYATT: Object to leading.
16 BY MR. ROBIE:
17 Q Did he tell you where he got your name and
18 number?
19 A No.
20 Q Did he tell you that Scruggs gave him that
21 information?
22 MR. HAHN: Objection, leading.
23 MR. WYATT: Object to form.
24 BY MR. ROBIE:
25 Q He called to thank you for what?

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1 A Called to thank me for any help I had
2 provided on Hurricane Katrina -- Katrina recovery.
3 Q Had you provided some help?
4 A Just through my engineering work for the
5 two companies that I worked for.
6 Q That would be FAEC and MACTEC?
7 A Correct.
8 Q But you haven't provided any help to anybody
9 else?
10 A No.
11 Q Was it your understanding that he was calling
12 you to thank you for the work you did at FAEC?
13 MR. WYATT: Object to form.
14 THE WITNESS: I have no idea.
15 BY MR. ROBIE:
16 Q Did he talk to you at all about State Farm?
17 A He made a couple of references to State
18 Farm, yes.
19 Q Do you recall what those were?
20 MR. WYATT: He is not required to undergo a memory
21 examination.
22 MR. ROBIE: Is that a legal objection, Mr. Wyatt?
23 MR. WYATT: Yes, it is an objection. Show the
24 witness the document that you are referring to instead
25 of asking him to submit to a memory test.

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1 MR. ROBIE: You are entitled to do whatever
2 cross-examination you --
3 MR. WYATT: Well, I'm objecting that you are
4 holding a document that you know contains the things
5 that you are asking him and you are not disclosing it
6 to the witness.
7 THE WITNESS: Well, it is right here if you want
8 me to read it to you.
9 MR. ROBIE: No. I'm asking from your
10 recollection.
11 MR. HAHN: You can look at it if you want, Brian.
12 BY MR. ROBIE:
13 Q You don't have any recollection without looking
14 at the notes, Mr. Ford?
15 A I have some, yes.
16 Q Well, then give me your best recollection.
17 MR. WYATT: Object. You are badgering the
18 witness. You know he is entitled to refresh his
19 recollection from those notes, Mr. Robie.
20 MR. ROBIE: He told me he has recollection. I
21 just want his recollection.
22 MR. WYATT: He has given you that. He said he
23 wants to refer to his notes. You know, I think we are
24 going to have to get Judge Walker on the phone.
25 MR. BANAHAN: Derek, I find this incredible in

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1 light of what you did with Nellie Williams and the way
2 you conducted yourself throughout every deposition,
3 holding documents back and getting documents by
4 Subpoenas with no one knowing you even had it and
5 interrogating witnesses. To suggest you can't ask
6 someone what their recollection is is ridiculous.
7 MR. WYATT: Asking what his recollection was.
8 MR. BNAHAN: Then let him answer it. You are not
9 letting the man answer the question.
10 MR. WYATT: I'm letting him answer. I'm letting
11 him look at his records and notes so he can answer the
12 questions rather than going through this memory exam.
13 BY MR. ROBIE:
14 Q Mr. Ford, let me see if I can cue this up in
15 its cleanest form. You have recollection of that
16 conversation with Trent Lott?
17 A Yes.
18 Q And you have recollection that he referenced
19 State Farm in that conversation?
20 A Yes.
21 Q Tell me what you recall about that, please.
22 A Trent was not happy with the way his
23 personal case was settled. He was not happy with
24 his conversation with the CEO of State Farm
25 regarding the approach to settling cases on the

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1 Coast.
2 He had proposed some ways to approach
3 settling cases on the Coast to the CEO of State Farm
4 and he felt like they were rejected outright.
5 Q Did he tell you how much money State Farm had
6 paid him?
7 MR. WYATT: Object to form.
8 THE WITNESS: I don't remember that.
9 BY MR. ROBIE:
10 Q As you sit here today, do you have any idea of
11 the range of dollars that Senator Trent Lott was paid by
12 State Farm for his property damage from Katrina?
13 A No, sir. A range of dollars he was paid?
14 Q Yeah.
15 A I don't recall that.
16 Q Did you talk to Senator Lott about your view
17 that the bankers had mislead people on the Coast as to
18 their need for flood insurance?
19 MR. WYATT: Object to form.
20 MR. HAHN: Object to leading. Object to form.
21 THE WITNESS: I don't remember discussing that
22 with Trent. I have discussed the fact that one banker
23 mislead someone. I witnessed that.
24 BY MR. ROBIE:
25 Q Right.

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1 A I don't know if I told Trent that or not.
2 Q Did you tell Trent that you thought that FEMA
3 was using inappropriate flood maps?
4 MR. WYATT: Object to leading. Object to form.
5 MR. HAHN: I join in the objection.
6 THE WITNESS: I don't recall if I told Trent that
7 or not.
8 BY MR. ROBIE:
9 Q That was part of your view at that time, wasn't
10 it?
11 A It was my view at that time -- well, say
12 what you said again about the maps. What kind of
13 maps?
14 Q That FEMA was using the wrong flood maps.
15 A The wrong flood maps? I don't know that I
16 would say wrong flood maps. They were using the
17 current flood maps, but FEMA had data that was more
18 current than what they were using that they nor
19 other public agencies had incorporated into their
20 preparations and plans.
21 Q Right. Did you tell this United States Senator
22 that governmental agencies were not using the appropriate
23 data?
24 MR. WYATT: Object to leading and object to form.
25 MR. HAHN: Join.

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1 THE WITNESS: I don't recall saying that or not.
2 Trent did most of the talking when he called. I don't
3 remember saying a whole lot.
4 BY MR. ROBIE:
5 Q Did you share with him that the Army Corps of
6 Engineers had a set of data that hadn't been widely
7 distributed to lenders on the Coast?
8 MR. WYATT: Object to leading. Object to form.
9 MR. HAHN: I join in the objection.
10 THE WITNESS: I don't know if I told him that or
11 not.
12 BY MR. ROBIE:
13 Q That was your view, wasn't it?
14 A Yes, sir.
15 MR. WYATT: Object to leading.
16 MR. HAHN: Join.
17 BY MR. ROBIE:
18 Q In fact, from the time Katrina damaged your
19 daughter's house right up until today, you believed that
20 governmental agencies were not using the right data in
21 terms of advising people on the Coast whether they needed
22 flood insurance. Isn't that a fact?
23 MR. WYATT: Object to leading. Object to form.
24 MR. HAHN: I join.
25 THE WITNESS: There was more current information,

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1 more computer analysis, that showed a better
2 representation of the flood when the maximum envelope
3 of water due to Categories 5, 4, and 3 along the Coast
4 at various strike locations; that data existed.
5 BY MR. ROBIE:
6 Q I understand that and it was your view that it
7 had not been properly used by the government in warning
8 people about their need for flood insurance, wasn't it?
9 MR. WYATT: Object to leading. Object to form.
10 THE WITNESS: That was my view, yes.
11 BY MR. ROBIE:
12 Q And you shared that view with Mr. Scruggs?
13 MR. WYATT: Object to leading. Object to form.
14 THE WITNESS: Yes.
15 BY MR. ROBIE:
16 Q And you told Mr. Wyatt that, didn't you?
17 MR. WYATT: Object to leading. Object to form.
18 THE WITNESS: He was there when I said it, yes.
19 BY MR. ROBIE:
20 Q And you told it to Mr. Butterworth?
21 A Yes.
22 MR. WYATT: Same objection.
23 BY MR. ROBIE:
24 Q Did you ever tell it to Meg McAlister?
25 A No.

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1 Q Did you ever meet with Meg McAlister?
2 A Meg was in the October 10th deposition. I
3 don't know if -- whatever was said in that
4 deposition is what she has heard. I have not spoken
5 to her about that.
6 Q Did you ever tell it to David Knott?
7 A I don't know David Knott.
8 Q Did you ever tell it to Zack Scruggs?
9 A No.
10 Q Don Barrett?
11 A No.
12 Q Did you urge Mr. Wyatt and Mr. Scruggs to
13 pursue some legal remedy against the government for not
14 properly advising people of the flood danger on the
15 Coast?
16 MR. WYATT: Object to leading and object to form.
17 THE WITNESS: No.
18 BY MR. ROBIE:
19 Q In fact, it was your view that there were
20 thousands of people on the Gulf Coast who had flood
21 damage that were not insured because the government
22 hadn't warned them of the need for that insurance, wasn't
23 it?
24 MR. WYATT: Same objection.
25 MR. HAHN: I join.

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1 THE WITNESS: That potential exists, yes.
2 BY MR. ROBIE:
3 Q Right. And you still share that view today,
4 don't you?
5 MR. WYATT: Same objection.
6 THE WITNESS: That potential still exists.
7 BY MR. ROBIE:
8 Q Well, that's your opinion, isn't it?
9 A That's my opinion.
10 Q Did you tell the Attorney General's office of
11 Mississippi that you had that opinion?
12 MR. HAHN: I object to the extent you are asking
13 him to reveal grand jury testimony.
14 MR. WYATT: I join in the objection.
15 BY MR. ROBIE:
16 Q Do you have the question?
17 A I don't specifically remember discussing
18 that with their office.
19 Q You never testified before a grand jury in a
20 state proceeding in Mississippi, did you?
21 MR. HAHN: I object to that. I would instruct you
22 that you don't have to answer that.
23 MR. WYATT: And I join in that, too.
24 THE WITNESS: Next question.
25

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1 MR. ROBIE: Well --
2 MR. HAHN: We can get Judge Walker on the phone.
3 MR. ROBIE: I would be delighted to do that
4 because he never testified in a Mississippi Grand Jury.
5 MR. HAHN: He doesn't have to tell you if he did
6 or didn't.
7 MR. WYATT: You are probing into things you are
8 not even entitled to ask.
9 MR. WEBB: What's the basis for that?
10 MR. HAHN: He has been to two separate hearings, I
11 believe.
12 MR. ROBIE: Not according to his deposition.
13 MR. WYATT: Whether he testified before a grand
14 jury or not?
15 MR. WEBB: Whether he has testified before
16 Mississippi Grand Jury, yes. I don't know of any
17 Mississippi Grand Jury ongoing now and certainly not
18 within the last six months.
19 What is the basis for saying that he can't
20 answer a question as to whether he has appeared
21 before a grand jury?
22 MR. WYATT: I think that everything that he did
23 with a grand jury is probably privileged.
24 MR. WEBB: You may think that, but my question is:
25 What is the basis for it?

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1 MR. WYATT: Well, that is the basis for it. There
2 is a blanket privilege and -- I mean, maybe the
3 question of: Have you ever appeared before one might
4 get by, but you are going down the road that --
5 MR. ROBIE: Why don't we try that again. Have you
6 ever appeared before a -- let me try again.
7 BY MR. ROBIE:
8 Q Did you ever appear before a Mississippi State
9 Grand Jury?
10 MR. HAHN: Object to the form of the question.
11 MR. WYATT: Same objection and instruction again.
12 Go ahead, Brian.
13 MR. BANAHAN: Are you instructing the witness --
14 MR. WYATT: He is not my witness.
15 MR. BANAHAN: You can't instruct him then, can
16 you?
17 MR. HAHN: Can we take just a minute where I can
18 talk to Brian?
19 MR. ROBIE: Sure.
20 THE VIDEOGRAPHER: Off the video record at 10:15
21 a.m.
22 (Video off.)
23 (Break taken.)
24 (Video on.)
25 THE VIDEOGRAPHER: On the video record at

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1 10:27 a.m.
2 MR. HAHN: Before we took that short break, I
3 believe there was a question pending to Mr. Ford
4 whether or not he had ever testified before a State
5 Grand Jury. I instructed my client not to answer. I
6 will now withdraw that instruction and allow him to
7 answer that question, but would ask that we tread
8 lightly with this. And if need-be we can get with the
9 U.S. Attorney's office and with the state attorney
10 general's office on the line here.
11 MR. WYATT: I join in that.
12 BY MR. ROBIE:
13 Q What is your answer to the question, Mr. Ford?
14 A The question is: Have I ever appeared
15 before a State Grand Jury?
16 Q Yes.
17 A The answer is no.
18 Q So you have never given testimony to any grand
19 jury?
20 MR. HAHN: Objection. I'm going to instruct him
21 not to answer.
22 BY MR. ROBIE:
23 Q State Grand Jury?
24 A No.
25 Q You did testify before a Federal Grand Jury?

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1 MR. HAHN: Objection. I instruct you not to
2 answer that.
3 MR. WYATT: Join.
4 BY MR. ROBIE:
5 Q Where -- how many times did you meet with
6 Courtney Schloemer?
7 A Once.
8 Q And that was one face-to-face meeting?
9 A Right.
10 Q Where was that?
11 A At my house.
12 Q And when was that?
13 A I don't recall the date.
14 Q Did you give her any documents?
15 A She did request some and, yes, I did
16 provide those to her.
17 Q What documents?
18 A I don't recall how many. I know the Lekie
19 King telephone conversation e-mail was one.
20 Q That's the e-mail that you prepared for Bob
21 Kochan?
22 A Correct.
23 Q Which is written as a question and it
24 identifies each speaker and each statement?
25 A That's correct.

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1 Q And did you give her a true and correct copy of
2 your e-mail that you had forwarded to Mr. Kochan?
3 A Correct.
4 Q Anything else?
5 A I do not recall anything else I gave her.
6 Q Did you give her any reports?
7 A I'm sorry, I can't recall whether I did or
8 not.
9 Q Did she give you anything in writing itemizing
10 what it is she wanted you to furnish?
11 A She may have mentioned it in an e-mail
12 what she wanted.
13 Q We will get to those in a few minutes. I'm
14 just trying to find out what you recall about your
15 conversations with her.
16 Was she alone or with some other
17 person when you met with her the one time?
18 A There was someone with her.
19 Q Who was that?
20 A I do not recall his name. It was a
21 gentleman. He was like an investigator type that
22 was with her.
23 Q And who set up the meeting with you and
24 Courtney Schloemer?
25 A She contacted me.

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1 Q Did Mr. Wyatt tell you in advance of that
2 meeting that you would be contacted?
3 A No.
4 MR. WYATT: Object to form.
5 BY MR. ROBIE:
6 Q Did Mr. Wyatt have any conversations with you
7 about your corporation with the State Attorney General's
8 office?
9 MR. WYATT: Object to form.
10 THE WITNESS: About my cooperation with the State
11 Attorney General's office? I made Mr. Wyatt aware that
12 they had contacted me. I made Ms. Schloemer aware that
13 I had had conversations with Derek. That's the best I
14 can answer.
15 BY MR. ROBIE:
16 Q And did Mr. Wyatt suggest to that he would
17 coordinate your activities with Ms. Schloemer?
18 A No.
19 MR. WYATT: Object to form.
20 BY MR. ROBIE:
21 Q Did Ms. Schloemer have any discussion with you
22 about her coordinating your activities with Mr. Wyatt?
23 A Ms. Schloemer instructed me not to discuss
24 with any attorneys anything without her knowledge of
25 that.

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1 Q Had you already made a proposal to Mr. Wyatt,
2 and Mr. Scruggs, and Mr. Butterworth to work as a
3 consultant for them?
4 MR. WYATT: Object to form.
5 MR. HAHN: Objection, leading.
6 THE WITNESS: To Mr. Scruggs only. I don't know
7 who these other attorneys worked for.
8 BY MR. ROBIE:
9 Q You didn't know who Derek Wyatt is?
10 A I did not know at the time who they were
11 with. Mr. Scruggs asked for that and that's who I
12 provided it to.
13 Q Did you consider that all of these other
14 attorneys, this group of attorneys, Wyatt; Butterworth;
15 Scruggs were all part of the same attorney group?
16 MR. WYATT: Object to form.
17 THE WITNESS: Yes, I did.
18 BY MR. ROBIE:
19 Q And did you --
20 A It wasn't an issue. I didn't even -- it
21 wasn't an issue to me.
22 Q You felt that they were all part of a team,
23 right?
24 A Yes.
25 Q And they were all working together?

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1 A Yes.
2 MR. HAHN: Object to form.
3 MR. WYATT: Object to leading.
4 Mr. Robie, he is not an adverse witness to
5 you. I can stop this if you would simply
6 direct exam him. If you don't direct exam him,
7 I don't have any option except to continue to
8 object to the repetitively leading questions.
9 MR. ROBIE: How about I give you a continuing
10 objection, Mr. Wyatt?
11 MR. WYATT: Well, I can't possibly go back in the
12 record and start on Page 100 and say I think I made an
13 objection back there 250 pages ago. It is just not
14 practical.
15 BY MR. ROBIE:
16 Q Did you consider these attorneys involved to be
17 all part of one legal team, right?
18 MR. WYATT: Object to form; leading.
19 MR. HAHN: Object to form.
20 THE WITNESS: They came together as a group. Who
21 they represented, I had no knowledge. Didn't really
22 care about, didn't think about, don't know.
23 BY MR. ROBIE:
24 Q Did you tell Ms. Schloemer that you had made a
25 proposal to act as a consultant for these attorneys?

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1 A To Mr. Scruggs, yes.
2 MR. WYATT: Objection, leading.
3 BY MR. ROBIE:
4 Q Was it your understanding you were only going
5 to consult with Mr. Scruggs?
6 MR. HAHN: Object to form.
7 THE WITNESS: His team, whoever that was.
8 BY MR. ROBIE:
9 Q Did you tell Ms. Schloemer that you had already
10 made a proposal to Mr. Scruggs and his team that you
11 would be a paid consultant?
12 MR. WYATT: Objection, leading.
13 THE WITNESS: Yes.
14 BY MR. ROBIE:
15 Q How do you know she was aware of that?
16 A I thought I told her that.
17 Q And what did she say about that, if anything?
18 A The only thing I recall is that don't talk
19 to any lawyers without discussing it with me.
20 Q Did you follow her instructions?
21 A Yes, I did.
22 Q Once Senator Lott called you in '07, did you
23 get a number from him so that you could --
24 A No.
25 Q You could communicate with him on some regular

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1 basis?
2 A No.
3 Q Other than congratulating you for your work on
4 behalf of FAEC and MACTEC, did he congratulate you for
5 any other efforts on the Katrina matter?
6 A No.
7 Q Did you tell him that you had helped
8 Mr. Scruggs?
9 A No, and I haven't helped him.
10 Q You haven't helped Mr. Scruggs?
11 A I have not provided consulting services to
12 Mr. Scruggs.
13 Q Was it your desire to do that?
14 A I made a proposal to him to provide
15 consulting services to him.
16 Q Because you wanted to do that, right?
17 MR. WYATT: Object to leading. Object to form.
18 THE WITNESS: He felt like I had information,
19 experience, value to bring to his group. He wanted me
20 to consult with his group.
21 BY MR. ROBIE:
22 Q My question isn't what Mr. Scruggs wanted. My
23 question is what Mr. Ford wanted. You wanted to help
24 Mr. Scruggs, didn't you?
25 MR. WYATT: Object to leading. Object to form.

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1 THE WITNESS: Yes. If I had information and
2 knowledge that could help him, yes.
3 BY MR. ROBIE:
4 Q Because you were anxious to participate in
5 Mr. Scruggs' effort to gain recovery for policy holders
6 on the Coast, weren't you?
7 MR. HAHN: Objection, leading.
8 THE WITNESS: No.
9 BY MR. ROBIE:
10 Q That wasn't your desire?
11 A No.
12 Q What role did you feel you played there?
13 A The same as it was in the beginning. I
14 wanted to help resolve and bring restoration back to
15 the Coast.
16 Q Let's go back to your notes, the first page of
17 Exhibit 17. Did you prepare this talking point document
18 to use at your first meeting with Scruggs, Wyatt, Versiga
19 and Butternut?
20 A Butterworth.
21 Q Or Butterworth?
22 A Yes.
23 Q So you had this with you when you met with them
24 at your home?
25 A Yes.

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1 Q And that was May, what, of '06?
2 A May of '06.
3 Q And the first item you list here is Exhibit 1,
4 your personal experience and credentials, right?
5 A Uh-huh.
6 Q And the next document in order, the next page
7 in this, is something called list of exhibits. Do you
8 see that?
9 A Right.
10 Q Are these the exhibits that go with the talking
11 points?
12 A Uh-huh.
13 Q I'm sorry, I need a verbal answer.
14 A Yes.
15 Q So as we flip through the pages in sequence,
16 you see the next page it has obliterated exhibit
17 something. I don't know whether it is 2, 3, or whatever.
18 Under the list of exhibits, the next page, sir, do you
19 see the document which says Forensic Analysis &
20 Engineering Corporation. And above it is handwriting
21 that says exhibit something?
22 A Right.
23 Q Is that your writing?
24 A Yes.
25 Q And this was an exhibit that you had prepared?

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1 A Yes.
2 Q And you would prepare this package for use at
3 your meeting with Scruggs, Butterworth, Wyatt, and
4 Versiga?
5 MR. WYATT: Objection, leading. Objection, form.
6 THE WITNESS: Correct.
7 BY MR. ROBIE:
8 Q I don't want to put words in your mouth, but is
9 that what you have done?
10 A Correct.
11 Q Did you give him a copy of this package?
12 A No.
13 Q You just held it in your -- what did you do
14 with it?
15 A Used it for a reference to talk about it.
16 Q And did you make a presentation to them?
17 A I discussed these items.
18 Q Did you make a presentation on each one of the
19 enumerated items in your talking points?
20 A Most, if not all.
21 Q And did you discuss your personal experience
22 and credentials?
23 A Yes.
24 Q And that would have included the list of
25 exhibits that appear on Page 2 of Exhibit 17?

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1 MR. WYATT: Object to leading.
2 MR. ROBIE: Let me withdraw that.
3 BY MR. ROBIE:
4 Q Did that include the list of exhibits that you
5 have listed on Page 2 of Exhibit 17?
6 A Yes.
7 Q Did it include any other information, Mr. Ford?
8 A Not to my knowledge.
9 Q And did you go through each of the exhibits
10 that appear in this stack of documents while you were
11 presenting your matter to Messrs Scruggs, Wyatt,
12 Butterworth, and Versiga?
13 A Did I go through them?
14 Q Yes.
15 A I used it as a reference. I didn't
16 distribute them. I didn't go line item by line item
17 in there, no.
18 Q But if we go down a few pages to the document
19 that has read in reverse order, Exhibit 5. Do you see
20 that document?
21 A Yes.
22 Q Did you read that to them in reverse order?
23 A I told the story in reverse order.
24 Q So you went through -- did you go through in
25 sum and substance what this Yahoo e-mail from Bob Kochan

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1 actually said?
2 A Yes; I mean, I believe I did.
3 Q Did you give them a copy of it?
4 A No.
5 Q Did you give them a copy of any of these
6 materials?
7 A No.
8 MR. WYATT: Excuse me. Objection, asked and
9 answered.
10 BY MR. ROBIE:
11 Q If we look at this Exhibit 5, this document --
12 that's your handwriting that says Exhibit 5, right?
13 A Correct.
14 MR. WYATT: Object to leading.
15 BY MR. ROBIE:
16 Q Did you prepare that?
17 MR. HAHN: Object to form.
18 BY MR. ROBIE:
19 Q Did you prepare this label for this document?
20 A Yes, I wrote on this copy of this, yes.
21 Q And would you tell me, please, what is this
22 document?
23 A This is an e-mail from Bob Kochan to me.
24 To read in reverse order it is where Bob said I
25 heard about your conversation with Lekie King. Put

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1 it in writing. I put it in writing, sent it back to
2 him, and then he responded.
3 Q All right. So if we look at the second page of
4 this e-mail marked Exhibit 5 --
5 MR. WYATT: Can you give us the page number? I
6 don't know where you are.
7 MR. ROBIE: I don't have a Bates number,
8 Mr. Wyatt. It is the second page of Exhibit 5. The
9 document --
10 MR. WYATT: There is a number on this copy you
11 gave me. Is this not the same thing? Are we not
12 looking at the same document?
13 MR. HAHN: It is all Bates stamped.
14 MR. ROBIE: I can't read it on here. Why don't
15 you tell me the Bates Number?
16 MR. WYATT: That's what I'm trying to figure out
17 the page.
18 MR. NORRIS: That might help. I don't want you to
19 be --
20 MR. WYATT: Is this different from what you have
21 got?
22 MR. ROBIE: No.
23 MR. WYATT: Then why don't you have a Bates Number
24 on this?
25 MR. ROBIE: Because the copy machine didn't do a

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1 very good job on the copies I got.
2 MR. WYATT: Oh, I see. Your copy does have a
3 Bates number.
4 MR. ROBIE: It does. You see the Bates number on
5 this set got obliterated in the copy process.
6 MR. WYATT: Okay.
7 MR. ROBIE: Why don't you tell me what the number
8 is?
9 MR. WYATT: I will tell you what, maybe I can
10 switch with you.
11 MR. ROBIE: That would be fine.
12 MR. WYATT: And then you can read this set and I
13 will try to figure out --
14 MR. ROBIE: I didn't bring six sets from
15 California.
16 BY MR. ROBIE:
17 Q Let's go back to where we were, Mr. Ford. It
18 is Page 2 of your Exhibit 5 in this document that is part
19 of Exhibit 17. Specifically, Exhibit 5 is Bates labeled
20 Ford SDT100050. Do you have that document?
21 A Yes.
22 Q It is a two-page document, right; actually,
23 three pages?
24 A Three.
25 Q So it goes to 10052?

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1 A I don't have the numbers, but it is
2 Exhibit 5, yes.
3 Q Right. In fact, I will take those three pages
4 and mark that separately as Exhibit 18 so there is no
5 question what it is we are talking about, okay.
6 BY MR. ROBIE:
7 Q This is the e-mail that you shared with
8 Mr. Kochan about your conversation with Lekie King,
9 right?
10 A Correct.
11 Q And if we look at the second page of this
12 document, there is a series of statements that are
13 attributed to Brian, Lekie, Brian, Lekie, right?
14 A Correct.
15 Q You wrote that, didn't you?
16 A Yes.
17 Q And you wrote it when?
18 A October the 17th of 2005.
19 Q At what time of the day?
20 A 8:52 p.m.
21 Q And your purpose there was to do what?
22 A Provide a -- my recollection of the
23 conversation to Mr. Kochan.
24 Q And you gave him, to the best of your ability,
25 a verbatim transcript of that conversation with Ms. King,

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1 didn't you?
2 MR. WYATT: Object to leading.
3 THE WITNESS: Yes, with one exception.
4 BY MR. ROBIE:
5 Q Well, my question is --
6 MR. HAHN: Hold on. He can answer. He can finish
7 his answer.
8 BY MR. ROBIE:
9 Q Had you finished your answer?
10 MR. WYATT: No, he was starting to tell you.
11 MR. ROBIE: Well, could he answer yes or no,
12 Mr. Wyatt?
13 MR. WYATT: Yeah. He said with one exception.
14 MR. ROBIE: And I asked him if he finished his
15 answer and you are testifying.
16 MR. WYATT: Let the witness answer, Mr. Robie.
17 MR. ROBIE: I have practiced law all over the
18 country and I have never met a more streperous defense
19 lawyer than you.
20 MR. WYATT: Well, you know, I have never seen a
21 statement written on a piece of paper filed in a court
22 like I have seen in this case either.
23 BY MR. ROBIE:
24 Q Mr. Ford, had you finished your answer?
25 A There is one statement that she made

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1 that's not in here that has been handwritten onto
2 this document and you guys have a copy of that.
3 Q When you submitted this e-mail to Mr. Kochan on
4 October 17, 2005, at 8:52 p.m., was it your intention to
5 provide him a verbatim recitation of the conversation you
6 had had with Lekie King?
7 A Yes, that was my intention.
8 Q When you reviewed this material with Messrs
9 Scruggs, Wyatt, Butterworth, and Versiga in May of '06,
10 did you read this e-mail that appears in this document
11 which we have separately marked as Exhibit 18?
12 A I told him what was in it, yes.
13 Q Did you add anything to it?
14 A I think I -- yes, I'm sure I told them the
15 statement that was left out.
16 Q What did you tell them was left out?
17 A That she made the statement that, hell,
18 these people are desperate, they will say anything.
19 Q And where did you insert that, if any place, in
20 this e-mail?
21 A It would come in the third Lekie
22 statement.
23 Q And can you read for me the line as amended?
24 A When I told her that -- well, she said,
25 hell, these people are desperate, they will say

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1 anything. Look at the photographs. Tell me what
2 kind of damage that looks like.
3 Q So you would have inserted it before the "look
4 at the photographs", right?
5 A Yes.
6 Q And did you also tell that to Mr. Versiga when
7 you gave him your recorded statement a couple of days
8 before this meeting?
9 A I don't recall.
10 Q Did you tell Mr. Versiga in your meeting what
11 conversation you had had with Lekie King?
12 A In the meeting with Mr. Scruggs in the
13 group? No. I didn't meet with Mr. Versiga.
14 Q Well, you had a telephone conversation with
15 him?
16 A Correct.
17 Q And then he called you later and took a
18 recorded conversation?
19 A Correct.
20 Q In those two conversations, did you tell him
21 about this line by Lekie King about those people, hell,
22 those people are desperate, they would say anything?
23 A I don't recall whether I did or not.
24 Q Did you attempt to give Mr. Versiga as accurate
25 a rendition as possible of your conversation with Lekie

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1 King?
2 MR. WYATT: Object to leading.
3 THE WITNESS: Yes.
4 BY MR. ROBIE:
5 Q He had asked you that -- he had asked you to do
6 that?
7 A I don't remember what Darren asked me.
8 Basically, just telling me what my involvement was.
9 And I don't remember a lot of questions from Darren.
10 Q Did you answer truthfully?
11 A Yes.
12 Q You gave him the best information you had?
13 A Yes.
14 Q And when you prepared these message points for
15 your meeting with Mr. Scruggs, Mr. Wyatt,
16 Mr. Butterworth, and Mr. Versiga, is there a reason you
17 didn't add this information on this document?
18 A I can't answer that. I don't know why.
19 Q When do you first recall remembering that
20 statement by Ms. King after you prepared this e-mail?
21 A I debated whether to put that statement in
22 this note. I chose not to put it in there.
23 Q Why?
24 A Because I didn't think it was very
25 lady-like what she said and I chose not to put it in

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1 there.
2 Q You were protecting Lekie's --
3 A That was my feelings.
4 Q -- reputation?
5 A Well, I just didn't think it was...
6 Q Is the word 'hell' the part that bothered you?
7 A Yes, I guess so.
8 Q The fact that she said 'hell' you thought was
9 not very lady-like?
10 A Right.
11 Q And should not be included in this message to
12 Mr. Kochan?
13 A I did not include it.
14 Q Well, when -- and you consciously kept it out
15 when you wrote this e-mail?
16 A Yes.
17 Q Did you ever bring it to Mr. Kochan's
18 attention?
19 A Yes, I told him.
20 Q And when did you tell him that?
21 A When I talked to him on the phone.
22 Q After you sent him the e-mail?
23 A Right, when we talked.
24 Q Tell me what you said to him.
25 A Just recounted -- recanted the story and

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1 told him what she said.
2 Q And you said --
3 A Well, I told him that before and then he
4 asked me to put it in writing.
5 Q But my question is: Did you ever talk to
6 Mr. Kochan about your conscious choice to not include
7 Lekie's statement, that, hell, these people would say
8 anything?
9 A No.
10 Q You never talked to him about that at all?
11 A I don't recall talking to him about it,
12 the decision to leave that out, no.
13 Q Other than Mr. Scruggs, Mr. Wyatt,
14 Mr. Butterworth, and Mr. Versiga, have you ever told
15 anybody that she said that?
16 A Yes.
17 Q Who?
18 A With mr. Kochan in the first conversation
19 and I believe in the deposition on October 10th.
20 Q Of this year?
21 A Correct.
22 Q Or '07?
23 A '07, right; and Ms. Schloemer.
24 Q You told Ms. Schloemer that, too?
25 A Yes.

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1 Q Anybody else?
2 A I don't recall anybody else.
3 Q Did Ms. Schloemer have a reaction to that
4 additional language?
5 A I don't recall whether she did or not.
6 Q Had you furnished her with a copy of this
7 e-mail?
8 A I have furnished her one, yes.
9 Q And when you furnished her with a copy of this
10 e-mail which we have marked Exhibit 18, did you also
11 write in those words?
12 A I don't think so. I think I just e-mailed
13 her the e-mail.
14 Q And did you add an explanation that it was
15 missing; an explanation or an exclamation by Ms. King?
16 A I don't recall doing that.
17 Q When Lekie King said these words to you, hell,
18 those people are desperate, did you have an understanding
19 of who she meant by 'those people'; who it was she was
20 referring to?
21 A (Witness nods head affirmatively.)
22 Q Who?
23 A The homeowners.
24 Q The McIntoshes?
25 A In this case, yes.

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1 Q You had met with the McIntoshes?
2 A I met Mr. McIntosh at the homesite.
3 Q Do you know if Lekie King had ever met him?
4 A I do not.
5 Q Did you ask her?
6 A No.
7 Q Did you challenge whether or not she was right
8 about this notion that Mr. McIntosh would be desperate?
9 A No.
10 Q Did he express to you any desperation when you
11 met him?
12 A No.
13 Q Did you consider that that statement had any
14 basis in fact?
15 A I considered that it -- no, I really
16 didn't -- no.
17 Q And did you consider that she was commenting on
18 something that somebody had said to you and what that
19 might be; what they had said to you that might have
20 elicited her comment?
21 MR. WYATT: Object to the form of the question.
22 THE WITNESS: No.
23 BY MR. ROBIE:
24 Q Did you have any discussion with her at all
25 about what you had been told by anybody as part of your

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1 investigation?
2 A No.
3 MR. HAHN: Object to form.
4 THE WITNESS: The notes here are the extent of my
5 conversation with her.
6 BY MR. ROBIE:
7 Q Well, my question is: In addition to the words
8 "hell, those people are desperate, they would say
9 anything", can you sit here today and think of anything
10 you told her that anybody said?
11 MR. WYATT: Objection. You are misleading the
12 witness. You are saying something Lekie King said and
13 asking him to comment about what she said as if he
14 generated this statement.
15 BY MR. ROBIE:
16 Q Did, in fact, anybody say anything to you that
17 you recounted to Lekie King?
18 A Would you repeat that?
19 Q Yes. Did you tell Lekie that anybody told you
20 anything?
21 A Just what's in here.
22 Q Well, there is nothing in here that says I was
23 told by somebody, something. In fact --
24 A Just the report that she had in front of
25 her.

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1 Q Were you told anything by anybody as part of
2 your investigation on this loss?
3 MR. WYATT: Object to form.
4 THE WITNESS: Just the homeowner and the witness
5 that I contacted.
6 BY MR. ROBIE:
7 Q Well, if I read your testimony correctly, the
8 witness that you contacted did not give you information
9 about the cause of loss, did he?
10 A Right.
11 Q And so the only person you spoke to that could
12 have given you information about the cause of loss is
13 Mr. McIntosh, right?
14 A Correct.
15 Q Did Mr. McIntosh tell you the damage to his
16 house was caused by wind?
17 A Yes, he did.
18 Q Did he tell you all of the damage to his house
19 was caused by wind?
20 A No.
21 Q What did he tell you?
22 A He told me that an eye witness told him
23 that there was a house nearby that blew apart and
24 blew into their house causing damage.
25 Q And you understood that to be a statement by

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1 him that his house was damaged by wind?
2 A Correct.
3 Q Did you understand that he was trying to
4 convince you that the first story of his house was
5 damaged by wind?
6 MR. WYATT: Object to form and object to leading.
7 THE WITNESS: Yes.
8 BY MR. ROBIE:
9 Q Did you ask him where the house was that blew
10 apart?
11 A Yes.
12 Q Did he tell you?
13 A Yes.
14 Q And what did you do to verify the accuracy of
15 the information he was giving you?
16 A I contacted the witness that he gave me.
17 He had -- supposedly had two witnesses and I never
18 got the second one.
19 Q The one you did contact didn't talk to you,
20 right?
21 A No. He wouldn't confirm or deny, right.
22 MR. ROBIE: Right. I think we need to change the
23 tape.
24 THE VIDEOGRAPHER: End of tape number one. Off
25 the video record at 10:57 a.m.

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1 (Video off.)
2 (Break.)
3 (Video on.)
4 BY MR. ROBIE:
5 Q Did Mr. McIntosh tell you that State Farm had
6 paid him for wind damage?
7 A No.
8 Q Did he tell you that he was dissatisfied with
9 the amount of money the company had paid him?
10 MR. WYATT: Object to leading.
11 THE WITNESS: No.
12 BY MR. ROBIE:
13 Q Did you have any discussion with him at all
14 about the amount of insurance benefits he had recovered?
15 A No.
16 Q Or the amount of damage he had sustained?
17 A You say the amount of damage, are you
18 referring to dollar value?
19 Q Either; any context.
20 A Just the visual damage on-site.
21 Q He didn't talk to you about dollars?
22 A No.
23 Q Did he tell you about repairs he had made?
24 A No. He was trying to stabilize the corner
25 of the house.

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1 Q Did he tell you what he believed caused the
2 damage to the house?
3 A Yes.
4 Q What did he say?
5 A He believed that wind-driven debris
6 damaged the lower portion of his home.
7 Q Did you agree with him?
8 A There was evidence to support that, yes.
9 Q Did you agree with him?
10 A Yes.
11 Q Did you tell him that?
12 A No.
13 Q What did you tell him?
14 A I told him we would prepare our report,
15 submit it to the client.
16 Q Did you tell him -- did you tell him that you
17 saw any evidence of water damage to the lower portion of
18 the house?
19 A We agreed -- we saw the high watermark in
20 the home when we both saw that.
21 Q Did you tell him that you found evidence of
22 water damage to the first floor of that home?
23 MR. WYATT: Object, leading.
24 THE WITNESS: I don't specifically remember ever
25 stating those words, but seeing the water level in the

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1 home, there was obvious damage to the lower level.
2 BY MR. ROBIE:
3 Q Did you have a discussion with him about the
4 fact that the lower floor of the home had suffered from
5 water damage?
6 MR. WYATT: Object to leading.
7 THE WITNESS: I don't recall specifically stating
8 that, no.
9 BY MR. ROBIE:
10 Q Why don't we look at Page 1 again of Exhibit
11 17, your talking points material. Tell me, please, what
12 is Paragraph 10 of this document?
13 A The 10th item on here?
14 Q Yes.
15 A It is notes to myself to discuss about
16 what role he may want me to play in Katrina.
17 Q Specifically, what does it say?
18 A It says my role in this case.
19 Q And which case did you mean?
20 A That was probably a bad choice of words.
21 It is whatever activity he was interested in talking
22 about.
23 Q This is a paragraph that you wrote for
24 yourself?
25 A Yes.

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1 Q And you thought that it was necessary to have a
2 discussion with him about your role?
3 A Yes.
4 Q Describe for me what you perceived your role in
5 this case to be as you wrote this.
6 A As I understood it from the conversation,
7 they wanted to talk to me about consulting with
8 their group for their activities.
9 Q Consulting about what?
10 A Consulting engineering about any cases
11 that they were handling.
12 Q And what did that mean to you?
13 A Reviewing reports, providing questions,
14 looking at sites; just whatever.
15 Q Offering testimony?
16 A If that was part of it, yes.
17 Q Did you consider that part of your role was to
18 become part of the trial team for Mr. Scruggs, Mr. Wyatt,
19 and Mr. Butterworth, and Mr. Versiga?
20 MR. WYATT: Object to leading.
21 THE WITNESS: What does trial team mean?
22 BY MR. ROBIE:
23 Q Whatever cases they were prosecuting.
24 MR. HAHN: Object to form.
25 THE WITNESS: I can't answer that. It was part of

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1 consulting to him.
2 BY MR. ROBIE:
3 Q Did you consider that part of your role would
4 be to fill that slot if they asked you?
5 A To consult with him on -- yes.
6 Q And to testify, if necessary?
7 A I -- possibly, yes.
8 Q Did you consider that your role was to help him
9 put together lawsuits to pursue recovery for policy
10 holders?
11 A That was possible, yes.
12 Q Did you consider that a probability?
13 MR. WYATT: What was your question?
14 MR. ROBIE: A probability.
15 MR. WYATT: Probability; that's your question?
16 MR. ROBIE: Yes.
17 THE WITNESS: Yes.
18 BY MR. ROBIE:
19 Q And the next line on this Paragraph 10 says
20 what?
21 A Personal liabilities.
22 Q And what does that mean?
23 A If I participated in this, what are my
24 liabilities in it?
25 Q And what did you have in mind?

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1 A I just wanted to understand what, if any,
2 liabilities I would have.
3 Q Well, what did you figure liabilities you might
4 have to State Farm; FAEC; MACTEC; Allstate; or others?
5 A I discussed what, if any, liabilities I
6 may have in that.
7 Q Can you give me an example of what you thought
8 you might have?
9 MR. HAHN: Object to the extent that he is asking
10 for him to come to some type of legal conclusion.
11 MR. WYATT: Join.
12 BY MR. ROBIE:
13 Q I just want to know what was in your mind when
14 you wrote this line about personal liability; what was it
15 that was concerning you, if anything?
16 A I just wanted to understand what
17 liabilities I would have participating in it.
18 Q And did you, personally, have any kind of view
19 that you might have some liability?
20 A No, not in particular; I just wanted to
21 understand if I did have any.
22 Q And what were you told?
23 A Just basically said if I worked with that
24 group, that they would provide any legal
25 representation that I may need in the process.

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1 Q Did they say that they would cover you from any
2 liability?
3 A Yes.
4 Q And did that make you happy?
5 A Well, it answered that question; it eased
6 a concern.
7 Q It took away the concern?
8 A It addressed the concern.
9 Q Did they tell you they would pay your
10 attorney's fees if somebody sued you?
11 A They would provide legal representation,
12 yes.
13 Q And they would cover you from any judgment you
14 might have?
15 A Yes.
16 MR. WYATT: Objection, leading.
17 BY MR. ROBIE:
18 Q And did you have a discussion with them about
19 any confidentiality agreements you might have signed with
20 any of these companies?
21 A Yes.
22 Q Tell me about that discussion, please.
23 A I told them that I had signed
24 confidentiality agreements with FAEC and MACTEC.
25 Q Is that part of the reason you were concerned

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1 about your personal liability?
2 A Part of it, yes.
3 Q Were they asking you to furnish them
4 information which you considered to be confidential with
5 those companies?
6 A At that time I told them I wouldn't give
7 it to them.
8 Q Did you expect that at some point you would be
9 asked to do that?
10 A I would think so by somebody, yes.
11 Q And that was part of the reason you were
12 concerned about personal liability?
13 A No, I made it clear that I had signed
14 those and that was not part of the process that had
15 to be -- you know, I don't know the legal process,
16 but that that existed.
17 Q Well, I'm not sure I'm understanding, Mr. Ford.
18 Having told them that they had signed those, was it your
19 understanding they were going to ask you to divulge
20 information that you believed would have been
21 confidential?
22 MR. WYATT: Object to leading and the form.
23 THE WITNESS: I told them that so that I would
24 not -- that I was not going to provide anything that
25 was confidential; that I had those agreements.

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1 BY MR. ROBIE:
2 Q And once they agreed that they would cover you
3 for any liability for breach of that confidentiality, did
4 that change your view?
5 MR. WYATT: Object to leading and the form of the
6 question.
7 MR. HAHN: I join.
8 THE WITNESS: No, not at that time.
9 BY MR. ROBIE:
10 Q No?
11 A Not at that time, no.
12 Q Sometime later?
13 A Later the documents were subpoenaed.
14 That's when I think they were made available.
15 Q What was subpoenaed?
16 A The -- my e-mails, I'm sorry, the reports
17 that I had copies of with MACTEC.
18 Q And how did you find that out?
19 A I'm sorry?
20 Q How did you find that out? How did you find
21 somebody subpoenaed those documents?
22 A I was asked to provide some information.
23 Q They were subpoenaed from you?
24 A They are in here.
25 Q I'm really confused. At some point you said

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1 somebody subpoenaed the documents. Who did they Subpoena
2 them from?
3 A Maybe I used the wrong term. I provided
4 this report, this MACTEC report, in here when it was
5 required of me at the deposition.
6 Q This is the October '07 deposition?
7 A Right.
8 Q Did you give it to Mr. Wyatt, Mr. Scruggs,
9 Mr. Butterworth before then?
10 A Not to my recollection.
11 Q What does the next line of this Paragraph 10
12 say?
13 A Making Dickie richer.
14 Q And tell me what that means.
15 A My first reaction when I was contacted to
16 work with Dickie was that I had no interest in
17 making Dickie richer.
18 Q You didn't want to make him richer?
19 A No.
20 Q Then why were you willing to work with him?
21 A If I could help bring some resolution to
22 the issue, then I might participate. But not --
23 just not interested in helping him make more money.
24 Q Did you tell him that?
25 A I don't remember us discussing that.

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1 Q So this talking point was never covered in that
2 meeting?
3 A Not that I recall.
4 Q And how did you intend to help this resolution
5 process without making Dickie richer?
6 A Well, what I did when working with the
7 engineering companies was what I was doing to make a
8 contribution to help.
9 Q I'm talking about your proposed role with the
10 attorneys that you were meeting with.
11 A Right.
12 Q How were you going to work with them and not
13 make Dickie richer?
14 A Again my interest was not -- I wasn't
15 excited about helping Dickie make more money.
16 Q You were excited about trying to help policy
17 holders win their cases, weren't you?
18 A If they had a case to win, yes.
19 Q And you understood that winning a case, if
20 Dickie was their attorney, would pay him a fee?
21 MR. WYATT: Objection, leading; and to form.
22 THE WITNESS: In a secondary way, yes.
23 BY MR. ROBIE:
24 Q And every time he won a case, he would get paid
25 for it?

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1 MR. WYATT: Objection, leading; and to form.
2 THE WITNESS: Yes.
3 MR. ROBIE: And you would get paid for it?
4 MR. WYATT: Objection, leading.
5 BY MR. ROBIE:
6 Q Is that right?
7 A That is correct.
8 Q And I still don't understand how you would
9 expect to do that without putting money in Mr. Scruggs'
10 pocket.
11 A I don't either.
12 Q Can you tell me whether you explained that to
13 these people at your May meeting?
14 MR. WYATT: I'm sorry, what?
15 BY MR. ROBIE:
16 Q Did you explain that to these people at your
17 May meeting?
18 MR. WYATT: Object -- excuse me. Object, asked
19 and answered.
20 THE WITNESS: No.
21 BY MR. ROBIE:
22 Q Did you put a provision in the proposal that
23 you e-mailed to Mr. Scruggs' office that addressed that
24 point?
25 A Addressed which point?

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1 Q This point: Making Dickie richer.
2 A I don't -- no, not specifically.
3 Q Did you ever make a proposal that addressed
4 that point?
5 A I have never discussed that with Dickie,
6 no.
7 Q Let's go through the next series of bullet
8 heads under Number 10 and you tell me what they are, if
9 you would, please.
10 A It says my contribution to review
11 engineering documents and their use by State Farm.
12 Simply, is that what you are looking for me in this
13 process is to review any engineering documents and
14 how they would be used in the process?
15 Q Engineering documents that you had prepared or
16 others had prepared?
17 A That others had prepared.
18 Q Was it your expectation they had asked you to
19 criticize or critique other engineering reports?
20 A That was a point I wanted to ask if that
21 was one of the elements they may be interested in my
22 doing.
23 Q And what did they tell you?
24 A They said, yes, that may be part of it.
25 Q Is that what you were willing to do?

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1 A Yes.
2 Q Did they do that?
3 A No.
4 Q They never gave you any engineering reports to
5 review?
6 A I have received engineering reports to
7 review. I have never provided them any consulting
8 service for those.
9 Q Did you review the reports?
10 A I have read them.
11 Q Did you highlight them?
12 A Yeah, I think I made notes on some of
13 them.
14 Q Did you prepare a synopsis of them?
15 A Not a formal, written synopsis, no. I
16 made some notes.
17 Q You made notes?
18 A Yes.
19 Q Did you prepare notes to form criticisms of any
20 of them?
21 A I think I did, yes.
22 Q Where would I find those materials?
23 A The one I remember is probably in my
24 journal.
25 Q In what journal?

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1 A My spiral-bound notebook.
2 Q Other than that one, are there others?
3 A No.
4 Q You reviewed one report?
5 A (Witness nods head affirmatively.)
6 Q Is that a yes?
7 A Yes.
8 Q Did you highlight any others?
9 A Two; I'm sorry, yes.
10 Q A total of two reports?
11 A That I recall, yes.
12 Q And who furnished you those reports?
13 A Derek Wyatt.
14 Q And what are the policy holder's names in those
15 two instances?
16 A I will have to look at it; Mullins.
17 Q Mullins; and what's the name of the other one
18 if you can find it? Why don't we just leave a space and
19 as we come across it later today, we can fill in the
20 name.
21 Are there any others other than two
22 that you reviewed?
23 A Forensic sent me one to review a revision
24 to a report.
25 Q Mr. Ford, I'm only interested in reports that

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1 you reviewed for Mr. Wyatt; Mr. Scruggs; Mr. Butterworth;
2 and Mr. Versiga.
3 A That's the only two I recall.
4 Q Only two that you looked at?
5 A (Witness nods head affirmatively.)
6 Q I would like you to look, please, at the pile
7 of materials in front of you Bates labeled 100193.
8 A Uh-huh.
9 Q Could you tell me what that is, please.
10 A It is the only thing I read in the paper.
11 Q What is this document that appears at
12 Page 100193 of Exhibit 17?
13 A It is an e-mail.
14 Q And who sent the e-mail?
15 A I did.
16 Q Who did you send it to?
17 A Charlene Bosarge.
18 Q And who is Charlene Bosarge?
19 A The lady that worked in Dick Scruggs'
20 office.
21 Q And what does it say?
22 A It says, Charlene, please give my
23 congratulations to Dickie on recent victory.
24 Q And what recent victory are you congratulating
25 Dickie and the group?

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1 A I don't know.
2 Q Who is the group?
3 A Whoever worked in it.
4 Q Who did you intend to mean by the group?
5 A I don't know. I don't have any specific
6 names in mind.
7 Q And the victory that you are referring to is
8 what?
9 A Whatever recent settlement there was. I
10 don't recall what it was.
11 Q It is your recollection that that was a
12 settlement?
13 A I think that's what it was, yes.
14 Q And did that settlement result in a payment of
15 money to Dickie and the group?
16 MR. WYATT: Let me object to that, calls for a
17 legal conclusion.
18 BY MR. ROBIE:
19 Q And on January 25 you were genuinely happy that
20 they had recently had this victory?
21 A I can't say that I was genuinely happy,
22 no.
23 Q But you wanted them to understand that you
24 wanted to give them congratulations on the victory,
25 right?

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1 A Right.
2 MR. WYATT: Objection, leading; and to the form.
3 BY MR. ROBIE:
4 Q The spiral-bound notebook documents that you
5 have been looking at here that were attached as part of
6 Exhibit 17 were also part of a separate production which
7 were marked for identification this morning as Exhibit
8 16. Do you have those documents in front of you?
9 Incidentally, before we move on,
10 let's take that document, that e-mail we just
11 referred to, and we will separately mark it as
12 Exhibit 19 to the deposition. So we won't have any
13 trouble locating it later.
14 THE COURT REPORTER: I don't think 18 was ever
15 marked.
16 MR. ROBIE: I know. I have it for you.
17 (WHEREUPON, Exhibit Numbers 18 &
18 19 were marked for
19 identification by the court
20 reporter.)
21 BY MR. ROBIE:
22 Q Do you have Exhibit 16?
23 A That's this document?
24 Q No, it looks like this.
25 A No.
MR. WYATT: Can you identify for the record what

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1 batch of documents that is?
2 MR. ROBIE: I would be delighted to, Mr. Wyatt.
3 Exhibit 16 is a binder clip of documents that actually
4 was in three segments. The first segment is included
5 with a cover letter dated December 14, 2007, from Ryan
6 Hahn to Dan Webb. It includes Ford Bates Labels 0001
7 through 00023.
8 The second segment is sent in by cover
9 letter January 2, 2008, from Ryan Hahn to Dan
10 Webb, which bears Document Ford 00024 through
11 0062.
12 And the last one is a cover letter dated
13 January 8th, 2008, from Mr. Hahn to Mr. Webb,
14 which includes Ford Document 00063.
15 BY MR. ROBIE:
16 Q Did I recite that correctly, Mr. Ford?
17 A I think you left one zero out, but that's
18 close enough.
19 Q The first set of these documents 0001 through
20 23, can you tell us what those are?
21 A Those are my handwritten notes.
22 Q And did you make these notes contemporaneous
23 with the dates that appears on them?
24 A I tried to.
25 Q So what was -- what was your purpose in making

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1 these notes?
2 A Just to keep up with what was going on.
3 Q Why don't we go to the first page of those
4 notes.
5 A Okay.
6 Q The heading on the document is what?
7 A Scruggs Katrina group.
8 Q And what did you mean by that?
9 A This was when they called and wanted to
10 set up a meeting and so I wrote this down.
11 Q And what did you mean by 'Scruggs Katrina
12 group'?
13 A I thought that was the name of the group.
14 Q And who comprised the group?
15 A Dickie Scruggs is the only one I knew.
16 Q By the time you had the meeting, did you have a
17 broader understanding?
18 A No.
19 Q You thought Dickie Scruggs was the group?
20 A Well, he was the head of the group.
21 Q Right. But the group included who else?
22 A Well, the ones that came to the meeting
23 were Derek; Jack Butterworth; and Dan Versiga.
24 Q So did the meeting actually take place on
25 May 20th of '06?

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1 A I believe so.
2 Q That's the first note you have written here
3 after a date?
4 A Yes.
5 Q Is that in your hand?
6 A Yes.
7 Q And did you write this note on or about May 20,
8 '06?
9 A Yes.
10 Q And is that the same meeting that refers to the
11 talking points that we have been talking about as part of
12 Exhibit 17?
13 A Correct.
14 Q And this is the meeting at your home in
15 Georgia?
16 A Correct.
17 Q And the purpose for writing this note was what?
18 A To make a record of what -- who I met with
19 and when.
20 Q The next entry here is dated what?
21 A 5-22-06.
22 Q And when did you make that entry?
23 A On or about then.
24 Q May 22, '06?
25 A Yes.

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1 Q And does it accurately reflect what it is that
2 you are recording that occurred that day?
3 A I believe so.
4 Q And what does it say?
5 A Darren called with an offer, 8 to 10K per
6 month retainer.
7 Q And who is Darren?
8 A Darren Versiga.
9 Q What is he offering you?
10 A A retainer for consulting services for
11 Dickie.
12 Q At how much per month?
13 A He said 8 to \$10,000 range.
14 Q And had you had a discussion with the group or
15 any member of the group at your home on the 20th about
16 how much money you wanted per month to work as a
17 consultant?
18 MR. WYATT: I will object; compound.
19 THE WITNESS: No, I did not.
20 BY MR. ROBIE:
21 Q Subject of money ever raised at that meeting?
22 A I don't recall that coming up.
23 Q You don't recall having any discussion about
24 your being compensated?
25 A Yes, but not a dollar figure.

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1 Q What discussion do you recall?
2 A Just that they wanted to hire me as a
3 consultant.
4 Q And you had no discussion about how much --
5 A No, they said they would get back to me.
6 MR. WYATT: Asked and answered.
7 BY MR. ROBIE:
8 Q Was this a phone conversation with Darren
9 Versiga on May 22nd?
10 A Correct.
11 Q Is this the first time anybody offered you
12 dollars to be a consultant?
13 MR. HAHN: Object to form.
14 THE WITNESS: That's a pretty broad question. Do
15 you mean regarding Scruggs?
16 BY MR. ROBIE:
17 Q Yes.
18 A Regarding Scruggs, yes.
19 Q And the first offer they made to you was 8 to
20 10,000 a month?
21 A Right.
22 Q And what was your reaction?
23 A That it was -- you know, in the range of
24 what I was currently earning.
25 Q Was it in the range of acceptable dollars that

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1 you were willing to work for?
2 A The dollar was; the impact of working with
3 them had other issues that would impact me.
4 Q I'm just interested in knowing whether or not 8
5 to \$10,000 a month was something that you were willing to
6 accept.
7 A It was interesting talking about it.
8 Q Were you willing to accept it?
9 A As the base dollar value in some
10 agreement, yes.
11 Q And did you report that to Mr. Versiga?
12 A I don't recall what I responded to
13 Mr. Versiga on the phone. I told him I would
14 respond in writing.
15 Q And did you do that?
16 A Yes.
17 Q And is that writing reflected in these notes?
18 A Yes, I believe that's the 5-22-06.
19 Q And what does it say?
20 A JBF proposal to SKG. E-mail to Charlene.
21 Receipt verified.
22 Q And JBF is who?
23 A That's me.
24 Q That's how you refer to your yourself?
25 A Sometimes.

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1 Q In these notes, that's how you refer to
2 yourself?
3 A I did there; I don't know if it is
4 consistent or not.
5 Q Okay. And in the note there it said you
6 e-mailed a proposal to SKG, right?
7 A Right.
8 Q And where is that e-mail?
9 A I don't know if it is in here or not.
10 Q What was your proposal to SKG?
11 A Basically, summarized what we had talked
12 about, the rate, legal representation, expenses.
13 Q What rate were you proposing?
14 A I don't remember what I put in there.
15 Have you got a copy of it?
16 Q Why don't you look at Document 00100254.
17 MR. WYATT: Is this exhibit that we are traveling
18 under right now in the old deposition or is this
19 entirely new? I'm thinking it is entirely new. Am I
20 right about that?
21 MR. ROBIE: I have no idea.
22 MR. WYATT: Well, you said it was 16 at the start.
23 MR. ROBIE: 16 are the notes. 17 is his
24 three-ring binder.
25 MR. WYATT: You commemorated that 16 consisted of

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1 a batch of three things.
2 THE WITNESS: Yes. There are unredacted notes and
3 the material that Mr. Hahn turned over in the last 60
4 days.
5 MR. WYATT: The only question I have got: Is that
6 stuff an exhibit in the previous deposition?
7 MR. ROBIE: No.
8 MR. WYATT: Okay. Do you have a copy for counsel
9 of this new exhibit?
10 MR. ROBIE: It is sitting right under your left
11 elbow.
12 MR. WYATT: This right here? I got this out of my
13 bag.
14 MR. ROBIE: I have four copies on the tablet.
15 MR. WYATT: Could you show me one of the four?
16 MR. HAHN: It is the large --
17 MR. ROBIE: No, the e-mail I'm talking about is
18 254 which is part of Exhibit 17.
19 MR. WYATT: Oh. This Exhibit 16, though, do you
20 have duplicate copies of it?
21 MR. ROBIE: I had four copies of it here that I
22 passed out.
23 MR. WYATT: Would you be willing to share a copy
24 of this with us?
25 MR. ROBIE: Mr. Hahn has one sitting right in

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1 front of him. I have four copies, Mr. Wyatt.
2 MR. WYATT: You don't have enough to give me one
3 as well?
4 MR. ROBIE: Unfortunately, I didn't realize that I
5 would need more than four.
6 MR. WYATT: Okay. I will look on with Mr. Hahn.
7 MR. ROBIE: That would be appreciated.
8 MR. WYATT: What's the Bates Number? Is that this
9 one right here? This is it.
10 BY MR. ROBIE:
11 Q Document 254 from Exhibit 17 can you tell us
12 what that is?
13 MR. NORRIS: Derek, you can have mine.
14 MR. WYATT: Thank you.
15 THE WITNESS: It is my response to Mr. Scruggs'
16 offer.
17 BY MR. ROBIE:
18 Q Is this the offer, or the proposal, that you
19 sent off to SKG on May 22nd?
20 A Right.
21 Q And that's what's referenced in your notes?
22 A Yes.
23 Q And can you read for me, please, what the terms
24 of that proposal are.
25 A Indemnity for me and my family for

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1 participation in this case by providing legal
2 representation; reimbursement of any financial
3 losses we might incur; reimbursement of any and all
4 expenses I incur in support of these cases;
5 consulting retainer in the amount of 10,000 per
6 month for a minimum of 12 months effective
7 May 20th --
8 THE COURT REPORTER: Could you read a little
9 slower?
10 THE WITNESS: -- 2006. It says in accepting this,
11 I would need to resign my current position thereby
12 forfeiting my long-term job opportunity with this
13 employer which had comparable salary and benefits and
14 upcoming project assignments, being the project leader
15 on the next project, and then subsequent opportunities.
16 BY MR. ROBIE:
17 Q All right. The next paragraph says what?
18 A You asked me what you thought I should be
19 compensated for --
20 MR. BANAHAN: Could you slow down just a little
21 bit, please? I'm having a hard time following it, too.
22 THE WITNESS: Did you say slow down?
23 MR. BANAHAN: Please, if you could you.
24 THE WITNESS: You asked me what I thought I should
25 be compensated for my participation on the team. My

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1 response is that I would like to be compensated in
2 manners comparable to my contribution to the team of
3 achieving success in this case. Believing that I can
4 make a significant contribution to the success of these
5 cases, I would be compensated a blank percent share of
6 the settlements on successful completion of each case.
7 Your suggestions on you how to structure this are
8 requested.
9 Do you want me to continue?
10 BY MR. ROBIE:
11 Q Sure.
12 A It says I am confident that my experience,
13 knowledge of this documentation, and participation
14 will be valuable in helping to bring justice to the
15 people of the Gulf Coast now and in the future.
16 Look forward to hearing from you.
17 MR. ROBIE: We will mark that document Exhibit 20
18 as a separate exhibit so it is easier to find.
19 THE WITNESS: Hand it over to Linda?
20 MR. ROBIE: Yes.
21 (WHEREUPON, Exhibit Number 20
22 was marked for identification by
23 the court reporter.)
24 BY MR. ROBIE:
25 Q The first paragraph, the first numbered
paragraph, seeking indemnity was something that Scruggs

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1 had already agreed to furnish you?
2 A Correct.
3 Q That was -- that didn't even need any further
4 negotiations, right?
5 A That's correct.
6 Q Same with reimbursement of all expenses?
7 A Correct.
8 Q The consulting retainer in the amount of
9 \$10,000 per month for a minimum of 12 months, was this a
10 term that you were now negotiating for the first time?
11 A The duration had not been specified.
12 Q But the amount had been agreed to?
13 A The amount had been offered, yes.
14 Q They had already offered you 10,000 a month?
15 A Yes.
16 Q And what is it that you felt necessitated a
17 12-month retainer?
18 A Because I was forfeiting an existing
19 position, a job that had future opportunities;
20 benefits; 401-K; medical; so forth.
21 Q And in the belief that you could make a
22 significant contribution for which you should be paid a
23 percentage of the recovery on the cases, had that
24 previously been discussed?
25 A Not specifically.

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1 Q What generally had happened -- had been
2 discussed on that topic?
3 A They led me to believe that I -- you know,
4 would be an asset to the group and so...
5 Q And what did they say that led you to believe
6 that?
7 A That based on my knowledge of what had
8 gone on on the Coast; the storm; the inspections;
9 the reports, that I could help them.
10 Q Had there been a discussion at the May 20th
11 meeting on paying you a percentage of the recovery in
12 these cases?
13 A No.
14 Q Is this the first time that topic was brought
15 up?
16 A Yes.
17 Q And you were the first person that raised it?
18 A Yes.
19 Q Did you believe you were entitled to a
20 percentage of the recovery in these cases?
21 A If I added significant value to it, yes.
22 Q And who -- did you have an understanding of who
23 the Defendants would be in these cases?
24 A No.
25 Q And then you reference under the date up there

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1 re hurricane Katrina insurance cases. You understood,
2 didn't you, that the cases you were talking about would
3 be against insurance companies?
4 A That was probably my assumption that it
5 was, yes.
6 Q Well, there had been -- had there been a
7 discussion about that?
8 A I can't think of anything other than
9 insurance companies discussed, no.
10 Q As far as you knew based on your discussions,
11 the litigation you were going to assist the Scruggs Group
12 on was all against insurance companies, wasn't it?
13 MR. WYATT: Object to leading.
14 THE WITNESS: That's my understanding, yes.
15 BY MR. ROBIE:
16 Q And State Farm would be one of those insurance
17 companies?
18 A Yes.
19 Q Page 1 of your handwritten notes which is your
20 Exhibit 16, let's go back there. The next note you write
21 is June 7, '06, right?
22 A Uh-huh; right.
23 Q And who is that a conversation with?
24 A That's Derek Wyatt.
25 Q And is that the same Derek Wyatt that's sitting

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1 over here next to your attorney?
2 A Correct.
3 Q And he asked you for information regarding a
4 case?
5 A Regarding a -- I don't know if it is a
6 case or not. I described an eyewitness experience
7 and he called and asked me for that contact
8 information.
9 Q Right. And then you wrote what on your notes
10 here?
11 A Derek; phone request for name, number,
12 address for case of floating debris impact. And I
13 requested a response to my proposal.
14 Q What does that mean I requested a response to
15 my proposal?
16 A That if I was going to be providing them
17 with consulting services, then we needed to reach an
18 agreement.
19 Q Did you give them the information that was
20 requested?
21 A No.
22 Q And did you tell them that you would only do
23 that if they agreed to the terms of your deal?
24 A Not in those words, no.
25 Q Tell me what you said.

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1 A That I requested a response to my
2 proposal.
3 Q And what did he say?
4 A He said that he would have to talk to
5 Dickie about that.
6 Q Did he tell you he had seen your proposal?
7 A No.
8 Q Did you discuss anything with him about it?
9 A No.
10 Q The next note says -- it doesn't have a date
11 other than June '06?
12 A Uh-huh.
13 Q Brian; that's you again?
14 A Correct.
15 Q Obtain contact information; what else does it
16 say?
17 A Hold pending consulting agreement.
18 Q What does that mean?
19 A I obtained the information on the phone
20 number; the name; the address; and so forth.
21 Q You obtained the information about yourself?
22 A No. About the name and address of the
23 individual that had told me about their experience.
24 Q Right. And you didn't furnish that to
25 Mr. Wyatt as of that point?

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1 A No.
2 Q And then the next entry is what?
3 A 7-28-06. Zack Scruggs called requesting
4 permission to give my name to FBI for any criminal
5 investigation. I granted permission.
6 Q Who is Zack Scruggs?
7 A Dickie Scruggs' son.
8 Q And did you ever meet him?
9 A No, never had.
10 Q Is this the first time you ever talked to him
11 on the phone?
12 A Correct.
13 Q Did you ask him about the status of your
14 consulting agreement?
15 A No.
16 Q Any discussion with him about it?
17 A No.
18 Q Had you talked to the Scruggs Group at your
19 meeting on May 20th about the potential of working with
20 the U.S. attorney?
21 A No.
22 Q Is this the first time you had heard there was
23 a U.S. attorney investigation?
24 A Yes.
25 Q Did you give him authority to give him your

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1 name?
2 A Yes.
3 Q The next entry is what?
4 A 8-8-06. Derek e-mailed request for
5 consulting services on Mullins case. I requested a
6 consulting agreement.
7 Q And what form did that e-mail take?
8 MR. HAHN: Object to form.
9 BY MR. ROBIE:
10 Q What did he ask you to do?
11 A Review a report.
12 Q And what did you tell him?
13 A I told him that I didn't have a consulting
14 agreement with him.
15 Q And what was his response?
16 A I don't recall what his response was.
17 Q Did he forward to you a file for your review?
18 A Yes, at some point in time. I don't
19 remember the exact date.
20 Q And did you review it?
21 A Here it is, 8-9. I read it, yes.
22 Q All right. Did you report back to Mr. Wyatt?
23 A No.
24 Q Did you send him an e-mail responding --
25 A No.

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1 Q -- to his request? Why don't we take a look at
2 documents, please, 231 and 232 in this Exhibit 17 in
3 front of you.
4 MR. WYATT: Jim, now that we're under the
5 substance of this, I'm going to take you up on your
6 offer that you will give me a continuing objection to
7 all questions that the Court would deem to be leading
8 that you might be asking him if he were an adverse
9 witness. Is that okay?
10 MR. ROBIE: Yes.
11 MR. WYATT: Okay. Thank you very much, I
12 appreciate it, and I guess everybody joins in that?
13 MR. NORRIS: Yes.
14 MR. WYATT: That will make things go quicker.
15 MR. HAHN: I will join in that as well.
16 BY MR. ROBIE:
17 Q Can you tell us what these pictures are, 231
18 and 232?
19 A 231; e-mail from Derek Wyatt to me on
20 August 9th of '06. Mullins versus State Farm. He
21 said to put in a call to Dick Scruggs. I'm sorry
22 for the delay in getting together.
23 Q The first string on this e-mail communication
24 actually appears on Page 232, does it not?
25 A It looks like it does. I can't see the

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1 date or header on it.
2 Q This is another one of those e-mails where you
3 have got to read back -- you have got to start at the
4 back and move forward, right?
5 A Right.
6 Q Because typically when you print the e-mail,
7 the first string is at the bottom and the last response
8 is at the top, right?
9 A Right.
10 Q So the original e-mail, you would expect, would
11 be on Page 232 from Mr. Wyatt, right?
12 A Correct.
13 Q And can you tell me what his e-mail address at
14 that point was?
15 A Dwyatt@bartlett -- no, I'm sorry,
16 barrettlawoffice.com.
17 Q And that's where you communicated with
18 Mr. Wyatt at the Barrett law office?
19 A At that e-mail address, yes.
20 Q Right. And Mr. Wyatt asked you to do what?
21 A What he basically said here is the
22 material on this case. It is strictly confidential.
23 Do not send this e-mail or include this information
24 anywhere. There are photos attached. Give you a
25 good idea of the damage after the storm. The house

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1 at Home Depot kit called a Tuff Shed was moved from
2 its pier and beam foundation and intact. Set down
3 in the middle of the street and rotated about
4 180 degrees.
5 Mannon's report finds wind. Kelly's
6 report changes things. State Farm refused to pay
7 and the Corp of Engineers bulldozed the house which
8 was essentially without damage.
9 I would like to talk to you about
10 this matter. We can do this on consulting terms
11 that Dick Scruggs and I have discussed with you in
12 Georgia a while back. Please give me a call after
13 you look this over. I also have another property
14 that I need to send you.
15 Q What did you understand those terms to be when
16 you got this e-mail from Derek Wyatt?
17 A Well, in broad terms it was just to
18 provide you a consulting services agreement.
19 Q Specifically, the terms, quote, we can do this
20 on the consulting terms that Dick Scruggs and I discussed
21 with you in Georgia a while back.
22 Did you have an understanding of what
23 those terms were?
24 A No.
25 Q Didn't mean anything to you?

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1 A Well, I mean, we discussed developing an
2 agreement, but we never reached an agreement.
3 Q So you didn't know the dollars involved as of
4 this point?
5 A I knew what I had proposed, but they had
6 never responded.
7 Q And so did you respond to this e-mail?
8 A Yes.
9 Q And what did you respond?
10 A I said, Derek, I was waiting for our phone
11 conversation to discuss the consulting terms of this
12 activity. I'm unclear as to where I stand with the
13 Scruggs Katrina group.
14 After your team's urgent visit to our
15 house in May, I was under the distinct impression
16 that the Scruggs Katrina group wanted me as a
17 consultant, expert witness, highly-placed insider,
18 witness with valuable documentation, and so forth.
19 Darren Versiga called me as
20 instructed by SKG on Monday following the
21 above-mentioned visit and quoted me a consulting
22 range. I responded to Dickie with terms. I have
23 not heard anything from SKG since then, except for
24 your request on June 7 regarding the waterborne
25 debris case in which you requested name; address;

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1 phone number; etc. I have that information, also.
2 MR. ROBIE: I'm going to separately mark these two
3 Pages 321 and 322 of Exhibit 21 so it is easier to find
4 it in the transcript.
5 (WHEREUPON, Exhibit Number 21
6 was marked for identification by
7 the court reporter.)
8 BY MR. ROBIE:
9 Q When you wrote this on August 8, 2006, to Derek
10 Wyatt, was this an accurate statement of your impressions
11 and understandings based on that May meeting with the SKG
12 people in your house?
13 A Can you be more specific? What was my
14 understanding?
15 Q Where you describe here your impression of what
16 they wanted you to do.
17 A That was just a range of -- you know, hey,
18 we talked about all of these things and you haven't
19 responded so we don't have an agreement.
20 Q When they left your house in May, you
21 understood they wanted you to be a consultant?
22 A Yes.
23 Q And an expert witness?
24 A Possibly, yes.
25 Q And a highly-placed insider?
26 A That's what they said my position within

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1 Forensic was.
2 Q That's what they -- how they described it?
3 A Correct.
4 Q And a witness with valuable documentation?
5 A Correct.
6 Q Did Mr. Wyatt respond to this e-mail?
7 A Yes.
8 Q And what did he respond?
9 A He said, I put in a call to Dick Scruggs.
10 I'm sorry for the delay in us getting together. I
11 think I explained previously that things happened
12 faster than we expected in this litigation. That's
13 no excuse, however, I appreciate you reaching out to
14 us. And also appreciate the insights you can
15 provide in the Katrina insurance crisis, a situation
16 crying out for justice.
17 I will get back with you as soon as
18 we get the details ironed out and I'm very anxious
19 to proceed on the Mullins case. There is another
20 Forensic case after we work Mullins.
21 Q You understood he was asking for your
22 consultation on the Mullins case which was a lawsuit
23 against State Farm, right?
24 A I understood that, yes.
25 Q And you understood that he was seeking your

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1 expert witness opinions as a witness against State Farm?
2 A He was seeking my -- yes, along with other
3 things. Whatever activity they asked me to support,
4 yes.
5 Q Right. And as of this point, you still hadn't
6 had confirmation of how you would be paid for that?
7 A That's correct.
8 Q Go back to -- please, Exhibit 16. Do you see
9 an entry from August 10th?
10 A Yes.
11 Q Can you read that entry for me, please.
12 A August 10 of '06. Derek called to say SKG
13 wants me as a consultant with ABC News.
14 Q What does that mean?
15 A That they wanted to hire me as a
16 consultant and to participate -- they wanted me to
17 participate in this ABC News interview.
18 Q Did you ask him -- well, during this
19 conversation, did he confirm to you the rate of your
20 compensation?
21 A No.
22 Q Did you know at that point what it would be?
23 A There was no agreement.
24 Q What did you understand the terms of the
25 agreement to be as confirmed by Mr. Wyatt in this

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1 August 10 conversation?
2 MR. HAHN: Asked and answered.
3 MR. WYATT: And object to mischaracterizing his
4 testimony, too.
5 THE WITNESS: There is no reference in there to
6 any terms or agreement.
7 BY MR. ROBIE:
8 Q You just know that they wanted you as a
9 consultant, but you didn't know what you were going to be
10 paid for it?
11 A That's correct.
12 Q Did you understand implicitly they were going
13 to be paying you?
14 A If they wanted me to work for them, they
15 were, yes.
16 Q Did you make that clear to them?
17 A Yes.
18 Q How about with respect to your consultation
19 with ABC? Did you make it clear to them that you weren't
20 going to be talking to ABC unless SKG was going to pay
21 you?
22 A Correct.
23 Q And who did you make that clear to?
24 A To Derek.
25 Q And what did you tell him?

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1 A I basically told him that I had been
2 contacted by them and they wanted to interview me.
3 Q And what did you say, if anything, about your
4 need to be paid?
5 A I don't think we discussed any payments
6 regarding ABC News interviews. We discussed the
7 fact that we did not have a consulting agreement.
8 And I couldn't respond to his request for the
9 evaluation of the Mullins information until we had
10 an agreement.
11 Q How about with respect to the request that you
12 would give an interview to ABC News?
13 A We didn't discuss.
14 Q Were you willing to do that without being paid?
15 MR. WYATT: Asked and answered, object.
16 MR. HAHN: I join in the objection.
17 THE WITNESS: I haven't given that any thought. I
18 wasn't really interested in talking to ABC News.
19 BY MR. ROBIE:
20 Q You weren't interested in talking to ABC News?
21 A No.
22 Q Your next entry is when?
23 A 8-17-06. Called Derek to tell him I had
24 been offered a position on a large project. Before
25 I accept it, what is my status with your group?

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1 Q And then what does it say?
2 A Judge denied class suit. Leonard case
3 settled. Judge scheduled six slab cases by 3-07
4 with jury. Limit 10 witnesses. And no fraud. And
5 eight cases, including Trent and Jean by July.
6 Derek will want my help on the Mullins case and then
7 the Smiley case.
8 I told him I would proceed with my
9 other job opportunities and if available when they
10 called, we could work out an agreement.
11 Q Was it your understanding that unless they were
12 willing to pay you, you weren't willing to consult with
13 them?
14 A That was not only my understanding, that
15 was my position.
16 Q Is that what you told Mr. Wyatt?
17 A Yes.
18 Q And was there any discussion of any of the
19 other terms of your consulting agreement that had been
20 set out in your e-mail to Dickie's office?
21 A We didn't discuss anything other than just
22 having an agreement.
23 Q Did he give you an explanation of why they
24 hadn't accepted your agreement?
25 A Not at this time.

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1 Q At some time, did he?
2 A Later on I asked and there really wasn't a
3 very good answer.
4 Q What answer were you given?
5 A I can't remember quite the words, but
6 something to the effect of my role; my involvement;
7 characterization of me, precluded them from hiring
8 me is what I got out of it.
9 Q Was that different from what they had told you
10 in your May 20th meeting?
11 A That was different than the understanding
12 I had at that time, yes.
13 Q In what way?
14 A Well, at that time they wanted to hire me.
15 And then later on they took the position of we are
16 not; or we can't; or we are not going to; or we
17 can't at this time.
18 Q When you had this phone conversation on
19 August 17 with Derek Wyatt, the reference to the judge
20 denied class suit, do you know what lawsuit that was?
21 A Reference to what?
22 Q Judge denied class suit.
23 A I think that was speaking of a class
24 action suit for cases on the Coast.
25 Q Do you have any specific information about that

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1 suit?
2 A No.
3 Q Had they asked you to work on it?
4 A I can't address ... I mean, we had no
5 agreement as to what I would work on specifically so
6 I can't answer that.
7 Q Had they already sent you the Mullins file by
8 the time you wrote this?
9 A On 8-17?
10 Q Yes.
11 A I think we said earlier that was e-mailed
12 to my on 8-9; prior to that.
13 Q And did the Mullins e-mail include photos of
14 the Mullins property?
15 A Yes, I think so.
16 Q And were you able see those when they were
17 e-mailed to you?
18 A I can't recall if that's the ones or not
19 that were very, very difficult to read.
20 Q The next entry on your diary which is Exhibit
21 16 is August 25?
22 A Uh-huh.
23 Q And what does it say?
24 A Lynn Gunn with Mississippi AG Investigator
25 called and wants to set up a conference call on

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1 Monday, May 8, '06, with the prosecuting attorney
2 Courtney -- I misspelled it and so I had to correct
3 it later on; Schloemer.
4 Q So where you have printed the words 'Courtney
5 Schloemer' you added that in later?
6 A When I knew how to spell it, yes.
7 Q But the rest of these notes were made on August
8 25, '06, at about the time you got this conversation?
9 A Right.
10 Q And that's true with the other entries you have
11 already gone through in regard to the -- they were
12 contemporaneous entries?
13 A Yes.
14 Q The next page is a set of notes on Mullins,
15 right?
16 A Yes.
17 Q And whose handwriting is this?
18 A That's mine.
19 Q What is this?
20 A Some of my notes from reading the report
21 that Derek sent me.
22 MR. WYATT: Give us the Bates Numbers, would you,
23 Brian.
24 MR. ROBIE: 00003. This document that you have
25 got open in front of you that says Mullins -vs- State

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1 Farm on the top --
2 MR. WYATT: Is that also --
3 MR. ROBIE: Mr. Wyatt, it is right there.
4 MR. WYATT: I'm looking at what it says,
5 Mr. Robie. I'm asking if it is Bates in 17? Is it or
6 not?
7 MR. ROBIE: It is in 16.
8 MR. WYATT: It is not then?
9 MR. ROBIE: It is in 16.
10 MR. WYATT: I see what it is in 16. Does yours
11 have a Bates Number on it?
12 THE WITNESS: Yes.
13 MR. WYATT: Is it the 3?
14 THE WITNESS: Correct.
15 MR. WYATT: That's it. Go ahead.
16 THE WITNESS: In 16. And the question is?
17 BY MR. ROBIE:
18 Q These are your notes regarding the review of
19 the Mullins file?
20 A Yes.
21 Q And you did these yourself?
22 A Yes.
23 Q Is there a reference to the photos in here?
24 A Yeah, down here at the bottom told them
25 e-mail are all black. Must send a usable copy.

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1 Q So you couldn't use the photos he sent?
2 A They were not real clear.
3 Q Did he send you another set?
4 A No.
5 Q Did you ever get another set?
6 A No, not that I know of.
7 Q Did you ever report back to Mr. Wyatt about
8 your findings on the Mullins file?
9 A No.
10 Q Did you have -- did you issue a report on the
11 Mullins file?
12 A No.
13 Q Did you agree to testify in the Mullins case?
14 A No.
15 Q Did you give them any consulting information
16 whatsoever on the Mullins file?
17 A Once again I have not given them any
18 consulting information.
19 Q So your answer is no?
20 A That's correct.
21 Q Well, the next Page 0004 can you tell me what
22 that is, please?
23 A It is my grandchildren's autographs.
24 Q I love it.
25 A Thank you. I do, too.

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1 Q As of this point in time, these are all
2 sequential pages in your spiral-bound notebook?
3 A That is correct.
4 Q The next Page 005 is an entry dated August 28,
5 '06. Can you tell me what that is, please.
6 A Mississippi AG's office teleconference.
7 Courtney; Lynn Gunn; one named Richie; and Burt.
8 Q And who are they?
9 A Investigators in the attorney general's
10 office.
11 Q And where did this conversation take place?
12 A Where was I?
13 Q Yes.
14 A I think I was at work.
15 Q And where would that be?
16 A Norcross, Georgia.
17 Q And what project were you working on at that
18 point?
19 A Georgia Power Company Plant Bowling.
20 Q Is that a big project you had told Mr. Wyatt
21 about?
22 A Correct.
23 Q And when did you start that job?
24 A Sometime in August of '06.
25 Q Okay. And tell me as best you can recall --

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1 and you can use the notes to your heart's content, what
2 occurred in that conversation?
3 A Wow. That's the first time -- I haven't
4 seen this in a while so I will have to ... the State
5 Farm case Marsha Slaughter. That's where I had
6 received an e-mail from Forensic asking me to review
7 that information again. And I wrote back and said,
8 please, verify with Randy Down, the vice president
9 of engineering, that you want me to do this. And I
10 got an e-mail back saying, no, we don't want you to
11 do that.
12 Q How did that come up in this discussion?
13 A What contact we had had with Forensic?
14 What if any contact have you had?
15 Q Is that what the AG's office was asking you?
16 A That was their question, yes.
17 Q And what did you tell them?
18 A What I just told you.
19 Q All right. The next line, Lekie King. How did
20 her name come up?
21 A I don't recall how it came up. I recanted
22 the story to her over the telephone conversation
23 with Lekie King.
24 Q And did you give her a copy of the Kochan
25 e-mail?

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1 A She requested a copy of that and I sent it
2 to her on 8-28-06.
3 Q The one you sent her on 8-28-06, is it the same
4 one that we looked at here earlier today?
5 A Yes.
6 Q And did you make any changes or additions to
7 that e-mail?
8 A No, it was the e-mail itself.
9 Q You didn't have any additional comments written
10 in there?
11 A Correct.
12 Q I can't read the next line after sent
13 August 28, '06.
14 A I think it is an e-mail address. First
15 line is scratched out. Second line is the correct
16 e-mail address.
17 Q And then the next line says what?
18 A E-mail Lekie King. Telecon sent 8 -- and
19 I can't read the date, '06.
20 Q How long did this conversation last?
21 A 20 or 30 minutes; I don't recall.
22 Q And did Ms. Schloemer give you any information
23 about what she was in the process of doing?
24 A I can't recall what her purpose -- stated
25 purpose was.

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1 Q As you sit her today, can you tell me what you
2 understood she was doing?
3 A What I understand her to be doing, was
4 gathering information regarding insurance companies
5 and claims relating to Hurricane Katrina.
6 Q As you sit here today, do you have an
7 understanding of how she came to have your name?
8 A No.
9 Q Did she tell you how she came to know your
10 name?
11 A No, but in retrospect when Zack Scruggs
12 asked me if he could provide my name, that's how,
13 logically, I would think it would happen. But how
14 it happened, I don't know.
15 Q Did she have any discussion with you about your
16 work with Scruggs; SKG; Wyatt; or any other Plaintiff's
17 lawyer?
18 MR. WYATT: Object to form of the question.
19 THE WITNESS: I told her I had had conversations
20 with them and that they were interested in hiring me,
21 yes.
22 BY MR. ROBIE:
23 Q Did you tell her that they were interested in
24 hiring you as a highly-placed insider?
25 MR. WYATT: Object to the form of the question.

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1 MR. HAHN: I join in the objection.
2 THE WITNESS: I don't recall if I used that term
3 or not.
4 BY MR. ROBIE:
5 Q Tell me as best you can recall what you told
6 her about the SKG interest in hiring you?
7 A That they wanted to hire me as a
8 consultant to assist them in their activities. I
9 don't recall what terms I used, you know, to
10 describe that. I don't know if I used that term or
11 not.
12 Q Did you have a discussion with her on whether
13 or not SKG was going to be paying you for that work?
14 A I don't know if I specifically told her
15 that or not, but I told her we hadn't reached an
16 agreement.
17 Q Did she have any discussion with you about
18 being paid by the SKG group; you being paid by the SKG
19 group?
20 A I don't remember her -- no, I don't
21 remember that.
22 Q Did you ever have that kind of a discussion
23 with her?
24 A I don't remember having any conversation
25 about that, no.

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1 Q The next entry is again on Page 0005. What
2 does that say?
3 A Charlene Bosarge, SKG called. Dickie
4 needs me. Will call Tuesday.
5 Q The telephone conference that you had with the
6 attorney general's office, what phone were you at? Were
7 you at your home? Your office? Cell phone?
8 A On my cell phone, yes.
9 Q And what was that number?
10 A I don't know if I was on the cell phone or
11 office phone.
12 Q What was your office number?
13 A I think it may have changed since then,
14 but (678)966-4449 is my number. I don't know what
15 the conference room number is.
16 Q You think you might have had that telephone
17 conference from a conference room?
18 A Yes.
19 Q Who would have been in the conference room
20 besides yourself?
21 A Nobody; it is a speaker phone.
22 Q And your cell number at that time was what?
23 A (404)839-1481.
24 Q And your home number?
25 A 770 -- what is my phone number? 267-0810.

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1 MR. WEBB: 0-8 --
2 THE WITNESS: 0810.
3 BY MR. ROBIE:
4 Q The entry that you just read for me from
5 Page 00005 of Exhibit 16 is a call from Charlene Bosarge?
6 A Correct.
7 Q This is the same woman from the Scruggs office
8 that you had sent the proposal to earlier?
9 A Correct.
10 Q And did she actually reach you that day?
11 A Yes.
12 Q And the note or the message she delivered to
13 you was what?
14 A Just Dickie needs me and wants to talk to
15 me and will call Tuesday.
16 Q What did that mean to you 'Dickie needs me'?
17 A Wants me to work for him.
18 Q That's what you understood it to mean?
19 A (Witness nods head affirmatively.)
20 Q And what did you say to Charlene?
21 A I said I will take his call.
22 Q And did he call?
23 A He called; I don't know whether it was
24 Tuesday or not, but he called on 9-5.
25 Q And what did he say to you during that call?

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1 A My notes -- I don't know what all he said
2 or how he started, but he basically started talking
3 about weather and weather information, weather
4 stations, some information about Trent's house.
5 Dickie had sold his personal property on the beach
6 front.
7 Q What's this number written down here?
8 A Where is that?
9 Q Dickie called 6-6-2. Do you see that?
10 A Oh, I'm sorry.
11 Q What is that number?
12 A It must have been the number that was on
13 the cell phone that I received the call on and so I
14 wrote it down. That's the only thing I can think it
15 would be.
16 Q Dickie called you at this number?
17 A Dickie called me from that number.
18 Q That's the number he was calling from?
19 A I think it is.
20 Q Why would you write that down?
21 A In case I wanted to call him back.
22 Q Okay. The next line I can't read -- Ingles
23 Weather Station?
24 A Yes.
25 Q And what does that mean?

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1 A I think it is some information he had
2 about the weather station that Ingles reported wind
3 speeds and so forth.
4 Q Had you ever seen that weather data?
5 A No.
6 Q Had you ever used it before?
7 A No.
8 Q Did you have any idea how reliable it was?
9 A No.
10 Q You had no information about it at all, is that
11 right?
12 A That's correct.
13 Q And the next line talked about Trent finding
14 some siding 35 up in a tree?
15 A Yes.
16 Q Who is Trent?
17 A Trent Lott.
18 Q Had you talked to Dickie before about Trent's
19 claim?
20 A Not that I recall.
21 Q What discussion did you have about Trent's
22 claim in this conversation?
23 A Well, he was just pointing out wind
24 information. That Trish Lott had found a piece of
25 siding from their home 35 feet up in a tree.

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1 Q And did this have any meaning to you at all?
2 A Yeah.
3 Q What was the point of it?
4 A That he had -- that in his mind he really
5 had wind damage and wind had blown the siding off
6 his house and up in a tree.
7 Q Was Dickie asking you to get involved in
8 Trent's claim?
9 A No.
10 Q Were you ever involved in Trent's claim?
11 A No.
12 Q The next item, Dickie sold his lot to
13 orthopedic surgeon.
14 A Yes.
15 Q And then it goes on to say what?
16 A To build his home there, not condo, on the
17 property. Dickie is moving his trailer to Lott's
18 property. Will restore Dr. Thompson's home.
19 Scruggs asked if he could go home.
20 Q Please tell me what that means.
21 A Dickie is moving his FEMA trailer is what
22 I take it to mean from his lot up to Trent Lott's
23 property which is near Dr. Thompson's home. And
24 that they are going to fix up Dr. Thompson's home
25 for his Pascagoula home.

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1 Q Why was he relating all of this information to
2 you?
3 A I don't know.
4 Q Did he tell you?
5 A Did he tell me why he was telling me that?
6 Q Yeah.
7 A No.
8 Q Did you have an understanding during this
9 conversation why you were even hearing all of this?
10 A Just the status of his situation there;
11 no, I didn't.
12 Q Did you --
13 A I didn't ask him why he was telling me
14 that, no.
15 Q Did you consider this any part of the
16 information that you would have to know as a consultant
17 on his insurance cases?
18 A No.
19 Q Did he ask you for any advice or
20 recommendation?
21 A No.
22 Q The next line says what?
23 A Judge Garola. Slab. Is Bush appointee.
24 Will be one of the cases.
25 Q And what does that mean?

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1 A Judge Garola's house was destroyed. There
2 was a slab remaining. He was an appointed judge
3 from President Bush. He would be one of the cases
4 mentioned in the previous list of the cases.
5 Q Was that the end of this conversation with
6 Dickie on September 5th?
7 A End of my notes, yes.
8 Q Did you ask him about your consulting
9 agreement?
10 A I don't think we discussed any agreement
11 at that time.
12 Q Were you just catching up on current events?
13 A Apparently, that's why he called; just
14 stay in touch.
15 Q Just to bring you up-to-speed?
16 A I suppose.
17 Q Then he called you again the next day?
18 A Right.
19 Q And that's on your note at 0006?
20 A Correct.
21 Q And at 3:30 in the afternoon?
22 A Uh-huh.
23 Q And what does he say there?
24 A He wants me on the team. He wants me as a
25 fact witness. Wants me as consultant. To be paid

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1 for services.
2 Q It says okay to be paid for services?
3 A Okay, I'm sorry.
4 Q Did you ask him about that?
5 A I don't know if I asked him or he stated
6 it.
7 Q But there is no doubt in your mind that as of
8 the 6th of September he is confirming to you that he
9 wants you on his team and you are going to be paid?
10 A That's correct. That's what I understood.
11 Q Right. And you understood that it would be
12 okay to be paid?
13 A That's correct.
14 Q All right. And then what does he report to
15 you, six slab cases?
16 A Right.
17 Q He wants you to work on six cases, is that
18 correct?
19 A He didn't say he wanted me to work on
20 these. He said this is what's going to be
21 happening. There will be six slab cases, two State
22 Farm; two Allstate; two Nationwide.
23 Do you want me to read these bullets?
24 Q I don't need you to read all of them. I'm just
25 trying to get a general sense of what this conversation

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1 is about. And then he reports to you eight other cases?
2 A Right.
3 Q Did you understand that these were in addition
4 to the six slab cases?
5 A They were in addition, yes.
6 Q And they would be running from June to August
7 of '07?
8 A Correct.
9 Q And they would include Gene Taylor and Trent
10 Lott?
11 A That's correct.
12 Q What did you know about Gene Taylor's case as
13 of that point?
14 A Nothing.
15 Q How about Trent's case?
16 A I didn't know anything about Trent's case.
17 She -- I knew both of them had lost their homes and
18 that's all I knew.
19 Q And then it says weather resources. Do you see
20 that?
21 A Yes.
22 Q Bay, St. Louis; what does it say after that?
23 A Used Nex Rad out of Slidell or Mobile.
24 Q And what's that?
25 A Radar.

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1 Q Had you ever used that before?
2 A I didn't use it in Katrina.
3 Q You didn't use it in any Katrina engineering
4 work you did, did you?
5 A Not that I know.
6 Q And is this request by Dickie Scruggs that you
7 pick up this Nex Rad data and use it for him?
8 A No. He described in pretty good detail
9 and had a pretty knowledgeable understanding of the
10 weather resources that exist on weather information
11 regarding Hurricane Katrina.
12 Q And my question is: Did he ask you to use
13 Nex Rad as a weather resource on work you were doing?
14 A No.
15 Q Why did you make this note?
16 A These are resources he said they were
17 using, they are reviewing, that they have access to
18 and he named them so I listed them.
19 Q Okay. What's the second one there?
20 A National Hurricane Center; National
21 Weather Service; Cyclone Database on Nex Rad.
22 Q You had never used that before, had you?
23 A I have used National Hurricane before --
24 information, but I did not use it after this or
25 related to Katrina, no.

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1 Q My question is: In any of the engineering work
2 you did in Katrina, you did not use any of that data, did
3 you?
4 A I used the data provided to me by the
5 company that I worked for.
6 Q My question was a little different, Mr. Ford:
7 You didn't use any of the data listed in that line NHC,
8 slash, NWS Cyclone Data --
9 A Not to my knowledge.
10 Q -- you never used that data, did you?
11 A Not to my knowledge.
12 Q And you didn't use any of the Nex Rad data, did
13 you?
14 A No.
15 Q How about the third one, Satellite Visual and
16 Infrared? Did you ever use that?
17 A No.
18 Q How about the next one University of Wisconsin?
19 Is that what that means?
20 A Correct.
21 Q Measurement of microwave interruption.
22 A Correct.
23 Q You never used any of that in your engineering
24 work on Katrina, did you?
25 A No.

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1 Q And the last one, what does that say?
2 A Review my e-mail dated 5-22 and call me
3 tomorrow.
4 Q No, the last line of the data weather
5 resources.
6 A Mimic, comma, search engine, mimic and
7 microwave.
8 Q And you had never used any of that data,
9 either, did you?
10 A No.
11 Q In fact, all of this data Mr. Scruggs outlined
12 for you is stuff that you had never used in your
13 engineering work on Katrina, right?
14 A That's correct.
15 Q The final line of this says what?
16 A Will review JBF e-mail dated 5-22-06 and
17 call me tomorrow.
18 Q That's your proposal for the consulting
19 agreement?
20 A Correct.
21 MR. ROBIE: I think we need to change tapes.
22 THE VIDEOGRAPHER: End of tape number two. Off
23 the video record at 12:25 p.m.
24 (Video off.)
25 (Lunch break taken.)

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1 (Video on.)
2 THE VIDEOGRAPHER: Tape number three on the video
3 record at 1:43 p.m.
4 BY MR. ROBIE:
5 Q Mr. Ford, when we broke we were looking at
6 Exhibit 16, your spiral bound notebook, and you concluded
7 with Mr. Scruggs' promise to call you back, which is the
8 last line of your entry on September 6th at Page 00006,
9 correct?
10 A Correct.
11 Q Did he call you back the next day?
12 A Yes.
13 Q And this would be the third day in a row you
14 talked to him?
15 A Yes.
16 Q And he called you on September 7th at what time
17 of the day?
18 A 4:00 p.m.
19 Q And what did he tell you?
20 A He said, yes, we want to go ahead.
21 Q What did that mean to you?
22 A It means he wants me to do some consulting
23 work for him.
24 Q And does that mean to you that he is going to
25 agree to pay you what you have asked?

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1 A That's what I got out of the conversation,
2 yes.
3 Q And the next line that you wrote there was
4 what?
5 A He says, I think we can meet your wishes
6 and expectations.
7 Q And your wishes and expectations would have
8 been to be compensated \$10,000 a month for 12 months?
9 A Right.
10 Q Is that a yes?
11 A Yes.
12 Q And did it also include reimbursement for your
13 expenses?
14 A We didn't discuss those specifics; that
15 would be my understanding, yes.
16 Q Right. And your expectations would also
17 include that you be paid a percentage of the recovery on
18 any of these cases?
19 A To be discussed, yes.
20 Q That was your expectation?
21 A Yes.
22 Q And that's what you understood Mr. Scruggs was
23 agreeing to when you spoke on September 7th?
24 A Yes.
25 Q He then tells you what? What does the next

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1 line say?
2 A I want to discuss in tomorrow's weekly war
3 meeting. I will recommend to my coalition and
4 convince any doubters.
5 Q And who did you think was in the coalition?
6 A I don't know. I don't know who was in the
7 coalition.
8 Q Mr. Wyatt?
9 A I would think Mr. Wyatt was in there, yes.
10 Q Mr. Butterworth?
11 A I hadn't heard anything of him in a very
12 long time so could have been.
13 Q How about Mr. Barrett the senior partner of the
14 firm Mr. Wyatt was working with?
15 A I don't know anything about him.
16 Q Did he call you as promised on September 8th
17 the next day?
18 A No, no.
19 Q And the next entry you make on September 7 is
20 what?
21 A Will call you 9-8, midday.
22 Q That would be the fourth day in a row you would
23 have talked to him if he had lived up to that promise?
24 A Correct.
25 Q And you have a set of notes underneath that

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1 that says what?
2 A It says that I made a list of things to
3 discuss with him and...
4 Q It says a Telecon agenda on Page 0007?
5 A Right.
6 Q Is that your handwriting?
7 A Yes.
8 Q And is this an agenda that you were writing
9 out?
10 A Correct.
11 Q And what was the point of that?
12 A Tell items to discuss with him.
13 Q So these were notes to remind yourself to
14 discuss these items?
15 A Yes.
16 Q And what are they?
17 A Discuss the confidentiality agreements.
18 To discuss whether we would do things with e-mail or
19 what mail system they used. Follow up on the
20 Mullins case. Input to Derek. Who would be my
21 contact?
22 Q And finally what else?
23 A It says how can I help you?
24 Q And did you have any views on how you could
25 help him?

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1 A Just reviewing reports and information
2 that they may have.
3 Q Testifying in their cases?
4 A Possibly, yes.
5 Q Serving as an expert witness against the
6 insurance company?
7 A Possibly.
8 Q Serving as a highly-placed insider?
9 MR. HAHN: Objection to form.
10 BY MR. ROBIE:
11 Q Do you have the question in mind?
12 A Whatever that means, yes.
13 Q Those were Mr. Scruggs' terms, right?
14 A Yes.
15 Q And then the next line I see down here is Trent
16 Lott. See next page.
17 A Right.
18 Q Do you see that -- actually, the next page in
19 the order of your booklet which is Page 08, is not
20 actually your notes of Trent Lott at all, is it?
21 A It is the next page after that.
22 Q All right. And the date on that conversation
23 is what?
24 A 9-25.
25 Q Is that the day that Senator Lott called you?

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1 A Yes.
2 Q Is this the same conversation you told me about
3 earlier today?
4 A Correct.
5 Q It is the one and only time you have ever
6 talked to Trent Lott?
7 A Since Katrina, yes.
8 Q Yes, did he tell you how he got your number?
9 A No.
10 Q Do you know how he got your number?
11 A No, I do not.
12 Q Where did he call you?
13 A I was at work.
14 Q Same place where you had the telephone
15 conversation -- the Telecon with the AG's office?
16 A Correct.
17 Q And these notes are as close as you can make
18 them a rendition of the subjects that you discussed with
19 Senator Lott?
20 A Yes.
21 Q Anything you left out?
22 A I don't recall anything like that, no,
23 sir.
24 Q The last line on here can you read that for me?
25 A Last line on the page?

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1 Q Yes.
2 A Trent would forgo his dollars to get State
3 Farm.
4 Q What did that mean to you?
5 A That whatever settlement he got he would
6 be willing to forgo to -- I don't know what he means
7 'to get State Farm', but that's what he said.
8 Q Did you have an understanding of what he meant
9 when he is saying 'to get State Farm'?
10 A No.
11 Q Did you have an idea in mind that you wanted to
12 get State Farm?
13 A No, those are his words.
14 Q And did Mr. Scruggs or any of his colleagues
15 suggest that they wanted to get State Farm?
16 A I don't remember that term, no.
17 Q Any term that's equivalent?
18 MR. WYATT: Object to that question. It is way
19 overbroad.
20 THE WITNESS: No, I don't recall any.
21 MR. WYATT: You may answer it.
22 BY MR. ROBIE:
23 Q Did you have any forwarning that Trent Lott was
24 going to call you?
25 A No.

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1 Q How old are you?
2 A Sixty-two.
3 Q In your 62 years of life, have you ever been
4 called by a United States senator before or since?
5 A No.
6 Q Pretty unusual circumstance, wasn't it?
7 A It was a surprise, yes.
8 Q And do you --
9 A But it was -- I mean, I had met him
10 before. It wasn't like it was somebody I had never
11 met, but it was a surprise, yes.
12 Q And as you sit her today, can you tell me how
13 it is that he came to know about you and have your number
14 to call?
15 A No, I can't tell that you.
16 Q In your view was this -- was this a -- sort of
17 a call arranged by Mr. Scruggs to try to encourage you to
18 help the team?
19 MR. HAHN: Objection, asked and answered.
20 THE WITNESS: I have no idea.
21 BY MR. ROBIE:
22 Q You wouldn't view it that way?
23 A You could view it that way, yes.
24 Q Well, you could; is that the way you view it?
25 A I don't know but -- yes, I would probably

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1 view it that way. But I don't know that that's what
2 happened.
3 Q But in your own mind that's probably what this
4 was, wasn't it?
5 MR. WYATT: Let me object. I think you are asking
6 him to testify what was in Mr. Lott's mind, if I get
7 this right.
8 Go ahead.
9 BY MR. ROBIE:
10 Q I'm asking about --
11 MR. HAHN: I join in that objection.
12 BY MR. ROBIE:
13 Q -- in your mind, that's what you considered
14 this call to be, wasn't it?
15 A Yes, I would think so.
16 Q During the lunch hour I finally made
17 arrangements to get a chance to review some of that
18 recorded statement that you gave to Brian Versiga --
19 A Darren.
20 Q -- or Darren Versiga. It is an audiotape and
21 in that interview he asks you to relate to him the
22 conversation you had with Bob Kochan about your
23 discussions with Lekie King. And in that recorded
24 interview with Darren Versiga, you reported to him
25 exactly the same material that is set out in your Bob

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1 Kochan e-mail, what we went over earlier today. Brian;
2 Lekie; Brian; Lekie. It is a he-said, she-said piece of
3 testimony.
4 There is no mention in your recorded
5 interview with Brian Versiga of this line about
6 Lekie King saying, hell, these people are desperate,
7 they would say anything. Is that similar with your
8 recollection, too?
9 A I don't recall.
10 Q You won't dispute that you didn't give that
11 information to Mr. Versiga in his recorded interview?
12 A I can't dispute that I didn't give it to
13 him, no.
14 Q If you would look, please, at your notes
15 following your conversation with Trent Lott, is your next
16 meeting -- or your next notation is what date?
17 A 10-5-06.
18 Q And what is that?
19 A Are you going forward?
20 Q I'm just looking for -- you are right because
21 the Trent Lott one was out of order. I needed to flip
22 back to where we were in order to stay in sequence.
23 Okay, who is that a call from?
24 A Lynn Gunn, Mississippi Attorney
25 Investigator called.

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1 Q Now, this is the second time you have talked to
2 Lynn Gunn?
3 A Yes -- he was the guy with Courtney?
4 Q Yes.
5 A Right.
6 Q Did you consider the Mississippi Attorney
7 General's office was contacting you because your contact
8 information had been furnished by Mr. Scruggs?
9 A As I said earlier, the only way I know
10 that that would have been done was through the
11 request that Zack Scruggs made.
12 Q Well, he was asking you about the FBI which is
13 a federal agency. I'm asking you about the Mississippi
14 Attorney General's office.
15 A I don't know how that occurred.
16 Q You never had any contact with them before in
17 your life, had you?
18 A No.
19 Q So when their investigator called up to arrange
20 a telephone conference with Courtney Schloemer which
21 occurred on August 28, '06, that was the first time you
22 ever spoke to anybody from the Mississippi Attorney
23 General's office, isn't it?
24 A Right.
25 Q And did you -- was it your understanding when

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1 they first called you in August, that they had received
2 your name and number from Mr. Scruggs?
3 A I did not know how they got it.
4 Q Did ask you them?
5 A No.
6 Q Did you ask them how it is that they were
7 talking to you?
8 A I do not remember asking that, no.
9 Q Well, do you remember them addressing it
10 whether you asked it or not?
11 A He said that -- no. Wanted to talk to me
12 about my involvement in that and did I do work --
13 did I work for Forensic? Did I do work on State
14 Farm work and I said, yes. And I think that's how
15 it started.
16 Q And you also discussed the fact that you were
17 working for Scruggs, didn't they?
18 A No.
19 Q Did you have any discussion with them in that
20 first telephone conversation about your proposed
21 assignment with Scruggs and his group?
22 A As I said earlier, I think I did tell
23 Courtney that I had had conversations with them.
24 That I had discussed the consultation agreement with
25 them.

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1 Q Did she suggest to you that she had spoken to
2 Scruggs, or Rick Wyatt, or anybody else from that group?
3 A At that time, no.
4 Q How about by the time we get to this -- is that
5 September 15th? October 5th when Lynn Gunn calls. Do
6 you see that on Page 07?
7 A Right.
8 Q Did you have a discussion with Lynn Gunn at
9 that point about the fact that Dickie and you had agreed
10 that you would go ahead and work with him?
11 A No.
12 Q How about your understanding that Dickie would
13 be meeting your wishes and expectations?
14 A No, I did not discuss that with him.
15 Q Actually, you had had a further conversation
16 with Mr. Wyatt between the telephone conversation with
17 Dick Scruggs on September 7th and the call from Lynn Gunn
18 on October 5th, didn't you?
19 A Where is that?
20 Q Well, there is an e-mail, which appears as Page
21 100230 in Exhibit 17. It is the large stack over to your
22 left.
23 A 230?
24 Q Yes.
25 A Yes, this is in response to -- I believe,

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1 a phone call from Derek Wyatt asking me the formal
2 name and title of the person I worked for at
3 Forensic.
4 Q Did you make a note of that phone conversation
5 in your handwritten notes?
6 A I don't know.
7 Q Can you look for me, please?
8 A I don't see one.
9 Q Is there a reason you didn't note that phone
10 conversation with Mr. Wyatt?
11 A No, I don't know why. I may have been
12 driving and it just wasn't convenient and didn't do
13 it. I don't know.
14 Q Is there a reason you didn't note the sending
15 of the e-mail?
16 A No.
17 Q Did Mr. Wyatt tell you why he needed this
18 information?
19 A I do not recall that.
20 Q As you sit here today, do you know why?
21 A I would think it is because he was
22 involved in some legal cases involving Forensic, but
23 that would just be my presumption.
24 Q Did Mr. Wyatt pay you for this information?
25 A No.

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1 Q Did you ask for payment?
2 A No.
3 Q Did you consider this was part of your work as
4 a consultant?
5 A I don't think this is --
6 MR. WYATT: Let me object to that. He has never
7 said to you once today that he was a consultant.
8 That's a mischaracterization of his testimony, grossly.
9 And, Brian, I would even ask that you
10 carefully listen to these questions. Those are
11 very, very dishonest questions.
12 MR. HAHN: I'm going to join in that objection.
13 BY MR. ROBIE:
14 Q Was this information that you furnished as an
15 insider?
16 MR. HAHN: Objection to form.
17 MR. WYATT: Objection.
18 MR. HAHN: Let the record reflect he has never
19 said that he was an insider; another
20 mischaracterization. He said those were Dick's words.
21 BY MR. ROBIE:
22 Q Do you have the question?
23 A No, sir, would you repeat it?
24 BY MR. ROBIE:
25 Q Was the furnishing of this information about

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1 Mr. Kochan something that you did as an insider?
2 A No.
3 MR. WYATT: Object.
4 MR. HAHN: Objection; same objection.
5 BY MR. ROBIE:
6 Q When you wrote to Brian Ford -- or to Derek
7 Wyatt on August 8th and said, quote, I was under the
8 distinction impression that SKG wanted me as a
9 consultant; expert witness; highly-placed insider;
10 witness with valuable documentation, et cetera, were
11 those descriptions that they had given to you?
12 A That's words they used in our first
13 discussion, yes.
14 Q And that's how they described your role?
15 A That's how they described -- I don't know
16 about my role. That's how they described my
17 background.
18 Q Well, when you had your conversation with
19 Mr. Scruggs on September 7, '06, at 4:30 p.m. and he
20 said, yes, we want to go ahead, did you understand he
21 wanted you to go ahead and perform those services that I
22 just read his description of?
23 A Some or all, yes.
24 Q Okay. And you understood during that
25 conversation that he would pay you \$10,000 a month to do

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1 that?
2 A I would take that from that, yes.
3 Q All right, now, after you talked to Lynn Gunn
4 on October 5th the next thing that happened is what?
5 A Received an e-mail from attorney Sybil
6 Byrd of Robert McDuff attorneys in Jackson.
7 Q And who is that?
8 A Someone that was representing Forensic, I
9 believe.
10 Q And you had a conversation with her?
11 A Yes.
12 Q On October the 9th, right?
13 A Sixth.
14 Q Well, there is the next line -- the next entry
15 is 10-9 Telecon. Have I read that correctly?
16 A I'm sorry, the e-mail on the 6th and phone
17 discussion on the 9th, yes.
18 Q I don't have her e-mail. Did you maintain
19 that?
20 A I'm sure I did. It hasn't been produced?
21 Q No.
22 A Wow, surprised.
23 Q Did you ever get an e-mail from anybody at the
24 Scruggs Group telling you that they were not going to pay
25 you after you had that conversation on September 7th,

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1 '06?
2 A No.
3 Q Did you ever have a discussion with them in
4 which they said they were not going to pay you?
5 A No, not that they were or they were going
6 to. There was never any consummation through the
7 agreement.
8 Q The last time -- is the last conversation you
9 had with them the one that occurred on September 7th when
10 Mr. Scruggs said that we could meet your expectations and
11 wishes?
12 A I don't know if that was the last time I
13 talked to Dickie or not. I don't remember another
14 conversation. It may have been.
15 Q Is that where it was left?
16 A Yes.
17 Q Okay, let's take a look at Page 00010. Those
18 are your notes again?
19 A Uh-huh.
20 Q And this is now a meeting with whom?
21 A Mississippi Attorney General's Assistant,
22 Courtney Schloemer.
23 Q Is this the first time you met with her?
24 A Yes.
25 Q Face-to-face?

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1 A Yes.
2 Q At your house?
3 A Yes.
4 Q With Lynn Gunn?
5 A Correct.
6 Q Anybody else present?
7 A No.
8 Q Your wife wasn't there?
9 A She was in the house, but not in the
10 meeting.
11 Q And the first bullet point under that again is
12 in your writing and what does it say?
13 A Courtney will determine JBF liability. To
14 give her these documents, the editable letter and
15 the Simpson report.
16 Q What does that mean?
17 A Whether I could give her a copy of the
18 Kochan -- the Forensic letter, the editable letter,
19 or the e-mails to me regarding my reviewing a report
20 after I had been terminated.
21 Q Is that the first thing you talked to
22 Ms. Schloemer about?
23 A I don't recall if it was the first thing
24 we talked about.
25 Q And what determination did she make regarding

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1 your liability for handing her your file?
2 A She determined that I could provide those
3 to her.
4 Q The e-mail that we referenced just a minute ago
5 from Page 07 of this Exhibit 16 from Sybil Byrd have you
6 furnished that to your counsel?
7 A I don't know.
8 Q The next item here -- the next bullet point on
9 your meeting with Courtney Schloemer says what?
10 A JBF should not discuss any engineering
11 work on Katrina with any groups, SKG; McDuffy; FBI;
12 FAEC. I'm not sure what the other one is. Look
13 forward to discussing it with her.
14 Q Is one of those ADC?
15 A What would that be?
16 Q I don't have any idea.
17 A I don't know what it is.
18 Q Are these all agencies or companies that she
19 listed for you?
20 A I don't think she listed those by name. I
21 think I listed the ones that I had been in contact
22 with.
23 Q Did you tell her you had already discussed --
24 had those discussions with SKG?
25 A Yes.

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1 Q And what did she say?
2 A Don't have any more discussions with
3 anybody before talking to her.
4 Q Did you tell her that you had just a few days
5 earlier had a discussion with Dickie?
6 A But that we had -- yes, but that we had no
7 agreement.
8 Q Or no finalized agreement had been signed?
9 A Right.
10 MR. WYATT: Object to the form of the question.
11 His answer was he had no agreement. He didn't say
12 anything about a finalized agreement.
13 MR. HAHN: Join in the objection.
14 MR. ROBIE: I missed your legal objection.
15 Would you read it back to me?
16 MR. WYATT: A mischaracterization of his answer.
17 MR. ROBIE: Thank you.
18 MR. WYATT: And that answer has been given about
19 nine times up to this point in time.
20 MR. ROBIE: I move to strike all of the colloquy
21 after the legal objection.
22 MR. WYATT: And I wish to leave it in.
23 MR. ROBIE: I wish to score my objection.
24 BY MR. ROBIE:
25 Q Did you tell her that you had asked Dickie to

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1 compensate you at the rate of \$10,000 a month?
2 A I did not discuss terms with her.
3 Q Did you tell her that he had told you that that
4 would be acceptable?
5 A I did not discuss terms with her.
6 Q Did you tell her that you were waiting to
7 finalize an agreement with Mr. Scruggs?
8 MR. HAHN: Object to form.
9 MR. WYATT: Object to form and leading and
10 everything else.
11 THE WITNESS: I told her that we had discussed a
12 consulting agreement. We had not reached an agreement.
13 That was about the extent of it.
14 BY MR. ROBIE:
15 Q The next item in here can you read it for me,
16 please?
17 A Mississippi AG criminal case would go
18 before grand jury. JBF and media would not support
19 the state's witness credibility and intentions.
20 Q JBF is you?
21 A Correct.
22 Q Can you tell me what you meant by this?
23 A This is a recording of what she said.
24 Q She said, J. Brian Ford and the media would not
25 support the state's witness? She said that to you?

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1 A That's my understanding of what she said,
2 yes.
3 Q And what was she trying to communicate as you
4 understood it?
5 A Don't talk to anybody else prior to the
6 statement involved with whatever they are doing.
7 Q Did she tell you that if you accepted -- if you
8 made a deal and finalized your deal with Scruggs --
9 MR. HAHN: Object to form.
10 BY MR. ROBIE:
11 Q -- at \$10,000 a month that it would affect your
12 credibility as a state's witness?
13 MR. WYATT: I object to form and also make a
14 reservation to Rule 11 every time you ask this
15 question; every time you ask it.
16 MR. HAHN: Object.
17 BY MR. ROBIE:
18 Q Do you have the question in mind, Mr. Ford?
19 A Ask it again, please.
20 MR. ROBIE: Could you read it back, please?
21 (The referred-to question was
22 read back by the court
23 reporter.)
24 BY MR. ROBIE:
25 Q Let me rephrase it. Did Courtney Schloemer
tell you that if you reached an agreement whereby Scruggs

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1 was going to pay you \$10,000 a month that it would affect
2 your credibility as a state's witness?
3 MR. WYATT: Object to form. Object to leading.
4 MR. HAHN: Join in the objection.
5 THE WITNESS: No, she did not.
6 BY MR. ROBIE:
7 Q Did she tell that you if you cooperated with
8 these groups that are identified on this Page 10 that it
9 would affect your integrity?
10 A My integrity? No.
11 Q Or your appearance of impropriety?
12 A No, she did not say that.
13 Q Did she tell you it would affect your
14 appearance of objectivity?
15 A No, she did not.
16 Q Did she tell you that going forward with a deal
17 with any of these entities would affect you in any way as
18 a state's witness?
19 MR. WYATT: Object to form. Object to leading.
20 Mischaracterization of previous testimony.
21 MR. HAHN: Join in the objection.
22 THE WITNESS: I believe what she said about being
23 in the media will not support the state's witness
24 credibility and intentions. That was her statement.
25 ////

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1 BY MR. ROBIE:
2 Q And what did that mean to you?
3 A Don't talk to the media.
4 Q I'm sorry?
5 A Don't talk to the media.
6 Q Okay. Did that same instruction 'do not
7 discuss with any groups', did she also suggest to you
8 that that would affect your credibility and intention?
9 MR. WYATT: Object to form. Object to leading.
10 Objection to mischaracterization of the testimony.
11 MR. HAHN: Join in the objection.
12 THE WITNESS: Her instruction to me was not to
13 talk to any group, anybody, before talking to her.
14 BY MR. ROBIE:
15 Q What criminal investigation was she talking
16 about as you understood it?
17 A Investigations into insurance case
18 activity is all I can say.
19 Q Do you know who was being investigated?
20 A No.
21 Q Did you know State Farm was being investigated?
22 A I did not know that, no. Not that
23 company, per se. I do think it was insurance
24 companies, but I did not know which ones.
25 Q The -- the next note says State of Mississippi

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1 would reimburse your travel expenses. Did I read that
2 correctly?
3 A Uh-huh.
4 Q Is that a yes?
5 A Yes.
6 Q And then under that you wrote what?
7 A I will be called in the next two months to
8 testify before the grand jury. This needs to be
9 done before any Scruggs Katrina group case.
10 Q She told you that she needed your testimony
11 before you did any work for the Scruggs Katrina group?
12 A Correct.
13 Q Did she tell you why?
14 A No.
15 Q Did she tell you why she wanted your testimony
16 before the grand jury before you should do any work for
17 Scruggs Katrina group?
18 MR. WYATT: Object, asked and answered; badgering.
19 MR. HAHN: I join in that objection.
20 THE WITNESS: No.
21 BY MR. ROBIE:
22 Q Mr. Ford, did she tell you in sum and substance
23 that she did not want to have to explain to the grand
24 jury that you were being paid by the Scruggs Katrina
25 group?

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1 MR. HAHN: Objection, mischaracterization.
2 MR. WYATT: Object to the form;
3 mischaracterization.
4 THE WITNESS: No.
5 BY MR. ROBIE:
6 Q She never said that to you?
7 A No.
8 Q Never implied that to you?
9 A No.
10 MR. WYATT: Objection.
11 BY MR. ROBIE:
12 Q Never communicated that to you in any way,
13 shape, or form?
14 A No.
15 Q Okay. You then requested a report on change
16 certificate of authority. Do you see that?
17 A Yes.
18 Q Did she give you that data?
19 A Yes, she did.
20 Q What did she tell you?
21 A I told her that I was concerned that my
22 name remained on the Forensic certificate beyond the
23 time I was terminated. And that I had not been able
24 to find out if I had been removed from that. And
25 she determined that I had been removed from that and

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1 replaced by Jack Kelly.
2 Q All right. And then she told you that she
3 would try to schedule your testimony to minimize the time
4 impact on that?
5 A Correct.
6 Q Is that something you wanted done?
7 A Correct.
8 Q Did you talk to Mr. Wyatt about that
9 conversation with Ms. Schloemer?
10 A No. Well -- no. I didn't talk to him
11 about this, no.
12 Q How about on the next page when you got an
13 e-mail from him on the 21st of October?
14 A I got an e-mail from Derek wanting my
15 consulting services. I e-mailed Courtney to tell
16 her of the request.
17 Q Is this document which is included in
18 Exhibit 17 a document 203 is this that e-mail that
19 Mr. Wyatt sent you on October 21st?
20 A Yes.
21 MR. ROBIE: We will mark that as an exhibit. Is
22 21 next?
23 THE COURT REPORTER: 22.
24 (WHEREUPON, Exhibit Number 22
25 was marked for identification by
the court reporter.)

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1
2 BY MR. ROBIE:
3 Q Again Mr. Wyatt's e-mail address as of
4 October 21 is dwyatt@barettlawoffice. You will find that
5 document in the stack here on Page 203.
6 A Correct.
7 Q And he again reaffirms that we need to retain
8 you for consulting work?
9 A Yes.
10 Q There is a line then in there, there is a note
11 that says, Roxann, please forward to Brian each and every
12 attachment we have previously sent to Steve Stresleck.
13 Do you see that?
14 A Yes.
15 Q Who is Steve Stresleck?
16 A I have no idea.
17 Q Did he talk to you about Steve Stresleck?
18 A No.
19 Q As you sit here today do you know who that is?
20 A No.
21 Q How did you respond to this e-mail?
22 A I'm not sure that I responded in writing.
23 Q Your next note says you sent an e-mail to
24 Courtney Schloemer, right?
25 A Right.

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1 Q Where would I find that e-mail? I want you to
2 take a look at Pages 0054 and 0055. Actually, it is just
3 0054.
4 MR. HAHN: Is that Exhibit 16?
5 MR. ROBIE: Yes.
6 THE WITNESS: Yes, that is the e-mail to Courtney.
7 BY MR. ROBIE:
8 Q Did she respond?
9 A I don't know if she responded in writing.
10 Q Did she call you?
11 A She called me on the 25th.
12 Q Is that the first response she had to your
13 October 21st e-mail?
14 A To my knowledge, yes.
15 Q Is that the e-mail that appears at Page 201 --
16 sorry. Where do you find that -- do you find that
17 e-mail?
18 A No.
19 Q Your records and your notes reflect that she
20 e-mailed you on the 25th -- or she called. I says she
21 called, right?
22 A Right.
23 Q And then you have got a summary on Page 12 of
24 this Exhibit 16, summary of that telephone conversation,
25 right?

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1 A Right.
2 Q What time of the day did she call you on the
3 25th of October?
4 A I don't know.
5 Q How long did this conversation last?
6 A I don't know.
7 Q Do you have an estimate?
8 A Five or ten minutes.
9 Q Five or ten minutes?
10 A Yes, a brief conversation.
11 Q Where were you?
12 A I can't answer that.
13 Q Do you know if you were home?
14 A No, I do not know.
15 Q Were you alone?
16 A I was either in my office or in the car on
17 the way home. And I do not recall the setting for
18 this phone call.
19 Q This is one of the few entries where you don't
20 have the time of a call. Do you see that?
21 A I don't see the time, right.
22 Q Is there a reason why you put a separate
23 summary of this phone conversation in your spiral
24 notebook?
25 A What do you mean a separate summary?

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1 Q Well, if you look at Page 0001 -- 00011, you
2 will see October 24; October 25; October 25; October 25,
3 Courtney Schloemer called. See next page. And then you
4 have set out on Page 01 -- Page 12 a separate page for a
5 summary of that.
6 A Right. That probably means I did not have
7 this in front of me when I had the conversation. I
8 probably was driving and this was probably my
9 summary of the conversation when I got a chance to
10 make that note.
11 Q Right. And it is accurate to the best of your
12 knowledge?
13 A Yes.
14 Q And let's take a look at that. The first thing
15 she tells you is, what, the grand jury will start the
16 week after Thanksgiving?
17 A Correct.
18 Q And what grand jury are you talking about?
19 A Federal, I would assume.
20 Q Courtney Schloemer is a assistant attorney
21 general for the State of Mississippi?
22 A I don't know what she is; she didn't say.
23 Q You didn't know when you were talking to her?
24 A I didn't know whether state or federal,
25 no.

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1 Q Right. And you didn't know what crime she was
2 investigating?
3 A I...
4 Q But she did tell you she would be flexible as
5 to when you would testify?
6 A Correct.
7 Q Has she talked to you about what testimony she
8 expects you to give?
9 A No.
10 Q Do you have any expectation of what that would
11 involve?
12 A Not really.
13 Q What's the next line she says -- she wrote --
14 you wrote there?
15 A Courtney talked to Derek. They agree that
16 a criminal conviction could help civil cases.
17 Q And Derek in that line is who?
18 A Derek Wyatt, I would assume.
19 Q And did she explain to you how it is that she
20 and Derek Wyatt agreed that a criminal conviction could
21 help the civil cases?
22 A No.
23 Q And when they say civil cases, they are talking
24 about the Scruggs insurance cases, right?
25 MR. WYATT: Object to leading. Object to form of

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1 the question.
2 THE WITNESS: Any civil case, right? Not limited
3 to that, right?
4 MR. HAHN: I join in the objection.
5 BY MR. ROBIE:
6 Q Right. But you understood that Derek's civil
7 cases were Scruggs insurance cases, right?
8 A Yes.
9 Q And you understood when she said this to you,
10 that it was her judgment and Derek's judgment that a
11 criminal conviction would help those cases, right?
12 MR. WYATT: Object to form. Object to leading.
13 THE WITNESS: That's what I took from the
14 conversation.
15 BY MR. ROBIE:
16 Q Right. That's what you understood her to be
17 saying, right?
18 A Right.
19 MR. WYATT: Object.
20 BY MR. ROBIE:
21 Q And then the next line says what?
22 A Courtney does not want Brian to be a paid
23 consultant prior to testifying before the grand
24 jury.
25 Q She told you that, right?

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1 MR. HAHN: Objection, asked and answered.
2 BY MR. ROBIE:
3 Q Is that what she told you, Mr. Ford?
4 A That's what I got from the conversation.
5 I don't know if that's her exact words or not, but
6 that is what I got from the conversation.
7 Q Sum and substance of what she said to you?
8 A From my understanding, yes.
9 Q Right. Did you have a discussion with her
10 about the timing on when you would be a paid consultant?
11 MR. HAHN: Objection, mischaracterization.
12 THE WITNESS: Prior to the grand jury that's it.
13 BY MR. ROBIE:
14 Q Right. And you could tell her faithfully that
15 as of that moment you hadn't been paid anything, right?
16 A That's correct.
17 Q And did she want -- did she emphasize to you
18 that you should retain that status until after you
19 testified before the grand jury?
20 MR. WYATT: Object to form. Object to leading.
21 MR. HAHN: Object to the form.
22 THE WITNESS: Would you ask that again, please.
23 MR. ROBIE: Why don't you repeat the question.
24 (The referred-to question was
25 read back by the court reporter.)

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1 MR. WYATT: Same objection.
2 MR. HAHN: Same for me as well.
3 THE WITNESS: My understanding of it was it was
4 her desire that I remain not being a paid consultant
5 prior to whatever testimony she wanted me to give in
6 this grand jury. I did not understand it to mean it
7 was illegal or that she was telling me not to be
8 inappropriate or do anything that I couldn't. It was
9 my understanding it was best for her that I didn't.
10 BY MR. ROBIE:
11 Q And why would it be best for her as you
12 understood it?
13 MR. HAHN: Objection, asked and answered.
14 THE WITNESS: I don't know how to answer that.
15 BY MR. ROBIE:
16 Q She didn't explain that to you?
17 A No.
18 Q She didn't suggest to you if you hadn't been
19 paid anything then she wouldn't even have to go into the
20 subject with the grand jury?
21 MR. HAHN: Objection, leading.
22 MR. WYATT: Objection to leading; form;
23 mischaracterization; speculation.
24 MR. HAHN: Join.
25

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1 BY MR. ROBIE:
2 Q Did she say to you in sum and substance that if
3 you did take money she might have to disclose that to the
4 grand jury?
5 MR. WYATT: Objection; same objection.
6 MR. HAHN: Objection, leading.
7 BY MR. ROBIE:
8 Q She didn't say anything about that one way or
9 the other?
10 A No.
11 MR. WYATT: Objection.
12 BY MR. ROBIE:
13 Q The next line says what?
14 A FAEC discussions came to a boil yesterday.
15 On, off, back on. Courtney says FAEC not sure about
16 non-disclosure. She advised me to contact Sybil
17 Byrd and McDuff.
18 Q As you sit here today do you remember who Sybil
19 Byrd is?
20 A The attorney that called me or e-mailed
21 me -- called me, that was representing FAEC, I
22 believe.
23 Q And what issues with FAEC, as far as you know,
24 had come to a boil?
25 A I have no idea.

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1 Q What did that mean to you 'FAEC discussions
2 came to a boil'?
3 MR. WYATT: Objection, asked and answered.
4 THE WITNESS: I took it to be some investigation
5 that they were doing that was on, off, on, off;
6 whatever that means.
7 BY MR. ROBIE:
8 Q Did she suggest to you that FAEC was the object
9 of a criminal investigation by her office?
10 A Nothing other than that statement.
11 Q Does that suggest to you that FAEC was the
12 object of a criminal investigation by her office?
13 A Could be, yeah.
14 Q Were you operating under that assumption?
15 A That was my understanding from that was --
16 the possibility existed, yes.
17 Q Anybody else that you thought was possibly
18 under criminal investigation?
19 A Well, as I said earlier, I thought it had
20 to do with insurance activities.
21 Q So any insurance company could be the object?
22 A Could be, yeah.
23 Q All right. And then the last line of this note
24 is what?
25 A Courtney has not done anything on the

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1 certificate of authenticity issue. She has been
2 short on staff.
3 Q So --
4 A And then in the next one she clears it up.
5 She sent me an e-mail saying that Jack Kelly was now
6 on the certificate of authenticity. The date of
7 change was unknown.
8 Q Take a look, if you would, please, at Document
9 100199 in Exhibit 17, please. Actually, I think that
10 following our usual rule of going to the back and moving
11 forward, you might want to start with 202.
12 A Yes, I guess this is -- Derek wanted me to
13 consult on the Mullins case. Letter to Courtney.
14 Another letter from Derek saying he wanted to talk
15 to me. And then my response saying, yes, this is a
16 good time to talk. Here is my phone number.
17 Q And so if I'm reading this correctly on
18 October 25th, you sent an e-mail to Derek Wyatt?
19 A Correct.
20 Q Telling him that Courtney Schloemer called,
21 right? Why don't you read that for me?
22 MR. HAHN: Objection, asked and answered.
23 BY MR. ROBIE:
24 Q Can you read to me what you wrote to Mr. Wyatt?
25 A Yes, it just says, yes, now is okay. My

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1 cell phone number is (404)839-1481.
2 BY MR. ROBIE:
3 Q No, I'm talking about Document 201, the
4 October 25, 2006, e-mail to Derek Wyatt at 1:03 p.m.
5 What did you say to him?
6 A Derek, Courtney Schloemer with the
7 Mississippi AGO called me to tell me -- to tell me
8 she discussed strategy with you regarding my
9 participation in the criminal and civil cases. What
10 is your understanding of where we go from here?
11 Q Had you had a discussion with Courtney
12 Schloemer on October 25th in which she told you that she
13 had discussed strategy with Derek Wyatt on the handling
14 of the criminal and civil cases?
15 A I think what I was trying to say was I had
16 a telephone conversation with Courtney on 10-25 and
17 where do we go from here?
18 Q In that conversation 10-25 -- October 25, 06,
19 did Courtney tell you that she discussed strategy with
20 Derek Wyatt regarding your participation in the criminal
21 and civil cases?
22 THE WITNESS: Would you repeat the question? I'm
23 sorry I was...
24 (The referred-to question was
25 read back by the court
reporter.)

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1 THE WITNESS: Only to the same effect that she did
2 not want me participating in the civil cases prior to
3 grand jury testimony.
4 BY MR. ROBIE:
5 Q Did you understand that she had talked to
6 Mr. Wyatt about that?
7 A That they -- no. The only thing I
8 understood was that they had talked about the
9 criminal and civil cases. What all they discussed,
10 I don't know.
11 Q Well, you came away from that with an
12 understanding that Courtney and Derek had agreed that a
13 criminal conviction would help the civil cases, right?
14 A Yes.
15 Q Did you also come away with that with the
16 understanding that Courtney and Derek agreed that Brian
17 Ford should testify before a grand jury before he would
18 get paid by Scruggs?
19 MR. HAHN: Objection, mischaracterization.
20 MR. WYATT: Objection, mischaracterization;
21 leading; form.
22 THE WITNESS: No.
23 BY MR. ROBIE:
24 Q You didn't have that understanding?
25 MR. WYATT: Object; same.

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1 MR. HAHN: I join.
2 THE WITNESS: We didn't discuss that, no.
3 BY MR. ROBIE:
4 Q My question is: Were you left with that
5 impression based on your discussion?
6 MR. WYATT: Object and that's purely speculative.
7 Of what impression? He has told you twice he didn't
8 discuss it.
9 MR. HAHN: Join.
10 MR. WYATT: We are reaching the point of witness
11 abuse here.
12 BY MR. ROBIE:
13 Q Do you have the question in mind?
14 A No, I did not -- it is my understanding
15 she didn't want me to do any work for them prior to
16 grand jury testimony, period; and I didn't.
17 Q And was it also your understanding that she and
18 Derek had come to that same agreement?
19 MR. HAHN: Objection, asked and answered.
20 MR. WYATT: Objection, asked and answered; form;
21 leading.
22 THE WITNESS: It was unsaid, but that would be my
23 understanding, yes.
24 BY MR. ROBIE:
25 Q Right. At least that's what you assumed,

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1 right?
2 A Yes.
3 Q That was your conclusion?
4 A Yes.
5 MR. HAHN: Objection, asked and answered.
6 BY MR. ROBIE:
7 Q Now, when you wrote to Derek -- in fact, let me
8 go ahead and attach those -- these three pages that we
9 are talking about. It is Page 201 and 202 of Exhibit 17.
10 You asked Derek where do we go from
11 here, right? Let me put it in context. The e-mail
12 says: Derek, Courtney Schloemer of the MSAGO called
13 me to tell me she discussed strategy with you
14 regarding my participation in the criminal and civil
15 cases. And you wrote: What is your understanding
16 of where we go from here?
17 Did I read that correctly?
18 A Correct.
19 Q And why is it that you were asking Mr. Wyatt
20 for instructions about where to go from there?
21 A To see what his understanding was.
22 Q Did it matter to you what his understanding
23 was?
24 A It would when he called next time.
25 Q Why is that?

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1 A Because I would want to know what the
2 understanding was.
3 Q All right. We will mark those two pages as
4 Exhibit 24. Did he respond to you?
5 THE COURT REPORTER: Twenty-three?
6 MR. ROBIE: Twenty-three.
7 THE WITNESS: Yes, he responded.
8 (WHEREUPON, Exhibit Number 23
9 was marked for identification by
10 the court reporter.)
11 BY MR. ROBIE:
12 Q And what was his response?
13 A He said, let's talk.
14 Q Did you talk?
15 A I talked to Derek on 10-25. I don't have
16 a time there on my notes. I would presume it was
17 after the e-mail.
18 Q What page are you looking at on your notes?
19 A Eleven.
20 Q And where were you when you had this
21 conversation?
22 A I don't know.
23 Q Well, if you look at Page 199 of Exhibit 17, do
24 you see your e-mail from 2:11 in the afternoon back to
25 Mr. Wyatt, top of the page?
A Yes, probably at work.

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1 Q And what does that e-mail say?
2 A Yes, now is okay. My cell phone number
3 is.
4 MR. ROBIE: All right. Why don't we mark that
5 page as Exhibit 24.
6 (WHEREUPON, Exhibit Number 24
7 was marked for identification by
8 the court reporter.)
9 BY MR. ROBIE:
10 Q Did he call you on your cell phone that
11 afternoon?
12 A He did call, yes.
13 Q And where were you when you took the call?
14 A Probably at work.
15 Q Were you alone?
16 A Yes, I usually go to a conference room or
17 go outside or something, yes.
18 Q And did he give you a summary of the status of
19 the criminal investigation?
20 MR. WYATT: Object to leading. Object to form.
21 THE WITNESS: My notes said that he said it is
22 coming to an end. To be presented to the grand jury.
23 BY MR. ROBIE:
24 Q Mr. Wyatt told you the criminal investigation
25 was coming to an end?
A That's what I noted that...

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1 Q Is that --
2 A -- his understanding was that it was
3 coming to an end and would be presented to a grand
4 jury, yes.
5 Q Why don't you just read the line for me here?
6 A Current investigation, dash, coming to an
7 end. Present to grand jury. Documents and
8 witness -- witnesses.
9 Q That's the information Mr. Wyatt gave you?
10 A That's the notes I made from the
11 conversation.
12 Q And those notes were based on information that
13 Derek Wyatt gave you on the afternoon of October 25 '06?
14 MR. WYATT: Object to leading. Object to form.
15 BY MR. ROBIE:
16 Q Is that right?
17 A Yes.
18 Q And did he tell you when the criminal
19 investigation was coming to an end?
20 MR. HAHN: Object to form.
21 THE WITNESS: Not to my knowledge.
22 BY MR. ROBIE:
23 Q Did he give you any specifics on when documents
24 and witnesses would be presented to the grand jury?
25 A No.

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1 Q Did you ask him when you would be expected to
2 testify?
3 A No.
4 Q Did you ask him what role you would be playing
5 in that criminal investigation?
6 A No.
7 Q Did you have a discussion with him on how he
8 happened to know the status of the criminal investigation
9 as of October 25?
10 MR. WYATT: Object to leading. Object to form.
11 THE WITNESS: No.
12 BY MR. ROBIE:
13 Q Did you ask him how he knew it was coming to an
14 end?
15 MR. WYATT: Same objection.
16 THE WITNESS: No.
17 BY MR. ROBIE:
18 Q Did you ask him how frequently he was
19 conversing with Courtney Schloemer about the status of
20 her criminal investigation?
21 MR. WYATT: Object to form. Object to leading.
22 THE WITNESS: No.
23 BY MR. ROBIE:
24 Q Did he confer with you about her criminal
25 investigation?

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1 A No.
2 MR. WYATT: Same objection.
3 BY MR. ROBIE:
4 Q Had you talked to Courtney about how often she
5 talked to Derek?
6 A No.
7 MR. WYATT: Same objection.
8 BY MR. ROBIE:
9 Q The next line says what?
10 A Civil role.
11 Q This is Brian's civil role?
12 A That was what I would take was the case.
13 Q Well, you wrote the word 'Brian' in there,
14 didn't you?
15 A Right.
16 Q And that's you, right?
17 A Civil role. Witness has personal
18 knowledge. Witness as a knowledge person.
19 Q What does that mean?
20 A The witness based on what I knew about
21 whatever the case was and I would take that to mean
22 an expert witness.
23 Q And you would take that to be as a witness who
24 would be compensated, right?
25 A I don't know. That's not discussed.

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1 Q But that's your understanding, isn't it?
2 MR. WYATT: Well, wait a minute. Wait a minute.
3 Object to form and leading. I don't even know what you
4 are asking him about. Which of these are you asking
5 him about?
6 MR. ROBIE: Well, the legal objection would be
7 that the question is ambiguous.
8 MR. WYATT: I will make my own objections. If you
9 will tell me what you are asking, we will figure out
10 what my objection is.
11 MR. ROBIE: If I knew what your objection was, I
12 might be able to respond to it. Speeches don't do much
13 for me.
14 MR. WYATT: Well, you have a burden to ask a clear
15 question. I have a burden to give you a clear
16 objection. I'm trying to do that. I don't understand
17 which of these statements you are asking the witnesses
18 about. Which one are you talking about, witness has
19 personal knowledge? Or the second thing with all of
20 the ditto marks?
21 BY MR. ROBIE:
22 Q Do you understand my question?
23 MR. HAHN: I will object as duplicative.
24 BY MR. ROBIE:
25 Q Do you understand my question?

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1 A Apparently, not.
2 BY MR. ROBIE:
3 Q Did you anticipate that you would be paid as an
4 expert witness?
5 MR. HAHN: Objection, asked and answered.
6 MR. WYATT: Ten times at least.
7 THE WITNESS: If we entered into an agreement and
8 if they asked me to review and participate in the cases
9 and asked me to testify as an expert witness, under
10 those conditions, yes.
11 BY MR. ROBIE:
12 Q The next line says what?
13 A Remain at arm's length regarding Mullins.
14 Q And then what does SKG mean on that -- on the
15 end of that?
16 A That's Scruggs Katrina group.
17 Q What did that mean?
18 A Don't be involved in it.
19 Q This is the same afternoon that you talked to
20 Courtney Schloemer?
21 A Yes, the 25th.
22 Q So you first talked to Courtney and then you
23 talked to Derek, right?
24 A Yes.
25 Q And Derek told you to remain at arm's length

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1 regarding Mullins?
2 MR. WYATT: Object to form. Object to leading.
3 THE WITNESS: It is my understanding I would not
4 be involved in that at all at that time, that's
5 correct.
6 BY MR. ROBIE:
7 Q And that's because Derek told you that?
8 MR. WYATT: Object to form. Object to leading.
9 BY MR. ROBIE:
10 Q Did he tell you that, Mr. Ford?
11 A That's my understanding of his previous
12 request for me to give him information on it, I took
13 to be he didn't want any feedback on it. And not
14 that he was going to get it, but that he was not
15 expecting any.
16 BY MR. ROBIE:
17 Q The next line says what?
18 A No schedule at this time. Brian's role in
19 Mullins would be non-discoverable.
20 Q What did that mean to you?
21 A I don't have any timeframe for the case.
22 Anything I did it would be non-discoverable.
23 MR. HAHN: I'm going to object to the extent it
24 asks him to define a legal term.
25 MR. WYATT: I join in that.

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1 BY MR. ROBIE:
2 Q I caution you I'm not looking for a legal
3 anything, Mr. Ford. I just want to know what J. Brian
4 Ford thought that meant.
5 A It is on hold.
6 Q It is on hold?
7 A It is on hold.
8 Q Okay. Then it tells you to do what? What does
9 the note say?
10 A Call Scruggs' office as favor to Derek.
11 Inform him we discussed Mullins case only; and I did
12 that.
13 Q Derek is Derek Wyatt again?
14 A Correct.
15 Q And did he tell you why he wanted you to call
16 Scruggs with that information?
17 A No.
18 Q Did you do that?
19 A Yes.
20 Q How do you know you did that?
21 A How I do know I did that?
22 Q How do you know you made the call that he asked
23 you to make?
24 A I picked up the phone, made the call, and
25 reported it here at the bottom.

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1 Q Right. And what does it say that tells you
2 that?
3 A I left a message with Meredith in the
4 Oxford office that that phone number for Sid Baxter
5 was not available and left a message to that
6 statement.
7 Q Is that phone number the 662 number?
8 A Correct.
9 Q How did you know to call Sid Baxter?
10 A I didn't know to. That's what Derek asked
11 me to do.
12 Q Well, that's what I'm trying to understand.
13 The note says 'call Scruggs' office'? Did he tell you to
14 talk to Sid?
15 A Yes.
16 Q Had you spoken to Sid before this?
17 A No.
18 Q Did he give you an explanation of why you
19 needed to do this?
20 A No, as favor to him.
21 Q Did he ask you him why you needed to make that
22 call?
23 A No.
24 Q Did you ever speak to Sid Baxter?
25 A No.

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1 Q Right up to today?
2 A No.
3 Q The next line on this note is what?
4 A Characterization of my role is affecting
5 lawyers' communication with me.
6 Q What does that mean?
7 A Again, you know, from my viewpoint all of
8 this is very confusing. I don't understand the
9 process. I don't know what we are doing. You call
10 me, you ask me questions. You guys don't answer my
11 proposal. I don't know what's going on.
12 And the answer was basically that my
13 role is such that it affects communication with me.
14 So what I got from that was you are on hold and will
15 continue to be.
16 Q Whose determination was this? Is this Brian's
17 own personal thought or is this something you discussed
18 with Derek Wyatt?
19 A That is my understanding from my
20 conversation with Derek.
21 Q And what was Derek's view of this statement?
22 MR. WYATT: Object to leading and form. And
23 asking the witness to speculate of what another person
24 was thinking.
25 MR. HAHN: I object to form as well.

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1 THE WITNESS: I can't answer your question.
2 BY MR. ROBIE:
3 Q He didn't tell you?
4 A I don't remember the words he used. This
5 is my note of understanding of the conversation.
6 Q As of this point, October 25, '06, did you have
7 a straight-forward conversation with him in which you
8 said, am I your consultant or not? Or words to that
9 effect?
10 A Yes. Where do we stand? What's by role
11 in this? I have got other things to do in life than
12 talk about this.
13 Q What did he tell you?
14 A That, you know, based on my role or my
15 role in this, that couldn't go forward at this time
16 is what I got out of it.
17 Q Well, Mr. Ford, am I missing something or by
18 the time you finished talking to Courtney and Derek on
19 the 25th, did you understand that it was their view that
20 until you testified before the grand jury, they were just
21 going to back off from you?
22 MR. WYATT: Object to form. Object to leading.
23 Mischaracterization of previous testimony.
24 THE WITNESS: Yes.
25

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1 BY MR. ROBIE:
2 Q That's right?
3 A (Witness nods head affirmatively.)
4 Q That's the bottom line, right?
5 A Uh-huh.
6 MR. WYATT: Same objection.
7 BY MR. ROBIE:
8 Q I need a yes or no.
9 A Yes.
10 Q The next contact we have -- oh, incidentally,
11 there are some numbers written on the top of Page 11,
12 what are those?
13 A 64, 15, and 79.
14 Q And what do those mean?
15 A I have no idea.
16 Q Is there a dollar sign in front of this 79?
17 A Yes, there is. I don't know what it
18 means.
19 Q That doesn't mean anything to you, huh?
20 A No.
21 Q The next morning you get an e-mail from
22 Courtney on the 26th.
23 A Yes.
24 Q And that's dealing with the certificate of
25 authority for FAEC?

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1 A Correct.
2 Q And then you get another phone call the next
3 morning at 8:30 in the morning from Derek Wyatt, right?
4 MR. HAHN: Objection. It says 8:30 p.m.
5 MR. ROBIE: I'm sorry, you are one hundred percent
6 right.
7 THE WITNESS: Correct.
8 BY MR. ROBIE:
9 Q And in that conversation, he wants again
10 information about Bob Kochan?
11 A Yes.
12 Q And you sent it to him?
13 A Yes, I did; Bob, Adam, Nellie.
14 Q And then the next activity you record is at
15 Page 00013 of your notes involving a call from Russ
16 Geboy?
17 A I don't think it was a call, was it?
18 Q I'm sorry, maybe I just assumed that. Did he
19 come to visit you?
20 A Yes, he did.
21 Q At your house?
22 A No, at work.
23 Q Had you arranged that meeting?
24 A No.
25 MR. HAHN: Can we go off the record for just a

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1 minute?
2 MR. ROBIE: Yes.
3 THE VIDEOGRAPHER: This is the end of tape number
4 three. Off the video record at 2:54 p.m.
5 (Video off.)
6 (Break taken.)
7 (Video on.)
8 THE VIDEOGRAPHER: This is the beginning of tape
9 number four. Back on the video record at 3:19 p.m.
10 BY MR. ROBIE:
11 Q Mr. Ford, we were talking about --
12 THE VIDEOGRAPHER: Your mike is not on. Thank
13 you.
14 BY MR. ROBIE:
15 Q Oops. Your notes on Page 00013 of Exhibit 16,
16 those are your notes, aren't they?
17 A Yes.
18 Q Do those accurately reflect your meeting with
19 Mr. Geboy that occurred on November 7th, '06?
20 A Yes.
21 Q Did you check with Courtney Schloemer before
22 meeting with Mr. Geboy?
23 A No.
24 Q Did you check with Courtney Schloemer as to the
25 propriety of meeting with him after your meeting?

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1 A I don't recall whether I did or not. Yes,
2 I did.
3 Q Did you reveal to Mr. Geboy your negotiations
4 with the Scruggs Group about payment at the rate of
5 \$10,000 a month?
6 MR. WYATT: Object to the form of the question.
7 MR. HAHN: I join in the objection.
8 THE WITNESS: I do not recall discussing that with
9 him.
10 BY MR. ROBIE:
11 Q Did you furnish him with copies of your
12 proposed compensation agreement?
13 MR. WYATT: Same objection.
14 THE WITNESS: No, I did not furnish it to him.
15 BY MR. ROBIE:
16 Q Did you furnish him with copies of the e-mails
17 that had been passed between yourself and Mr. Wyatt?
18 MR. WYATT: Same objection.
19 THE WITNESS: No, just the ones noted here.
20 BY MR. ROBIE:
21 Q Well, which ones are those?
22 A Copies of my FAEC e-mail documents
23 requesting me to send some MACTEC documents.
24 Q Did you tell him that Derek Wyatt and Courtney
25 Schloemer had told you not to agree to a compensation

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1 schedule unless -- until you had testified before the
2 Mississippi Grand Jury?
3 A No, I don't think so.
4 MR. WYATT: Object to form. Objection to leading.
5 Object to mischaracterization of testimony. And
6 preserve Rule 11 sanctions.
7 BY MR. ROBIE:
8 Q Did you give him any information at all about
9 your ongoing negotiations with the Scruggs group?
10 A I do not believe so.
11 Q Did you tell him that, in fact, you had agreed
12 to work on the Scruggs Katrina insurance cases?
13 A I do not recall discussing that, but I
14 could have.
15 Q Your notes don't make any reference?
16 A No, my notes don't make any reference to
17 that and I don't recall what information I
18 volunteered to them. These are the notes I made and
19 documents they requested.
20 Q All right. Mr. Wyatt e-mailed you on
21 December 20th, right? Actually -- I'm sorry, it was
22 December 19th.
23 MR. WYATT: What's the Bates number on the
24 document?
25

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1 BY MR. ROBIE:
2 Q Look at 10097, please.
3 A FAEC 97?
4 Q Yes.
5 A Kathryn Breard?
6 THE COURT REPORTER: What did you say, I'm sorry?
7 BY MR. ROBIE:
8 Q No, no. I am looking at Exhibit 17. 100 --
9 196 and 197.
10 A You said 09.
11 Q I misspoke. Actually, it would be ... did he
12 send you that e-mail?
13 A Of his new address and contact
14 information, yes.
15 Q Right. Because he had changed law firms,
16 right?
17 A Apparently, yes.
18 Q And what was his new law firm?
19 A I don't know the name of the law firm. He
20 is at davidnutt.com. Maybe it is down at the
21 bottom; Nutt and McAlister.
22 Q But it is the same Derek Wyatt, right?
23 A Yes.
24 Q And that's continued on to Page 196. Do you
25 see that? You sent him a note, December 20th?

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1 A Right.
2 Q Thanking him for the update?
3 A Right.
4 Q And then you ask him what?
5 A So you are going to continue to be part of
6 the Scruggs Katrina group.
7 Q Did he respond to that?
8 A I think he did. Yes, Page --
9 Q That's at Page 194?
10 A Right.
11 Q What did he say?
12 A Brian, yes, I'm still with the SKG. I'm
13 with the SKG still. I will still be handling a lot
14 of that business. In addition, this firm is
15 involved in a lot of other litigation. We are
16 pushing the Mullins case very hard. We will keep
17 you up-to-date. We will be thinking about you.
18 Q There is another reference in your
19 December 20th e-mail to Derek which says, I appreciate
20 the update the other night. What is the other night?
21 A I don't know.
22 MR. ROBIE: Let's go ahead and mark those e-mails
23 we have just been referring to which are Pages 194
24 through 197 as Exhibit 25.
25 ////

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1 (WHEREUPON, Exhibit Number 25
2 was marked for identification by
3 the court reporter.)
4 MR. ROBIE: Is there a question pending?
5 THE COURT REPORTER: No.
6 BY MR. ROBIE:
7 Q No, okay. I got a little ahead of myself. I
8 moved forward on your notes, but what we haven't covered
9 is an e-mail you sent to Courtney Schloemer on
10 November 7th '06. Can you put your hands on that?
11 A The e-mail itself?
12 Q Yes.
13 A Not yet.
14 Q Take a look at Page 00055, please.
15 MR. HAHN: Is this in Exhibit 16?
16 MR. ROBIE: Yes.
17 THE WITNESS: From Courtney to me on November 7,
18 '06?
19 BY MR. ROBIE:
20 Q Yes.
21 A I see that.
22 Q This is in response to your e-mail at
23 4:42 in -- that afternoon, right?
24 A Yes.
25 Q And you are reporting to her what?
A That two federal investigators showed up

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1 at my house today with a Subpoena for documents and
2 to testify before the grand jury in the U.S.
3 District Court in Jackson, December the 5th, 2006,
4 at 9:00 a.m.
5 Q You reported to her that they said they were
6 investigating all insurance companies and not Forensic.
7 Is that what you told her?
8 A That's what I told her.
9 Q Is that what you were told?
10 A That's what I was told, yes, sir.
11 Q And why is it that you are reporting to
12 Courtney Schloemer on a visit from the U.S. Attorney's
13 office?
14 A Because she had asked me not to talk to
15 anybody until I let her know.
16 Q And you took that to heart?
17 A From the attorney general's office, I took
18 that to heart.
19 Q Right. You believed that she had the right to
20 control all of this?
21 MR. WYATT: Object to form. Object to leading.
22 MR. HAHN: Join in the objection to form.
23 BY MR. ROBIE:
24 Q Was that your belief?
25 MR. WYATT: Same.

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1 THE WITNESS: Yes.
2 BY MR. ROBIE:
3 Q And what she told you to do is what you should
4 be doing?
5 MR. HAHN: Object to form; same.
6 BY MR. ROBIE:
7 Q Is that what you thought?
8 MR. HAHN: Object to form.
9 THE WITNESS: Yes.
10 BY MR. ROBIE:
11 Q Did you ever question her authority?
12 A Not that I recall.
13 Q She responded to your e-mail, didn't she?
14 A Yes, I'm sorry. Yes, right at the top.
15 Q And if we look at Page 0056, you see both your
16 e-mail and her response, correct? I'm sorry, actually
17 that is not correct.
18 A No, it is Page 55.
19 Q Right. So I need to put the two of them
20 together. She responds to you on November 8th that she
21 has talked to Lynn. Lynn is her investigator?
22 A Right.
23 Q And that there are no problems on her end. The
24 Feds just generally get on my nerves, but you already
25 know that. How did you already know that?

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1 A She must have said it before. Or at least
2 I think she said it before.
3 Q Did she tell you when she met with you earlier
4 in the year, that you should not talk to any federal
5 investigators without clearing it with her first?
6 A No, no.
7 Q Did you -- did you debrief her on what it is
8 the federal investigators had received from you?
9 A I don't remember that specifically, but I
10 probably wouldn't have had any reason not to tell
11 her what I gave them.
12 Q And what did you tell her?
13 A I don't recall what I told her.
14 MR. ROBIE: Let's mark those e-mails to Courtney
15 and from her as Exhibit 26.
16 (WHEREUPON, Exhibit Number 26
17 was marked for identification by
18 the court reporter.)
19 BY MR. ROBIE:
20 Q We are looking just briefly at an e-mail from
21 Mr. Wyatt in December. Did we mark that? Did we move on
22 without marking it? This was marked as Exhibit 25 and
23 specifically I was talking about the December 20, 2006,
24 e-mail from Mr. Wyatt now with the David Nutt Firm in
25 which she says, quote, we are pushing the Mullins case
very hard. I will keep you up-to-date.

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1 Did he keep you up-to-date?
2 A I don't recall any more discussions about
3 the Mullins case after that.
4 Q We started to talk for a minute about your
5 e-mail to Mr. Wyatt dated December 20, '06, at 6:15 a.m.
6 which says, I appreciate the update the other night. I
7 continue to follow the Katrina-related developments on
8 the Mississippi Gulf Coast with great interest.
9 What update are you talking about?
10 A A telephone conversation we had.
11 Q And when was that?
12 A It must have been the 12-17-06 one.
13 Q That appears on Page 00014 of Exhibit 16, your
14 handwritten notes?
15 A Correct.
16 Q And it starts off with the heading 'Derek Wyatt
17 called', right?
18 A Correct.
19 Q And then it says three depositions from FAEC,
20 Bob Kochan; Nellie Williams; and Wendy who?
21 A Nichols, I think.
22 Q Who is Wendy Nichols?
23 A The admin.
24 Q Did you know her?
25 A No. I had received an e-mail from her. I

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1 had never talked to her that I recall.
2 Q And then there is a whole bunch of information
3 starting with the words, 'Mark Wilcox called Kochan'.
4 Whose rendition of facts is that?
5 A It is notes I took in a conversation with
6 Derek.
7 Q Is this information that Mr. Wyatt gave you?
8 A Yes.
9 Q So he told you that Bob -- read that line for
10 me, please.
11 A Which line?
12 Q Bob, arrow, 150 RV.
13 A Bob, 150 KRV needs Wilcox gets stamus
14 on-site. First FAEC report to Lekie will win.
15 Lekie callid Nellie to tell her no more reports.
16 Q Is this information that Mr. Wyatt gave you?
17 A Yes.
18 Q Is this the first time you had that
19 information?
20 A Yes.
21 Q Then it says, what, second report is done?
22 A Second report is done.
23 Q What does that mean?
24 A I -- it must be a revised report of the
25 first.

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1 Q Is this the first time you knew about that is
2 when Mr. Wyatt is telling you about it?
3 A Yes, I hadn't had any conversations with
4 anybody at FAEC.
5 Q And then it goes on to say what?
6 A Sold RV. Grand jury investigation is
7 mounting.
8 Q Again this is information that Mr. Wyatt gave
9 you?
10 A Yes.
11 Q You didn't have that before this conversation,
12 did you?
13 A No, not the RV.
14 Q And as of December 17th, '06, everything you
15 knew about the grand jury you learned from Mr. Wyatt and
16 Ms. Schloemer, right?
17 MR. WYATT: Object to the form of the question as
18 leading.
19 THE WITNESS: No.
20 BY MR. ROBIE:
21 Q No? Where else did you hear about it?
22 A The previous page.
23 Q Mr. Kelly, let me see if I can separate this
24 out.
25 A I'm not Kelly.

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1 Q I'm sorry; Mr. Ford. There is a United States
2 Attorney Grand Jury. Okay. That's what the prior page
3 talks about. You gave testimony in that proceeding.
4 Courtney Schloemer is not an officer of the United
5 States.
6 A Right.
7 Q She is an employee of the State of Mississippi?
8 A I understand.
9 Q The State of Mississippi has an attorney
10 general who is a state official. Not a United States
11 government official.
12 A I understand.
13 Q Your conversations with Courtney Schloemer
14 involving the U.S. Attorney General's office was a
15 completely different grand jury potential. It was a
16 state proceeding.
17 A I understand.
18 Q It didn't have anything to do with the United
19 States attorney.
20 A I know it does not distinguish between the
21 state and federal.
22 Q That's my question: You had met with
23 Mr. Geboy?
24 A Geboy.
25 Q And you talked to people from the FBI. To the

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1 extent that you had any information about any grand jury
2 proceeding before the -- in the State of Mississippi
3 State Grand Jury proceeding, did all of that information
4 come to you from Derek Wyatt and Courtney Schloemer?
5 MR. WYATT: Object to the form of the question;
6 leading, mischaracterization.
7 THE WITNESS: I heard mostly from Courtney
8 Schloemer, yes.
9 BY MR. ROBIE:
10 Q Mostly, Courtney?
11 A Yes.
12 Q And she told you that she was coordinating her
13 activities with Mr. Wyatt?
14 THE WITNESS: No.
15 MR. WYATT: Object to the form of the question to
16 leading and mischaracterization.
17 THE WITNESS: That -- I think what -- a better way
18 to say it was that she was discussing with Mr. Wyatt
19 any involvement I might have in the cases that he was
20 pursuing and in the case that she had.
21 MR. WYATT: Thank you.
22 MR. ROBIE: Great.
23 BY MR. ROBIE:
24 Q She was coordinating those activities?
25 A Yes.

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1 MR. ROBIE: I'm sorry, I didn't hear what you
2 said.
3 MR. WYATT: Nothing. You have been going for --
4 how much time do we have on the record?
5 MR. BANAHAN: Not counting the 25-minute break
6 that they took.
7 THE VIDEOGRAPHER: Can you give me a second? My
8 math isn't very good.
9 MR. ROBIE: The five minutes it is taking you to
10 add up.
11 MR. WYATT: If y'all intend to use this seven
12 hours of testimony for yourself and leaving none for
13 the other side, then I have got to leave here about
14 6:30 at the very latest. We may need to get some
15 guidance here.
16 It is understanding you don't have any
17 Order that allows you to exceed -- I don't know
18 even know how you got to do this to begin with,
19 but forget that let's just say you think you
20 have got seven hours of deposition time.
21 If you all intend to take the full seven and leave
22 none to the other side, there is a problem. And I
23 don't have a solution for that problem, but there is
24 certainly going to be a problem.
25 THE VIDEOGRAPHER: Four hours thirty minutes.

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1 MR. ROBIE: How much, four hours and what?
 2 THE VIDEOGRAPHER: Thirty.
 3 MR. WEBB: Just so it will be clear, based on the
 4 Order that I read and that we were discussing this
 5 morning, I'm not so sure that it is a legitimate
 6 position in this record to say that there is any
 7 particular time limit here because of the fact that the
 8 judge gave us authority to fully explore these matters
 9 and he didn't place any -- in allowing us to continue
 10 this questioning, did not place any of those limits on
 11 this.
 12 MR. HAHN: I think that's just a question the
 13 judge can -- I mean, he can answer one way or the
 14 other.
 15 MR. WEBB: Mr. Wyatt stated -- as I understood it,
 16 stated our position about having seven hours. I just
 17 want to make it clear I'm not necessarily adopting it.
 18 MR. WYATT: I understand your position, Dan, and
 19 my position is the rules limit you and the rules supply
 20 the answer to that question. Unless that Order
 21 specifically says that the rule doesn't apply, and
 22 that's what I was saying. But the more important
 23 question is how to divide up the seven hours, period.
 24 MR. BANAHAN: What we have done previously is when
 25 we have run into this impasse we have sat down like an

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1 officer of the Court and worked out an agreement on the
 2 time. I think we can do that here, too. For example,
 3 if we have to come back, if you have got something you
 4 have to do, you know, I think that's something we can
 5 address with Judge Walker. I don't know how much time
 6 you need. I don't know what you are talking about
 7 either. And I don't know how much more time we are
 8 going to have to get through these notes. That's the
 9 issue here getting through all of these records that we
 10 didn't have prior to the first deposition.
 11 MR. NORRIS: Is anybody warm?
 12 MR. WYATT: What are we on, 14? And where do you
 13 intend to go?
 14 MR. HAHN: Quite frankly, I don't want Brian
 15 pushing forward where he is deposed for, you know, 13
 16 or 14 hours. I would rather he be fresh tomorrow
 17 morning, if that's what it is.
 18 MR. ROBIE: All I want to do is keep asking
 19 questions.
 20 MR. WYATT: Well, unfortunately, you are not the
 21 only interested concern here, Mr. Robie. There are
 22 other parties that have an interest in this case.
 23 MR. BANAHAN: Well, we need to fully explore this.
 24 We're not doing it on the record. We're not on the
 25 record.

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1 MR. ROBIE: Are we still on the video?
 2 THE VIDEOGRAPHER: Yeah.
 3 MR. NORRIS: I would like to find out if anybody
 4 is going to take the position that we are not entitled
 5 to ask questions of this witness in this examination.
 6 MR. WYATT: Do you mean Renfroe?
 7 MR. NORRIS: Renfroe.
 8 MR. WYATT: So would I. So would I. I mean, you
 9 and I are aligned on that particular point.
 10 MR. BANAHAN: No one suggested that.
 11 MR. NORRIS: Well, I just wanted to know.
 12 MR. BANAHAN: Can we roll? I think we can talk
 13 about what we are doing, but why don't we just do it
 14 instead of talking about it and see where we get.
 15 (Cell phone rings.)
 16 MR. WYATT: We are at four hours and thirty
 17 minutes, a little more than that, right?
 18 MR. BANAHAN: Yes.
 19 BY MR. ROBIE:
 20 Q We were at Page 00014 of your handwritten notes
 21 which are Exhibit 16. And the last line I asked you
 22 about is the second report is done. Read from there to
 23 the bottom of the page starting with the words 'sold RV'
 24 and just follow right in sequence.
 25 A Sold RV. Grand jury investigation is

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1 mounting. Show draft reports to State Farm before
 2 issuing after Nellie deposition in Reno on video.
 3 Q Is this information that Mr. Wyatt gave you?
 4 A Yes.
 5 Q Did you have any of this information before
 6 this phone conversation?
 7 A No.
 8 Q This isn't percipient information that Brian
 9 Ford had, this is stuff that Derek Wyatt is telling you,
 10 right?
 11 A Yes.
 12 Q And right down to the bottom of the page can
 13 you read that to yourself and tell me if there is any
 14 information in these notes that was within your
 15 percipient knowledge as opposed to something that Derek
 16 Wyatt told you about?
 17 MR. WYATT: What are you saying? 'Percipient
 18 knowledge'?
 19 MR. ROBIE: He knows it. Touched it. Tasted it.
 20 Smelled it. Perceived it of his own knowledge.
 21 MR. WYATT: Okay. Do you understand that, too?
 22 MR. ROBIE: Something he knows as opposed to
 23 something that you told him. That's the question. Is
 24 that clear enough?
 25 MR. WYATT: Oh, yeah, that's pretty clear.

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1 BY MR. ROBIE:
2 Q This is all news to you, Mr. Ford?
3 A Yes.
4 Q This is all doctrine according to Wyatt?
5 MR. WYATT: I think you asked him whether I was
6 telling him this information, is that right?
7 THE WITNESS: These are my notes from my
8 conversation with him. This is information --
9 BY MR. ROBIE:
10 Q And this was all information he was giving you?
11 A Yes.
12 Q Not something that you knew anything about,
13 right?
14 A From there down, yes.
15 Q Let's go on to the next Page 00015. Can you
16 read that first line?
17 A Bob's uncle. Consolidated Construction
18 Corporation.
19 Q Go on --
20 A Continue?
21 Q Yes.
22 A Arrears with Florida tax. Moved to
23 Raleigh after Bob bought.
24 Q Next line.
25 A Florida corporation converted to a Sub S.

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1 Q All right. Is this information you knew of
2 your personal knowledge?
3 A No.
4 Q That's all information that Mr. Wyatt gave you,
5 right?
6 A Correct.
7 Q Right. Next line?
8 A Randy Down and Nellie are going into
9 business. They left FAEC.
10 Q Did you know that of your knowledge?
11 A No.
12 Q That's again information that Mr. Wyatt has
13 given you, right?
14 A Correct.
15 Q Next line?
16 A Nellie is under grand jury investigation.
17 Q Is that something you knew of your own
18 knowledge?
19 A No.
20 Q That's something Mr. Wyatt told you?
21 A Yes.
22 Q Did Ms. Schloemer also tell you that?
23 A No.
24 Q You only heard it from Derek?
25 A Correct.

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1 Q Next two lines?
2 A Bob Kochan is not a PE. Bob instructed
3 employee to lie to policy holder about reports.
4 Q Is that information that you had of your own
5 personal knowledge?
6 A I probably knew he wasn't a PE because it
7 wasn't on his letterhead signature.
8 Q How about the other one, instructed employees
9 to lie about policy -- to lie to policy holders about
10 reports?
11 A I'm not aware.
12 Q You didn't have any information about that, did
13 you?
14 A No.
15 Q He never told you to tell a lie, did he?
16 MR. WYATT: Object to leading and object to form.
17 THE WITNESS: No, not that I recall.
18 BY MR. ROBIE:
19 Q Next it says what?
20 A Derek will take regulatory action on Bob
21 in North Carolina and Florida. This will crater
22 FAEC.
23 Q What does that mean?
24 A I don't know what regulatory action is,
25 which regulatory action he might be considering.

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1 Crater FAEC to me would mean that financially they
2 probably would not be able to withstand whatever
3 action is taken.
4 Q Does crater FAEC mean that Derek is going to
5 run them out of business?
6 MR. HAHN: Objection, calls for speculation.
7 MR. WYATT: Objection to mischaracterization;
8 form; speculation.
9 BY MR. ROBIE:
10 Q Mr. Ford, it is not a term of art that I'm
11 familiar with. What does it mean to you? It is your
12 word.
13 MR. HAHN: Same objection.
14 MR. WYATT: And asked and answered in addition.
15 THE WITNESS: I think I gave you my understanding.
16 BY MR. ROBIE:
17 Q I'm not sure I understood it.
18 MR. HAHN: Objection, asked and answered.
19 MR. ROBIE: Why don't you read back his answer,
20 please, Linda.
21 (The referred-to question was
22 read back by the court
23 reporter.)
24 BY MR. ROBIE:
25 Q When you wrote that Derek Wyatt told you he
will -- this will crater FAEC, what did you understand

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1 that to mean?

2 MR. WYATT: Same objection. This is the third

3 time I think we have asked the question. And you are

4 not required to answer the same question over and over

5 until he gets an answer he wants.

6 THE WITNESS: Whatever action is taken they would

7 probably not financially be able to survive whatever

8 that action is.

9 BY MR. ROBIE:

10 Q Did Mr. Wyatt suggest to you that that was his

11 long-term goal?

12 A No, no.

13 Q Did you have any discussion with him about

14 that?

15 A No.

16 Q Go on and read the next two lines.

17 A Mullins case. Wendy Nichols, parentheses,

18 gone from FAEC. Called by State Farm agent. Wendy

19 sends report to agent's office. And I think there

20 is a footnote there with that.

21 Q What does the footnote say?

22 A It says Mullins asked State Farm about

23 status of FAEC engineering report. State Farm agent

24 asked FAEC Wendy about report status and she faxed a

25 copy without State Farm or FAEC knowledge. And

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1 second report is done with a different conclusion.

2 Q Is this information that you knew about before

3 this conversation?

4 A No.

5 Q This is all information that Mr. Wyatt told

6 you?

7 A Yes.

8 Q And then you had a couple of questions about

9 that information, didn't you?

10 A Yes.

11 MR. WYATT: Object to leading.

12 BY MR. ROBIE:

13 Q Let me help you out, Mr. Wyatt. Mr. Ford, did

14 you have some questions about that information that

15 Mr. Wyatt gave to you?

16 MR. WYATT: That's a good question, Mr. Robie.

17 That's a good question.

18 MR. ROBIE: Thank you.

19 BY MR. ROBIE:

20 Q Did you?

21 A I had two questions I had noted here, yes.

22 Q Please tell the jury what those two questions

23 were.

24 A I do not I believe I asked these of

25 Mr. Wyatt. I think those are notes I made to

Page 560

1 myself.

2 Q Why don't you tell the jury what questions

3 leapt to your mind, if any?

4 A Was the first report signed? If not, FAEC

5 has a position. Report had not been reviewed and

6 approved. Was sent unauthorized. FAEC written

7 procedure process for content and approval.

8 Q Was it -- were you communicating to yourself

9 when you wrote these?

10 A Yeah. I was asking myself questions about

11 if I were looking at this, these are the questions I

12 would ask.

13 Q Right. And the first one was that if the first

14 report wasn't signed, it wouldn't be accepted as an

15 official report by FAEC, is that right?

16 MR. WYATT: Objection, leading.

17 BY MR. ROBIE:

18 Q Is that right?

19 A That's correct.

20 Q That was their position?

21 A It wasn't completed.

22 Q How about if it wasn't stamped?

23 A I think that's different. If it is

24 signed, it is complete.

25 Q They didn't have to be stamped at FAEC?

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1 A I'm not aware of any requirement to stamp

2 them.

3 Q Did you have that as your own personal policy

4 and procedure to stamp final reports?

5 A After I received my stamp I did, yes.

6 Q And when did you receive your stamp?

7 A I don't know what the date was. I know in

8 some of my earlier reports I did not have my stamp

9 in hand at the time and reports were signed and

10 issued.

11 Q And when did you adopt an approach that said if

12 you didn't have your stamp it wasn't official?

13 A Sorry?

14 Q Did you at some point adopt a procedure at FAEC

15 where unless you stamped it, it wasn't your official

16 report?

17 A No, I did not adopt that procedure.

18 Q You never adopted that position?

19 A No.

20 Q Okay. Did you communicate these two questions

21 to Mr. Wyatt?

22 A No.

23 MR. WYATT: Asked and answered, object.

24 BY MR. ROBIE:

25 Q You didn't have any discussion with him about

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1 it at all?
2 A No.
3 MR. NORRIS: Let's go off the record.
4 THE VIDEOGRAPHER: Off the video record at --
5 (Video off.)
6 (Off the record discussion.)
7 (Video on.)
8 THE VIDEOGRAPHER: Back on the video record at
9 3:54 p.m.
10 BY MR. ROBIE:
11 Q You were reading your notes on Page 00015.
12 Picking up with the next line that you hadn't read which
13 is Mullins court date.
14 A Yes.
15 Q Please read down to your footnote.
16 A Mullins court date Summer of '07. It is
17 all about greed. Back to North Carolina for
18 Kochan-Nicholson for remaining -- I think it is
19 documents in deposition. Forbes still with him.
20 Q Whose words are, quote, it is all about greed,
21 closed quote?
22 A Derek's.
23 Q And what did you understand him to be
24 communicating to you?
25 A That FAEC's motivation was money.

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1 Q And did you have that personal knowledge or is
2 this something that Mr. Wyatt was sharing with you?
3 A Personal knowledge that they were -- that
4 it was all about greed? No. Personal knowledge of
5 they wanted the business and more business? Yes.
6 Q But it was Mr. Wyatt's conclusion that they
7 were greedy?
8 A That it is all about greed.
9 Q And the numbers on the left-hand side column
10 there are those yours?
11 A Yes.
12 Q And what do they represent?
13 A \$2,500 per case, approximately 500 cases.
14 So the budget estimate for this activity for them on
15 the original project was 1.25 million.
16 Q Right. Over what period of time?
17 A I don't know. That was the original scope
18 to be worked and then see where it goes from there.
19 Q Right. A lot of hard work went into that
20 1.2 million, right?
21 MR. WYATT: Object to the form and leading.
22 THE WITNESS: What do you mean?
23 BY MR. ROBIE:
24 Q To earn that money they had to do a lot of
25 work.

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1 A Five hundred reports.
2 Q Right. And to do a good report took a lot of
3 work, right?
4 A That's a lot of work, yes.
5 Q It is not just \$1.2 million for waving a pen
6 over a piece of paper, right?
7 A Right.
8 Q The line about Forbes still with him, what does
9 that mean?
10 A The engineer at Forensic is named Forbes
11 and he was still employed there at that time.
12 Q All right. Your next note is January 30th,
13 '07.
14 A Uh-huh.
15 Q It is a conversation with whom?
16 A Michael Beers.
17 Q And who is Michael Beers?
18 A Some State Farm attorney in Montgomery --
19 or some attorney State Farm had hired to do -- I'm
20 not sure what to do. He was recruiting me to
21 participate freely for no compensation in a State
22 Farm internal review for improvement.
23 Q And did you agree to do that?
24 A No.
25 Q Why not?

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1 A Well, they terminated my activity with
2 them and I honestly didn't believe it was sincere.
3 Q You didn't think State Farm was doing an
4 internal investigation?
5 A I didn't think they sincerely wanted my
6 participation in that, no, sir.
7 Q Do you think they were trying to trick you?
8 A I think they probably wanted information
9 from me.
10 Q Like what?
11 A Like whatever I have.
12 Q And what have you got?
13 A Whatever is here.
14 MR. HAHN: Object to form.
15 MR. WYATT: Join.
16 BY MR. ROBIE:
17 Q Did you tell Mr. Beers that you didn't trust
18 him?
19 A Yes, I did.
20 Q And what did he say?
21 A I won't say I didn't trust him because I
22 didn't know him. I told him I didn't trust the
23 process. That I would be glad to speak to their
24 board of directors if that's who the report is going
25 to be presented to.

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1 Q You told Mr. Beers that?

2 A Yes.

3 Q Did you send him an e-mail?

4 A No.

5 Q Did you send him a letter?

6 A I didn't have his e-mail. I didn't have

7 his address. This is it right here.

8 Q Sum and substance is right here on your notes?

9 Do you want to add another sentence into your notes?

10 MR. WYATT: What is your question; does he what?

11 MR. ROBIE: Does he want to add another sentence

12 to his notes because it doesn't say anything about I

13 don't trust him. I want to speak to your board of

14 directors. I don't see any of that information in your

15 notes, Mr. Ford. Did you tell that to Mr. Beers?

16 MR. HAHN: Objection, asked and answered.

17 MR. WYATT: Asked and answered a couple of times.

18 THE WITNESS: Yes, I did.

19 BY MR. ROBIE:

20 Q When did you -- did you tell Mr. Beers that you

21 needed to consult with your lawyer?

22 A No.

23 Q Did you have a lawyer?

24 A No.

25 Q When did you next talk to Mr. Wyatt?

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1 A It looks like in March.

2 Q March of '07?

3 A Yes.

4 Q And what was the subject of that discussion?

5 A It says see e-mails.

6 MR. WYATT: Sixty-two, if it will help anybody.

7 THE WITNESS: Page 62?

8 MR. WYATT: Uh-huh.

9 THE WITNESS: Page 62 is a note from me to myself

10 just documenting these notes. Derek called to see --

11 well, where do you want to go?

12 MR. ROBIE: All right. We will just mark it as

13 26, I think is next in order?

14 THE COURT REPORTER: Twenty-seven.

15 MR. ROBIE: Twenty-seven.

16 (WHEREUPON, Exhibit Number 27

17 was marked for identification by

18 the court reporter.)

19 BY MR. ROBIE:

20 Q Did you call Courtney Schloemer and tell her

21 that Mr. Beers had contacted you?

22 A I don't recall.

23 Q Do you have a record of that?

24 A I don't see one.

25 Q Did Derek tell you when he contacted you in

March of '07 that the attorney general for the State of

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1 Mississippi had signed an agreement that he wouldn't

2 conduct any further investigation of State Farm?

3 MR. WYATT: Object to leading and object to

4 mischaracterization and form of the question. And I

5 would ask you for the source of that, Counsel. Under

6 Rule 11, do you have some reasonable basis for asking

7 that question?

8 MR. ROBIE: Yes, I do.

9 MR. WYATT: Can you point a document out or

10 something?

11 MR. ROBIE: I will point it out as part of the

12 record in the State Farm versus HUD litigation that's

13 pending before Judge Bramlett in the United States

14 District Court under which he has issued a Temporary

15 Restraining Order prohibiting any further grand jury

16 activity based on a non-investigation, non-prosecution

17 agreement which was signed in January of '07.

18 MR. WYATT: Do you have the document here?

19 MR. ROBIE: No.

20 MR. WYATT: Well, you are using it in this

21 litigation.

22 BY MR. ROBIE:

23 Q I'm asking you, Mr. Ford, did Derek Wyatt tell

24 you that the attorney general of the State of Mississippi

25 had agreed to conduct no further investigation of State

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1 Farm as of January 2007?

2 MR. WYATT: Objection.

3 MR. HAHN: Same.

4 THE WITNESS: I do not recall it.

5 BY MR. ROBIE:

6 Q Did he tell you that the attorney general's

7 office had agreed that they would convene no further

8 grand jury investigations of State Farm as of January

9 '07?

10 MR. WYATT: Same objection.

11 THE WITNESS: I do not recall that.

12 BY MR. ROBIE:

13 Q Did Courtney Schloemer tell you that the

14 attorney general's office had reached such an agreement

15 with State Farm?

16 MR. WYATT: Same objection.

17 THE WITNESS: No, I don't recall that either.

18 BY MR. ROBIE:

19 Q Did Mr. Wyatt or Ms. Schloemer ever tell you

20 that any grand jury convened by the attorney general of

21 the State of Mississippi had ever returned an indictment?

22 MR. WYATT: Objection; same thing.

23 THE WITNESS: I have never heard of that, public

24 or private.

25

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1 BY MR. ROBIE:
 2 Q Any Mississippi Attorney General Grand Jury
 3 proceeding ever return any criminal charge against
 4 anybody arising out of Katrina?
 5 MR. WYATT: Same -- same objection.
 6 THE WITNESS: I have never heard of that, public
 7 or private.
 8 BY MR. ROBIE:
 9 Q No one has ever told you that?
 10 A No.
 11 Q The communication you had with Mr. Wyatt in
 12 March of 2007 actually followed a communication you had
 13 with Courtney Schloemer in November of '06, right?
 14 MR. WYATT: Object to leading.
 15 THE WITNESS: That would follow November, yes.
 16 BY MR. ROBIE:
 17 Q But November -- November of '06 would have been
 18 before March of '07?
 19 A That's correct.
 20 Q And if I show you Documents 60 and 61 in the
 21 packet -- or ask you to look at them -- actually, look at
 22 59 through 61.
 23 MR. HAHN: Which packet are we talking about 17 or
 24 16 on the exhibits?
 25 MR. ROBIE: 16.

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1 THE WITNESS: Page 59.
 2 BY MR. ROBIE:
 3 Q Yeah, December 14th.
 4 A Yes.
 5 Q This follows up on a series of e-mails about
 6 your pending surgery and Courtney being flexible about
 7 her need for your services to the grand jury, right?
 8 A That's correct.
 9 MR. ROBIE: Let's mark those as 28.
 10 (WHEREUPON, Exhibit Number 28
 11 was marked for identification by
 12 the court reporter.)
 13 BY MR. ROBIE:
 14 Q Did she ever tell you she was not going to call
 15 you to testify before a grand jury?
 16 MR. WYATT: Object to leading.
 17 THE WITNESS: I do not remember that, no.
 18 BY MR. ROBIE:
 19 Q Did she ever schedule a date for you to appear?
 20 A No.
 21 Q Do you know how many witnesses she actually
 22 called?
 23 A No.
 24 Q Did you talk to Derek about that?
 25 A No.
 Q Have you ever posted information about State

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1 Farm Katrina claims handling on any Internet web site?
 2 A No, I have greatly resisted.
 3 Q I don't understand.
 4 A No.
 5 Q Never, ever?
 6 A Posted information on a website? Like
 7 blogs and --
 8 Q Yeah.
 9 A No.
 10 Q You didn't participate in posting on a Wall
 11 Street Journal blog?
 12 A No.
 13 Q Did you send e-mails to Pat Labrano summarizing
 14 expert reports on State Farm policy holders claims?
 15 A No.
 16 Q Did you receive from Mr. Wyatt at some point
 17 the Complaint that he filed in an action called 'Shows
 18 versus State Farm'?
 19 A Did I receive what, I'm sorry?
 20 Q The Complaint or a draft of a Complaint?
 21 A I do not recall seeing that.
 22 Q You don't recall reviewing that document?
 23 A No.
 24 Q Did you furnish him information to be utilized
 25 in filing the Shows Complaint?

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1 A No.
 2 Q Did he send you by hard copy or e-mail
 3 engineering reports on a half-dozen or more Complaints --
 4 or claims that are part of the Shows litigation?
 5 A I don't know what the Shows litigation is.
 6 Q You never heard of it?
 7 A I have heard of it, but I do not know
 8 what -- he mentioned five or six. I don't know what
 9 those are.
 10 Q On Page 00016 of your notes, after -- April 18
 11 '07, you make again a list of items for discussion with
 12 Derek Wyatt. Do you see that?
 13 A Where are you?
 14 Q 00016.
 15 A Right. What part?
 16 Q Items for discussion with Derek Wyatt middle of
 17 the page. Is that what you wrote?
 18 A Yes.
 19 Q And what did you write in parentheses after
 20 that?
 21 A Nutt and McAlister, Ridgeland,
 22 Mississippi.
 23 Q And what does that mean?
 24 A I think that's his law firm and location.
 25 Q The next line says what?

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1 A Mississippi AG office. Hold on any
2 discussion, 10-19. And Derek, slash, Courtney
3 telephone per Courtney on 10-25.
4 Q What does that mean?
5 A 10-19 is when I met with Courtney per
6 telephone on 10-25 which was a discussion with
7 Derek.
8 Q Then you write what? What's the next line on
9 your notes here?
10 A SKG office, slash, proposal. It looks
11 like the same information again per the proposal.
12 Q Hasn't changed, has it?
13 A No.
14 Q You want your family indemnified, right?
15 A Same information, yes.
16 Q Right. Still looking for a retainer of \$10,000
17 for 12 months?
18 A Right.
19 Q And a percentage?
20 A Right.
21 Q In all of the time that you have been
22 discussing with Derek Wyatt or anybody from Scruggs, had
23 anybody told you that under no circumstances could they
24 consider giving you any percentage of any recovery?
25 A We never discussed it.

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1 MR. WYATT: Object to the form of the question,
2 leading.
3 THE WITNESS: We never discussed it.
4 BY MR. ROBIE:
5 Q Please read the next line after the percentage.
6 A Your 8-8-06 e-mail Mullins case on basis
7 Dick and Derek discussed with me in Georgia.
8 Q What does that mean?
9 A He had sent me the Mullins case to review,
10 wanted me to review it. And I'm waiting on a
11 response to the proposal. Still on hold.
12 Q You have reviewed it?
13 A (Witness nods head affirmatively.)
14 Q But you haven't been paid for reviewing it?
15 A I haven't provided any review to anyone.
16 I read it, made notes, and that's it.
17 Q Next line?
18 A 8-10-06 Telecon. Derek wants me to
19 consult with ABC News.
20 Q And you did that as well, huh?
21 A No.
22 Q You didn't talk to Joe Rhee?
23 A He called me. I have not given an
24 interview to Joe Rhee.
25 Q You never gave him an interview?

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1 A No.
2 Q Joe Rhee reported to you on August 9th, '06,
3 however, that he has a report on the McIntosh case?
4 A Where are we? I don't have that date in
5 front of me. Where is it?
6 Q It is 4 -- 0001. First full page of your
7 handwritten notes.
8 A 8-09, yeah, '06.
9 Q Right.
10 A Yeah, he told me he had a copy of that
11 report, yes.
12 Q A copy of what report?
13 A The McIntosh report.
14 Q Did he tell you anything about it?
15 A No.
16 Q Didn't discuss it with you?
17 A No, he wanted to interview me.
18 Q And you declined to do it?
19 A Correct. I told him I would call him
20 back.
21 Q Okay, let's go back to Page 16 again. Your
22 next line on there is water. Waterborne debris issue?
23 A Right.
24 Q What's the waterborne debris issue?
25 A The request that they had made for that

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1 particular example that I had cited to them when
2 they visited me in Georgia.
3 Q A specific case that you had worked on?
4 A Correct.
5 Q So you are ticking off here on your list the
6 sort of work that you have done up to this point in time?
7 A Just points for discussion.
8 Q Right. The next one was October 9, '06. I
9 can't read it.
10 A Sybil Byrd of Robert McDuff office, dash,
11 represents FAEC in Mississippi AG investigation.
12 Q Okay. And then the next one is?
13 A The insert 10-19 Mississippi AG hold on
14 JBF.
15 Q So it was your summary here that as of
16 October 19th the Mississippi Attorney General put a hold
17 on your consulting work for --
18 MR. WYATT: Object to the form of the question.
19 Object to the form of the question. Move to strike;
20 misleading. You have been told 15 times today he did
21 not have a consulting agreement.
22 MR. HAHN: I'm going to join in that objection.
23 MR. WYATT: You continue to ask the same question
24 trying to trick the witness into answering it over and
25 over and over. It is improper, Mr. Robie. There is no

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1 question about it.
2 MR. ROBIE: May I have his last -- the last
3 question and answer, please?
4 (The referred-to question was
5 read back by the court
6 reporter.)
7 BY MR. ROBIE:
8 Q Let me see if I can make it more user-friendly
9 for Mr. Wyatt. It is your diary here that places the
10 date of October 19, 2006, as the date on which any effort
11 to move forward as a consultant to negotiate a deal, to
12 finalize a deal, to make any further arrangements with
13 Scruggs was put on hold by Courtney Schloemer, right? Is
14 that right?
15 MR. WYATT: Object, leading. Excuse me. Object,
16 leading, mischaracterization.
17 MR. HAHN: Object to form.
18 THE WITNESS: That's the day Courtney asked me not
19 to communicate or do anything with anyone else without
20 talking to her.
21 BY MR. ROBIE:
22 Q Right. And she didn't want you to do -- talk
23 to anyone else until you had first testified before a
24 grand jury, right?
25 A That was her position.
Q And once that was done?

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1 A The hold would be removed.
2 Q The hold would be removed?
3 A That would be my understanding.
4 Q Did she ever remove the hold?
5 A No.
6 Q Did you ever ask her to?
7 A I haven't talked to her.
8 Q The next line -- the last line on Page 00016.
9 A The last line?
10 Q Yes.
11 A Brian provided Derek with FAEC key
12 personnel, slash, numbers. That's the previous
13 names, titles, so forth.
14 Q All right. The next line on Page 0017 you
15 wrote again what?
16 A 10-25-06. Talked with Courtney,
17 Mississippi, slash, AG. She had talked to Derek and
18 they agreed criminal case, should precede civil.
19 Q And so it was your understanding that until the
20 criminal case went forward, you shouldn't be involved in
21 any civil litigation?
22 A That was her position, yes.
23 Q And did you agree with it?
24 A Did I agree with it? I don't know that I
25 thought about agreeing or disagreeing with it.

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1 Q Did Derek agree with it?
2 MR. WYATT: Objection to form of the question.
3 MR. HAHN: Object to form.
4 MR. WYATT: Improper.
5 THE WITNESS: You would have to ask him.
6 BY MR. ROBIE:
7 Q Did he tell you to follow her instruction?
8 A No.
9 Q But he did tell you that he and Courtney agreed
10 that a criminal conviction would help the civil cases,
11 right?
12 MR. WYATT: No. That's what Ms. Schloemer is
13 telling Mr. Ford --
14 MR. ROBIE: Let me see if I can have the witness
15 answer the question.
16 MR. WYATT: At least stick to what is written on
17 the page, please. Can do you that much? And don't put
18 me -- substitute me for the word 'she'.
19 MR. ROBIE: May we have the question back again,
20 please?
21 (The referred-to question was
22 read back by the court
23 reporter.)
24 THE WITNESS: Did Derek tell me that?
25 BY MR. ROBIE:
Q Yeah.

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1 A No.
2 Q Did he tell you that?
3 A I said, no.
4 Q All right, look at Page 12. It says Courtney
5 talked to Derek. They agreed that a criminal conviction
6 could help the civil cases. Did she tell you that?
7 A Yes.
8 Q Did you ever check with Derek to see whether he
9 agreed with that?
10 MR. HAHN: Objection, asked and answered.
11 THE WITNESS: I don't recall that.
12 BY MR. ROBIE:
13 Q How about Dickie, did you check with him?
14 A No.
15 Q Next line, 10-25.
16 A Derek called wants JBF as a witness,
17 knowledge person. Role would be non-discoverable.
18 Explain the role.
19 Q What does that mean?
20 A It is my note to ask him to explain what
21 the role is.
22 Q Well, this is a note reflecting an October 25
23 conversation, right?
24 A Right.
25 Q And you are making a list of talking points now

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1 in April for those seven. What did you want to know in
2 April of '07 about that subject on October 25?
3 MR. WYATT: May I object? Jim, if I'm not
4 mistaken, you have been through every one of these
5 things previously in this testimony today. I don't
6 know -- I will give you this much, I think it is
7 written down in two places here. And maybe there is
8 some misconception that this is new information. It
9 seems to me it is precisely the same thing you went
10 over previously somewhere else in these notes.
11 And if that's correct, can we just let the
12 one examination of the witness suffice instead
13 of doing the whole thing again twice?
14 MR. ROBIE: Could you read back the legal
15 objection there?
16 MR. WYATT: The legal objection is asked and
17 answered numerous times. And I'm giving you the
18 benefit of trying to say that I believe this
19 information is duplicated in these notes. I'm giving
20 you some latitude that you may just be making an error
21 here. Maybe you are not, maybe you intending to go
22 over this twice. We have been over this subject matter
23 in these notes previously today. And so my objection
24 is to asked and answered.
25

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1 BY MR. ROBIE:
2 Q Do you have the question in mind?
3 A No, I don't.
4 Q Let's me see if I can rephrase it. In April of
5 '07 when you made these notes that appear on Pages 16 and
6 17, what questions did you have about these subjects?
7 A I was trying to summarize this process for
8 myself.
9 Q Were you making a synthesis of questions that
10 you had from the past?
11 A Statements from the past, questions, yes,
12 just to have an outline to talk from.
13 Q Item 6 is looking for -- the status of slab
14 cases by March 7th, '07. This is on Page 17.
15 A That's six slab cases by 3-7-07, yes.
16 Q And eight cases by July including Trent and
17 Gene status?
18 A Right.
19 Q Had nobody told you what the status of those
20 cases were?
21 A No.
22 Q And then what's the next line?
23 A Why did the full court press for my
24 services suddenly stop?
25 Q And what was the answer you were given?

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1 A I have never been given an answer.
2 Q As you sit here today you still don't know?
3 A (Witness shakes head negatively.)
4 Q Did you ask Mr. Wyatt today?
5 A No.
6 Q Did you ask him over the lunch hour?
7 A No.
8 Q Why didn't you ask him?
9 MR. WYATT: Object. This is just a bad dream.
10 This is just --
11 BY MR. ROBIE:
12 Q Why didn't you ask him?
13 A I had gotten an answer before that
14 basically whatever my role is prevents me from
15 participating in that and that's the end of it so
16 basically on hold.
17 Q And do you expect the hold to be lifted in your
18 lifetime?
19 A I would like to know the answer to that.
20 Q Well, why don't you ask him?
21 MR. HAHN: Objection.
22 THE WITNESS: I don't think he has an answer.
23 BY MR. ROBIE:
24 Q Who would have the answer?
25 A I don't know, but I'm not worried about

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1 it. I'm moving on with my life.
2 Q The next question is: What is your role in SKG
3 cases, right?
4 A Right.
5 Q Did you ask that question?
6 A I don't think we ever had that full
7 discussion.
8 Q Let's look at Page 18. May 8th of '07, what
9 does that say?
10 A We were in Boston. Derek called and
11 requested my title for a case he is filing.
12 Q Did you run through your list of questions for
13 him?
14 A No. We were standing on the street at the
15 Boston Harbor and this was the furthest thing from
16 my mind.
17 Q Did you say, sure, use my name or, no, you
18 can't?
19 MR. WYATT: That's not what even the statement
20 says; leading, mischaracterization.
21 THE WITNESS: He wanted my title, yes.
22 BY MR. ROBIE:
23 Q Okay. And what case was he filing?
24 A I don't know.
25 Q Have you ever seen it?

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1 A I don't know what case it was.
2 Q Has he ever shown you a case that identifies
3 your title in the caption of a lawsuit in any way?
4 A Has he ever shown me a case? No.
5 MR. WYATT: Look at the next note, Brian, just
6 right under there.
7 MR. ROBIE: You know, could the court reporter
8 just put Mr. Wyatt under oath and that way we can get
9 two witnesses at once? We will pick up with you as
10 soon as we finish with him, Derek. You're now just
11 flat out testifying. You have just abdicated any role
12 as a defense lawyer and you are now just testifying.
13 It must be late in the day.
14 MR. WYATT: It is late. And let's just keep
15 going.
16 MR. ROBIE: I would appreciate your letting me ask
17 some questions without providing answers.
18 MR. WYATT: Doing my best.
19 BY MR. ROBIE:
20 Q The next line June 20, '07, what does it say?
21 A Derek Wyatt called to inform me the
22 Scruggs Katrina group filed a civil suit in federal
23 court today. 21 Plaintiffs. RICHO. Brian,
24 parentheses, sacrificial lamb for being honest.
25 Parentheses closed. Got five disks from Nellie. My

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1 role witness somewhat of a victim. Will not be
2 deposed.
3 Q Who is the sacrificial lamb? Are you the
4 sacrificial lamb?
5 A That's what the impression was, yes.
6 Q Is that your view?
7 A I don't know whether you would call it a
8 sacrificial lamb or not. I feel like I have been
9 dragged through quite a bit without being a party to
10 or represented by anybody. And I feel pretty well
11 abused in the process, yes.
12 Q You have been aced out of \$10,000 a month for
13 12 months?
14 A No, I didn't --
15 MR. WYATT: Object to leading;
16 mischaracterization.
17 MR. HAHN: I join.
18 BY MR. ROBIE:
19 Q And who is it who has used you, Mr. Ford?
20 A I feel like the process has been pretty --
21 pretty rigorous.
22 Q And these cases are filed by whom?
23 A I don't know.
24 Q You don't know who represents the McIntoshes in
25 this case?

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1 A I know who represents the McIntoshes, yes.
2 Q And you feel like you have been abused because
3 you have been a witness in this case?
4 A No, I'm just referring to the case, the
5 whole ordeal, the whole process.
6 Q What process?
7 A Katrina response.
8 Q Well, I'm only interested in this -- who coined
9 the phrase 'sacrificial lamb'?
10 A It was Derek.
11 Q He called you a sacrificial lamb?
12 A He phrased that as -- whatever, my role,
13 my position, my whatever in this process.
14 Q Did you have any percipient knowledge of your
15 position as a sacrificial lamb until he told you about
16 it?
17 A I haven't thought about it in those terms,
18 no.
19 Q How about the next line; what does it say?
20 A Do you mean the one with my role?
21 Q Yeah.
22 A My role. Witness. Somewhat a victim.
23 Will not be deposed.
24 Q And why are you a victim?
25 A Probably from the termination.

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1 Q Because FAEC terminated you?
2 MR. WYATT: Object to form, and
3 mischaracterization, and misleading, and knowingly
4 misleading. You know that FAEC didn't terminate him.
5 MR. BANAHAN: You need to quit testifying, Derek.
6 You need to shut your mouth and make an objection and
7 move on.
8 MR. WYATT: I'm not shutting up anything. He is
9 asking him a false question.
10 MR. BANAHAN: You would be a lot better off in
11 this whole litigation if you had kept your mouth shut.
12 MR. WYATT: I'm not going to sit here quietly if
13 he asks him a false question.
14 MR. BANAHAN: Why don't you just make an
15 objection?
16 MR. WYATT: I am making an objecting. I am making
17 it. Intentionally false question, I'm not about to sit
18 here and tolerate --
19 MR. BANAHAN: You cornered the market on that one,
20 Buddy.
21 MR. WYATT: That's your point of view.
22 MR. BANAHAN: It is.
23 THE WITNESS: Now, what's your question?
24 MR. ROBIE: I have completely lost my train of
25 thought as a result of defense counsel's refusal to be

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1 a lawyer.
2 Can you read back the question, please?
3 (The referred-to question was
4 read back by the court
5 reporter.)
6 THE WITNESS: Next question.
7 BY MR. ROBIE:
8 Q Is that right?
9 A That's part of it, yes.
10 Q Well, Mr. Kochan -- I think as we started today
11 with you telling me that Mr. Kochan said you won't be
12 working for FAEC anymore.
13 A That's correct.
14 Q And that was the last conversation you had with
15 him for many months?
16 A Correct.
17 Q Is that what made you a victim?
18 A I feel like that contributed to it, yes.
19 Q What else -- what other factors go into Brian
20 Ford being the victim here?
21 A Well, the word 'victim' is not my choice
22 of words.
23 Q Whose choice is it?
24 A It is words Derek used.
25 Q That's his characterization of Brian Ford?
A I can't answer that.

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1 Q Well, that's the word he used to describe you.
2 A Right.
3 Q How would Brian Ford describe Brian Ford?
4 A How would I describe me? Starting out as
5 somebody trying to help the Coast restore. Doing
6 what I thought was appropriate. Being terminated.
7 I worked for another company and I think I did a
8 very good job for them. I put up with a lot of
9 calls, questions, depositions that have distracted
10 from my life and my livelihood.
11 Q And the bulk of those calls came from whom?
12 A The calls came from many sources.
13 Q And how many of them came from State Farm?
14 A One.
15 Q And how many of them came from Scruggs, Wyatt,
16 and that group?
17 A Many.
18 Q Dozens?
19 A Yes.
20 Q And how many meetings did you have with those
21 people?
22 A I'm trying to remember if there was more
23 than one; one.
24 Q And how many times did you have contact with
25 the attorney general's office?

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1 A 8, 10, 12, something.
2 Q To the extent that your time has been eaten up
3 it has been eaten up by the Scruggs group and the
4 attorney general's office, hasn't it?
5 MR. WYATT: Object to leading. Object to form.
6 Mischaracterization.
7 THE WITNESS: A lot of parties, yeah.
8 BY MR. ROBIE:
9 Q Well, a lot of parties; those are the two main
10 parties.
11 A The two main parties, yes.
12 Q They are the people who really control your
13 time to the extent it was dominated by someone, aren't
14 they?
15 MR. WYATT: Object to leading. Object to form.
16 BY MR. ROBIE:
17 Q Yes?
18 A Yes.
19 Q Do you feel like they have victimized you?
20 A I feel like they have taken a lot of my
21 time, yes.
22 Q And none of them have ever paid you anything
23 for it, have they?
24 A No.
25 Q This lawsuit that's referenced in the June '07

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1 note, have you ever seen that Complaint?
2 A Which page?
3 Q Eighteen.
4 A Is that the RICH0?
5 MR. HAHN: Which June entry are you talking about?
6 BY MR. ROBIE:
7 Q June 20, 2007.
8 A Yes, yes, yes, yes.
9 Q You have seen that case?
10 A I have seen it.
11 Q And what does RICH0 mean to you?
12 A I don't know what the acronym totally
13 stands for. I think it regards racketeering.
14 Q And when did you see that case?
15 A When did I see it?
16 Q Yes.
17 A Sometime after this. I don't know the
18 date.
19 Q Well, had you seen it by the time you wrote
20 this note?
21 A No.
22 Q Again this is information -- this June 20th
23 note is information that Mr. Wyatt gives you. It is not
24 information within your personal knowledge, right?
25 A Correct.

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1 Q How did you come to see the RICHO case?
 2 A I think it was e-mailed to me.
 3 Q And where would I find that e-mail?
 4 A I don't know.
 5 Q Did you give it to your attorney?
 6 A I don't think so.
 7 Q You don't think so?
 8 A I don't think so.
 9 Q Why not?
 10 MR. HAHN: Which RICHO -- what's the styling of
 11 this case?
 12 MR. ROBIE: I don't know. That's what I'm trying
 13 to find out.
 14 BY MR. ROBIE:
 15 Q When did he send you the e-mail forwarding the
 16 Complaint, Mr. Ford?
 17 A I don't know if it is in here or not.
 18 Q What did you do with the e-mail?
 19 A I read it.
 20 Q Were you asked to review any material as part
 21 of the filing of this case?
 22 A I think the intent was that they were
 23 going to ask me to.
 24 Q And where did you get that opinion?
 25 A I think that's why they sent it to me.

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1 Q And did he send it to you electronically, the
 2 Complaint?
 3 A I believe so, yes.
 4 Q And when was that?
 5 A I don't know.
 6 Q Let's go on with the note and see if it
 7 refreshes your recollection. June 25 you again talked to
 8 Mr. Wyatt?
 9 A Apparently, it doesn't say.
 10 Q Well, in the middle of the page it says Derek
 11 Wyatt, dash, Brian is a fact witness. Do you see that?
 12 A Right.
 13 Q Can't be paid.
 14 A Right.
 15 Q Consultant can be paid.
 16 A Right.
 17 Q Is that information Mr. Wyatt is giving you or
 18 is that information that Brian is reporting about Brian?
 19 A I think that was my understanding of what
 20 my role might be.
 21 Q As of June --
 22 A If any, yeah.
 23 Q Based on a discussion with Mr. Wyatt?
 24 A I believe so.
 25 Q How about the terminology 'expert witness'?

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1 Was that supposed to be under the category of can be paid
 2 or can't be paid?
 3 A I would think this would be 'can be' but.
 4 Q Then we have the words 'civic duty' with a
 5 little sort of cloud figure around it. Do you see that?
 6 A Yes.
 7 Q You wrote that?
 8 A Yes.
 9 Q What was the point of that notation?
 10 A To basically just, you know, what is my
 11 role in this? What is the status of our working
 12 together? And the bottom line was you will -- part
 13 of this is your civic duty to participate in the
 14 process.
 15 Q Are these notes of a discussion you are having
 16 with Mr. Wyatt?
 17 A I think some of it is, yes.
 18 Q And move on to the next page.
 19 A Probability; high probability of settling
 20 before.
 21 Q Right. He told you there was a high
 22 probability of settling, right?
 23 A That was --
 24 Q Mr. Wyatt gave you that information?
 25 A That was my conclusion.

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1 Q How about travel expenses will be covered?
 2 A Yeah.
 3 Q He told you that?
 4 A Testifying, yes.
 5 Q Go on to the next page. Derek will point out
 6 key issues. Strike throughs. What does that mean?
 7 A I'm not sure. I would have to look at the
 8 documents. There might be some strike throughs in
 9 the documents. I'm not sure.
 10 Q The next line is interview is not a deposition.
 11 And then under that you have written what?
 12 A Do we need to move assets?
 13 Q What does that mean?
 14 A Do I need to move financial assets.
 15 Q That's a question you asked of Mr. Wyatt?
 16 A Right.
 17 Q And why would you ask that question?
 18 A Not knowing.
 19 Q Did you feel your assets were at risk?
 20 A I didn't know.
 21 Q Did you believe that you had done something
 22 that might subject you to litigation?
 23 A Not that I know of.
 24 Q Tell me, please, what it is -- what it is that
 25 jeopardized your assets in your mind that would justify

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1 moving them?
2 A If Mr. Scruggs comes to my house and tells
3 me he will provide legal representation and
4 indemnity for me if I work on his team, then that
5 kind of plants a seed that, you know, there may be
6 some risk there. So that's the reason for the
7 question.
8 Q Well, by June of 2007 is this -- is this a risk
9 that you felt had gotten greater?
10 A No, Just the same old questions.
11 Q Well, were you concerned about him living up to
12 a promise to protect you against liability?
13 A If I worked for them, yes. Not -- just a
14 reminder that there probably would be.
15 Q Well, as of the end of June of 2007 had you
16 done anything that you thought had exposed your assets?
17 A It is nothing different, no.
18 Q Were you prepared to do something that you
19 thought might expose your assets?
20 A No.
21 Q What assets did you think were at risk?
22 A Whatever I have.
23 Q And what was Mr. Wyatt's response?
24 A He said I'm not your legal adviser. He
25 said I wouldn't recommend you moving them, but --

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1 end of conversation.
2 Q He recommended that you not move your assets
3 out of your own name, right?
4 MR. WYATT: Object to form; mischaracterization of
5 testimony; leading.
6 MR. ROBIE: Let me withdraw the question and ask
7 you to read, please, the answer of Mr. Wyatt which you
8 put in quotes here.
9 THE WITNESS: It says I'm not your legal adviser.
10 I would not recommend your assets being moved out of
11 your name.
12 BY MR. ROBIE:
13 Q Closed quote?
14 A Right.
15 Q Did you move your assets out of your name?
16 A No.
17 Q It then goes on to say Derek will try to
18 schedule interview. Did he do that? Did he arrange an
19 interview?
20 A No.
21 Q And then you have got a series of notes and the
22 caption on the series is what?
23 A Complaint notes.
24 Q And then the next six bullet items on this page
25 all relate to that?

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1 A Yeah. It looks like key points out of the
2 Complaint.
3 Q What Complaint?
4 A Apparently, that's the one preceding that,
5 the -- I don't know the name of it.
6 Q The one that you can't find the e-mail that
7 relates to it?
8 A 21 Plaintiffs, RICHO, that one?
9 Q Right.
10 A That's what I think it is related to, but
11 I'm not positive.
12 Q Is this again information that you gathered
13 from the Complaint or information that Mr. Wyatt gave
14 you?
15 A No, this is my note just looking at the
16 Complaint.
17 Q So you actually went through the Complaint and
18 made these bullet points?
19 A I believe that's what that is, yes, sir.
20 Q Bullet point four is an issue of concurrent
21 causation. Do you see that?
22 A Yes.
23 Q What is concurrent causation?
24 A Two causes of damage occurring at the same
25 time.

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1 Q Why is that an issue?
2 MR. HAHN: Object to form to the extent it calls
3 for a legal conclusion.
4 MR. WYATT: Agree -- I mean, join.
5 THE WITNESS: Why is that an issue?
6 BY MR. ROBIE:
7 Q Right. You wrote item four Complaint notes.
8 Issue of concurrent causation. Why is concurrent
9 causation an issue as you understood it when you wrote
10 this?
11 A Trying to distinguish between, I think,
12 the four hours was just some information that I saw
13 up in item two about when and why -- or wind and
14 flood water.
15 Q But what did you understand concurrent
16 causation had to do with?
17 MR. HAHN: Object to form.
18 MR. WYATT: Join.
19 THE WITNESS: To me it was just trying to separate
20 the damage from those two things.
21 BY MR. ROBIE:
22 Q Have you had a discussion with anybody about
23 concurrent causation as a doctrine affecting insurance
24 coverage?
25 A No, I haven't had a conversation with

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1 anybody about it.
2 Q Do you know whether there is such a doctrine?
3 A A doctrine? No, sir.
4 Q Right. Do you know whether or not the
5 existence of wind damage prior to or simultaneous with
6 water damage has an impact on a coverage determination
7 under the homeowner's policy?
8 MR. HAHN: Object to the form to the extent it
9 calls for a legal conclusion.
10 MR. WYATT: Join.
11 BY MR. ROBIE:
12 Q Do you know?
13 MR. WYATT: Same objection.
14 MR. HAHN: Same objection.
15 THE WITNESS: No, I have read information in
16 articles and opinions just in public domain.
17 BY MR. ROBIE:
18 Q And number six, did Mr. Wyatt tell you that the
19 hurricane deductible was misleading?
20 MR. WYATT: Objection, mischaracterization of
21 previous testimony. Move to strike.
22 THE WITNESS: No, that's my opinion.
23 MR. ROBIE: We need to change the tape?
24 THE VIDEOGRAPHER: Off the record at 4:44 p.m.
25 (Video off.)

Page 603

1 (Break taken.)
2 (Video on.)
3 THE VIDEOGRAPHER: Back on the video record at
4 5:00 p.m.
5 BY MR. ROBIE:
6 Q Mr Ford, if you look, please, at your
7 handwritten notes on Page 17. This is Exhibit 16, Page
8 17?
9 A Yes.
10 Q Just above numbered paragraph six you have got
11 a handwritten note there that fills two lines. What does
12 it say?
13 MR. WYATT: Did you say, number six?
14 BY MR. ROBIE:
15 Q Just above that line you have got two lines of
16 writing. What does that say?
17 A Disagree with and disappointed in
18 AG Hood's criminal investigation status. Is it
19 dead?
20 Q Is this a question that you are writing
21 yourself to remind to discuss with Mr. Wyatt?
22 A Yes, just a question, yes.
23 Q And did you have that discussion?
24 A No.
25 Q Why not?

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1 A Why not? I don't recall having that
2 discussion with him.
3 Q What is the status as you understood it in
4 December of '06 the AG's criminal investigation?
5 A I have no idea.
6 Q What prompted you to write this?
7 A No, wait a minute. Wasn't there something
8 in the news that he had withdrawn? I think that's
9 what that was.
10 Q His press release?
11 A Yeah.
12 Q Perhaps?
13 A I think so.
14 Q Did you disagree with that?
15 A Yes.
16 Q Why?
17 A I just didn't agree.
18 Q What is your point of disagreement?
19 A Well, not knowing what the -- what
20 conclusions, what -- anything came out of it. So
21 just nothing was revealed so disagreed that it is
22 without any kind of information.
23 Q Did you have a notion of how it should end to
24 make you happy?
25 A I haven't thought about that.

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1 Q Did Mr. Wyatt send you any information about
2 the conclusion of the AG's criminal investigation?
3 A No.
4 Q Did you contact Courtney Schloemer and ask her
5 about it?
6 A No, I have not.
7 Q Why not?
8 A Time went on; I just haven't pursued it.
9 Q There is reference on Page 18 to a CBS
10 interview?
11 A Yes.
12 Q Did you ever give that interview?
13 A No.
14 Q This is something that Mr. Wyatt was asking you
15 to participate in?
16 A I was made aware that they were interested
17 in interviewing me and I did not grant that.
18 Q Who made you aware of that?
19 A I believe that was Derek.
20 Q Did you tell him whether or not you would
21 participate?
22 A I told him I wasn't interested in it.
23 Q Why is that?
24 A Just not interested.
25 Q Have you lost the interest in the Katrina

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1 cases?
2 A To some extent, yes.
3 Q And when did that start?
4 A I don't know; it was an erosion.
5 Q This reference on June 20th, '07, in which you
6 are described as a sacrificial lamb and somewhat of a
7 victim --
8 MR. WYATT: Object to asked and answered, Jim.
9 MR. ROBIE: I haven't asked the question yet.
10 MR. WYATT: I know, but you have already covered
11 the sum and substance of this.
12 MR. ROBIE: Well, I have a new one. You are going
13 to like it, I guarantee it.
14 MR. WYATT: Okay.
15 BY MR. ROBIE:
16 Q Did Mr. Wyatt explain to you that that is how
17 he and the Plaintiffs' lawyers intended to portray you?
18 A No.
19 MR. WYATT: Leading. Object to
20 mischaracterization of testimony.
21 BY MR. ROBIE:
22 Q Do you believe that they intended to do that?
23 MR. WYATT: Same objection.
24 THE WITNESS: I don't know what they intended to
25 do.

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1 BY MR. ROBIE:
2 Q Is that a role that you would like to play?
3 A No.
4 Q If they called you today and said we will sign
5 your consulting agreement, would you accept it?
6 MR. WYATT: Speculative objection; outside the
7 witness' scope of knowledge, et cetera; leading. It is
8 late.
9 MR. HAHN: Object to form.
10 THE WITNESS: I can't answer that. I don't know
11 whether I would or not.
12 BY MR. ROBIE:
13 Q Is that because you are tired of the whole
14 proposition?
15 A That's a piece of it.
16 Q Is that because you are tired of negotiating
17 with the Scruggs group?
18 A Beyond tired of that.
19 Q Beyond tired of that?
20 A (Witness nods head affirmatively.)
21 Q You feel like you have been abused by that
22 process?
23 MR. WYATT: Object, leading.
24 THE WITNESS: I don't think abused is the right
25 word.

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1 BY MR. ROBIE:
2 Q Taken advantage of?
3 A Drawn out.
4 Q Left at the curb?
5 MR. WYATT: Oh, god; move to strike.
6 THE WITNESS: Just too drawn out.
7 BY MR. ROBIE:
8 Q Too drawn out?
9 A Yes.
10 Q Let's go, please, to your notes on Page 21.
11 Incidentally, have you had any conversations with anybody
12 from Mr. Wyatt's group, Scruggs group, Butterworth group,
13 any of those guys that aren't reflected in these notes or
14 your e-mails that you have turned over?
15 A No. Dickie; Zack; Derek; Charlene -- did
16 I say Zack? That meeting, that's the only
17 conversation I ever had with him. That was the only
18 time I ever met him. That's all I can think of.
19 Q But you haven't had any --
20 A Well, that phone call I was calling Sid
21 Baxter's office, whoever that person was I talked
22 to. It was a lady, the only other one.
23 Q But otherwise you have made a note of every
24 contact you had with them except the transmittal of this
25 RICH case?

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1 A To my knowledge, yes.
2 Q I don't see any references at all whatsoever to
3 your first deposition in this case. You weren't
4 represented by counsel at that deposition, were you?
5 A No.
6 Q And you didn't contact anybody from Scruggs'
7 office or his group prior to that deposition?
8 A No.
9 Q Did they contact you to tell you that it was
10 going to be set up?
11 A I don't recall that.
12 Q When was the first thing you heard about giving
13 a deposition in McIntosh?
14 A I think it was the Subpoena.
15 Q And when you received the Subpoena, you didn't
16 contact Derek or anybody from his group?
17 A I don't recall talking to anybody about
18 that, no.
19 Q Mr. Ford, you were not subpoenaed to appear at
20 the first session of your deposition. You were served
21 with a Subpoena at the end of the day at that deposition.
22 Do you recall that?
23 A Yeah. I'm trying to remember who
24 contacted me. I can't remember who the first
25 contact was.

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1 Q My real question is: Did you ever have any
 2 discussion with Mr. Wyatt over here about it?
 3 A No.
 4 Q Or anybody from his office?
 5 A No.
 6 Q The notes that you have turned over reflect on
 7 Page 21 that you actually are consulting with your
 8 counsel's office on the Luffy case?
 9 A They called me and asked to come visit me
 10 and talk about that case.
 11 Q And that was in September of '07?
 12 A Right. They were at my house at that
 13 time.
 14 Q Right. They were Plaintiffs' counsel in a
 15 lawsuit called 'Luffy', right?
 16 A That's my understanding, yes.
 17 Q Versus what insurance company?
 18 A State Farm.
 19 Q And have you agreed to consult as well as to
 20 perform services for them?
 21 A No.
 22 Q You have not? You have declined to do so?
 23 A What do you mean 'declined'?
 24 Q You have not agreed to be an expert for them?
 25 A They wanted to come and talk to me and I

Page 611

1 granted a discussion.
 2 Q And following that discussion did they retain
 3 you?
 4 A No.
 5 Q And you -- have you charged them for your
 6 services?
 7 A No.
 8 Q You have not charged them for your time or your
 9 expenses?
 10 A No.
 11 Q But you did meet with them?
 12 A Yes.
 13 Q And you gave them a recorded statement?
 14 A Yes. At the end of the conversation John
 15 Shaldoni recorded -- I think what he basically said
 16 is we came here to discuss this case on this date.
 17 And I believe that was it.
 18 MR. ROBIE: You haven't produced that recording
 19 here?
 20 MR. WEBB: We have it.
 21 MR. HAHN: We have produced that for the Webb,
 22 Sanders & Williams law firm.
 23 MR. ROBIE: Okay.
 24 BY MR. ROBIE:
 25 Q Okay. Have you agreed to work for compensation

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1 for any Plaintiff's counsel on any Katrina-related case?
 2 A No.
 3 MR. ROBIE: I'm going to go ahead and mark the
 4 fragment of the transcript of the Darren Versiga
 5 interview. It is only four pages long. This is what
 6 was e-mailed to us last night.
 7 This will become Number 27?
 8 THE COURT REPORTER: Twenty-nine.
 9 MR. ROBIE: Twenty-nine.
 10 (WHEREUPON, Exhibit Number 29
 11 was marked for identification by
 12 the court reporter.)
 13 BY MR. ROBIE:
 14 Q So as of this point, nobody has paid you to
 15 give any testimony or any opinions, is that right?
 16 A That's correct, except the travel expenses
 17 for the deposition.
 18 Q At the last session of your deposition there
 19 was a document marked October 2007 -- September 21, '07,
 20 which was the FAEC offer of employment. That was
 21 misdated, wasn't it? You didn't receive an offer of
 22 employment from FAEC in September of '07?
 23 A No.
 24 Q You got that offer in '05?
 25 A Correct.
 26 Q Who printed that version of that document that

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1 bore the date September 21, '07?
 2 A I'm not familiar with what you are talking
 3 about. Where did it come from?
 4 Q That's my question.
 5 A Is it in this information?
 6 Q It was in the prior deposition. Yeah, this is
 7 the document. It a copy of it with your notes on it. I
 8 will show you that it is three pages in length. It bears
 9 Ford's SDT Number 010000 through, okay, through 00002
 10 which is among the documents you produced at your
 11 deposition.
 12 MR. HAHN: Do you have a copy of those?
 13 MR. ROBIE: I do not.
 14 MR. WYATT: What is the exhibit mark on that
 15 deposition number -- I mean, in the previous
 16 deposition?
 17 MR. HAHN: It starts at...
 18 MR. ROBIE: Is it Exhibit 10 in the earlier
 19 deposition?
 20 MR. WEBB: Right. For the record, this is some of
 21 the material that he produced when he took the break.
 22 MR. ROBIE: Right. It is the first document in
 23 Exhibit 10.
 24 MR. HAHN: I have been provided a copy of this.
 25 It also has been produced before.

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1 MR. WEBB: This was produced at the deposition on
2 October 10th by Mr. Ford?
3 MR. HAHN: Right. And since he has retained
4 counsel a copy been produced to myself.
5 MR. WEBB: Do you have the deposition?
6 MR. HAHN: I have not been provided a copy of the
7 other deposition -- in rough format, but not with the
8 exhibits attached. I would request now that you all
9 produce a copy of that to me.
10 MR. WYATT: I took the deposition. I will give
11 you a copy of the deposition and the exhibits.
12 THE WITNESS: The date appears to be wrong. No,
13 they did not make me an offer in September of '07 for
14 employment.
15 BY MR. ROBIE:
16 Q How do you explain that date on that document?
17 A I don't know the answer to that.
18 Q Did Mr. Wyatt give you -- give it to you as a
19 printout of documents he received from FAEC?
20 A I can't answer that.
21 Q Did you ever have this -- this employment offer
22 in electronic format on some word processing software?
23 A Yes, I did receive an offer from Forensic
24 in electronic form. I don't know if it is in here
25 or not. But, yes, I have received an electronic

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1 offer from them in '05.
2 Q And did you print this off of your own system
3 on September 21, '07, which would explain the date?
4 A I can't answer that.
5 Q Did you print out a copy of this offer just
6 before you appeared at your deposition?
7 A That's possible; to put in my notebook.
8 Q And do you know whether or not this offer was
9 maintained on your hard drive in a word processing system
10 which would just automatically update the printed date to
11 be the current date?
12 A I wouldn't think so, no.
13 Q Do you know?
14 A I wouldn't think so.
15 Q But otherwise you don't have any explanation?
16 A I don't have any idea.
17 Q But there was no doubt whatsoever in your mind
18 that there was no reoffer of employment in September of
19 '07?
20 A No, I haven't received an offer from
21 Forensic to work, no.
22 MR. ROBIE: We don't need to mark it again it has
23 already been attached. Subject to the other documents
24 which we haven't seen and in any instructions to answer
25 which we contest, I am done.

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1 MR. WYATT: You are tendering the witness?
2 MR. ROBIE: Yes.
3 MR. WYATT: All right.
4 MR. HAHN: Off the record for just a minute.
5 MR. WYATT: Before we go off can we get a time
6 calculation?
7 MR. BANAHAN: Before he leaves the room and chats.
8 THE VIDEOGRAPHER: Off the video record at
9 5:19 p.m.
10 (Video off.)
11 THE VIDEOGRAPHER: Five hours 42 minutes.
12 MR. WYATT: Wait. We were at 5:22 when we came on
13 last time.
14 THE VIDEOGRAPHER: I'm sorry, did I say 42?
15 MR. WYATT: Uh-huh. But we had used 5 ours and 22
16 minutes when we started back at 4:45 when we went off
17 the record.
18 THE VIDEOGRAPHER: Plus -- I have 19 minutes.
19 MR. WYATT: Well, it is now 5:20 and we went back
20 on at 4:45 and we had used five hours and 23 minutes.
21 So wouldn't that mean that we have used a little more?
22 THE VIDEOGRAPHER: We went on at 5:00.
23 MR. WEBB: Off the record.
24 (Off-the-record discussion.)
25 MR. WEBB: Let's go on the record rather than

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1 saying it multiple times. Go ahead.
2 (Video on.)
3 THE VIDEOGRAPHER: We are on the video record at
4 5:29 p.m.
5 MR. WYATT: This is Derek Wyatt. Jim Robie
6 counsel with State Farm has tendered the witness. It
7 is 5:30 p.m. Eastern time. All counsel have agreed
8 that we will resume this deposition on a Saturday. And
9 we will make every good faith effort among counsel to
10 do this as promptly as possible, working within the
11 trial date of February 25th for the McIntosh case.
12 January 22nd for the Pretrial Order. And December 15th
13 for the -- I mean, January 22nd for the pre-trial
14 conference and January 15th for the Pretrial Order
15 which is probably not realistic. But anyway we will do
16 that.
17 And I understand David Norris wants to
18 conduct his examination on behalf of Renfroe.
19 And I want to conduct it on behalf of
20 McIntoshes and myself to the extent that any of
21 this material is directed to me. And Ryan Hahn
22 will have questions of his own client.
23 And so if all counsel is in agreement with
24 that, we will close the record for this
25 deposition.

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1 MR. HAHN: I think we are in agreement to
 2 everything with the exception of Brian's cost and time
 3 for driving over here on a mutually agreeable Saturday.
 4 We may have to take that up on Monday and we can
 5 correspond in that manner.
 6 MR. WEBB: He has been paid one day's attendance
 7 for this deposition plus mileage.
 8 MR. WYATT: Subpoena-type calculation?
 9 THE WITNESS: The first one, Dan?
 10 MR. WEBB: Yes.
 11 MR. HAHN: Was that for his first deposition back
 12 in October? Or that was for this one with the
 13 services?
 14 MR. WEBB: That was for the one we subpoenaed
 15 for --
 16 MR. HAHN: Which is essentially this deposition?
 17 MR. WEBB: Which is the --
 18 THE WITNESS: I have not cashed those. I meant to
 19 bring them back to you.
 20 MR. WEBB: They are yours.
 21 THE WITNESS: It was for Carolyn and me.
 22 MR. WEBB: Well, we probably would be entitled to
 23 have the ones on Ms. Ford sent back. But certainly one
 24 days attendance and mileage and for being here are his
 25 because he appeared and we subpoenaed him.

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1 MR. HAHN: And so the check addressed to Mr. Ford?
 2 MR. WEBB: Yes, absolutely.
 3 MR. HAHN: And so we will come to some agreement
 4 about what mileage would be.
 5 MR. NORRIS: So when you are talking about an
 6 agreement of mileage and fees, are you talking about
 7 the statutory fees, are you talking about some sort of
 8 compensation for time off from work?
 9 MR. HAHN: Let me think about that and we will
 10 talk on Monday. I want to have time to -- we don't
 11 have any agreement in principle at this point, but that
 12 we are going to talk on Monday.
 13 MR. NORRIS: We don't have any agreement in
 14 principle on anything at this point?
 15 MR. HAHN: That you are going to pay his mileage
 16 in accordance with the rules and his travel expenses
 17 provided for in the rules at a minimum and we are going
 18 to talk on Monday.
 19 MR. NORRIS: I have a brief examination that I
 20 would like to conduct at some point. I understand that
 21 everybody is talking about coming back and I'm okay
 22 with coming back. It is just that I don't want to
 23 sacrifice, you know, my opportunity here and then never
 24 get an opportunity. As long as we are all okay with
 25 coming back then I'm okay with it.

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1 MR. WYATT: I think that is an agreement.
 2 MR. HAHN: Yeah, that is an agreement.
 3 MR. WEBB: And I think that is the basic agreement
 4 that we have. We come back, we work on a date. And I
 5 understand you are going to reserve your position. But
 6 you understand that as to the cost and et cetera and we
 7 might have to address the issue of being here on our
 8 own and him not being here if we have to get into that
 9 argument.
 10 MR. HAHN: Sure; no problem.
 11 MR. ROBIE: Are we now off the record?
 12 THE VIDEOGRAPHER: Off the video record at
 13 5:15 p.m.
 14 (Deposition adjourned at 5:15
 15 p.m.)
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Page 621

1 DISCLOSURE
 2 STATE OF GEORGIA) DEPOSITION OF:
 3 COUNTY OF WALTON) J. BRIAN FORD
 4 Pursuant to Article 8.B of the Rules and
 5 Regulations of the Board of Court Reporting of the
 6 Judicial Council of Georgia, I make the following
 7 disclosure:
 8 I am a Georgia Certified Court Reporter.
 9 I was contacted by the offices of Legalink Atlanta
 10 to provide court reporting services for this deposition.
 11 I will not be taking this deposition under any contract
 12 that is prohibited by O.C.G.A. 15-14-37 (a) and (b).
 13 I have no contract or agreement to provide court
 14 reporting services with any party to the case, any
 15 counsel in the case, or any reporter or reporting agency
 16 from whom a referral might have been made to cover this
 17 deposition.
 18 I will charge my usual and customary rates to all
 19 parties in the case, and a financial discount will not
 20 be given to any party in this litigation.
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 Linda K. Jackson, January 11, 2008
 Certified Court Reporter #B-995
 Registered Professional Reporter

1 ERRATA SHEET
2 DEPOSITION OF J. BRIAN FORD
3

4 I do hereby certify that I have read all
5 questions propounded to me and all answers given by me
6 on January 11, 2008, taken before Linda K. Jackson, and
7 that

8 _____ 1) There are no changes noted.

9 _____ 2) The following changes are noted:

10 Pursuant to Rule 30(3) of the Federal Rules of
11 Civil Procedure and/or Georgia Code Annotated
12 9-11-30(e), both of which read in part: Any changes
13 in form or substance which you desire to make to
14 your deposition with a statement of the reasons
15 given for making them. Accordingly, to assist you
16 in effecting corrections, please use the form below:
17 - - -

18 Page No. ____ Line No. ____ should read:
19 _____
20 _____

21 And the reason for the change is: _____
22 _____

23 Page No. ____ Line No. ____ should read:
24 _____
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26 And the reason for the change is: _____
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28 Page No. ____ Line No. ____ should read:
29 _____
30 _____

31 And the reason for the change is: _____
32 _____

33 DEPOSITION OF J. BRIAN FORD LKJ

1 Page No. ____ Line No. ____ should read:
2 _____
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4 And the reason for the change is: _____
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6 Page No. ____ Line No. ____ should read:
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14 And the reason for the change is: _____
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16 Page No. ____ Line No. ____ should read:
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19 And the reason for the change is: _____
20 _____

21 If supplemental or additional pages are
22 necessary, please furnish same in typewriting annexed to
23 this deposition.
24

25 _____
J. BRIAN FORD

LKJ

1 Page No. ____ Line No. ____ should read:
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36 DEPOSITION OF J. BRIAN FORD LKJ

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1 STATE OF GEORGIA)
2 COUNTY OF WALTON) CERTIFICATE

3
4 I, Linda K. Jackson, a Certified Shorthand
Reporter in and for the State of Georgia, do hereby
5 certify:

6
7 That prior to being examined, the witness named in
the foregoing deposition was by me duly sworn to testify
8 to the truth, the whole truth, and nothing but the
truth.

9
10 That said deposition was taken before me at the
time and place set forth and was taken down by me in
11 shorthand and thereafter reduced to computerized
transcription under my direction and supervision, and I
12 hereby certify the foregoing deposition is a full, true
and correct transcript of my shorthand notes so taken.

13
14 I further certify that I am neither counsel for nor
related to any party to said action nor in anyway
15 interested in the outcome thereof.

16
17 IN WITNESS WHEREOF, I have hereunto subscribed my
name this 17th day of January, 2008.

18
19
20 _____
Linda K. Jackson
21 Certified Court Reporter B-995
Registered Professional Reporter

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23
24
25