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

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THOMAS C. AND PAMELA McINTOSH,
Plaintiffs,

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VERSUS CIVIL ACTION NO: 1:06-cv-1080-LTS-RHW

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STATE FARM FIRE AND CASUALTY
COMPANY; AND FORENSIC ANALYSIS
& ENGINEERING CORP.,
Defendants.

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VOLUME II

14

VIDEOTAPED DEPOSITION OF CORI RIGSBY

15

16

Taken at the Scruggs Law Firm, 4836 Main
Street, Moss Point, Mississippi, on
Monday, November 19, 2007, beginning
at 9:11 a.m.

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REPORTED BY:

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0235

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0237

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10

ALSO PRESENT:

11 JANA RENFROE

12
13

VIDEO TECHNICIAN:

14 JEFF CONNER, CONNER REPORTING

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0238

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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0239

STIPULATION

1 It is hereby stipulated and agreed by and
2 between the parties hereto, through their
3 respective attorneys of record, that this
4 deposition may be taken at the time and place
5 hereinbefore set forth, by F. Dusty Burdine, Court
6 Reporter and Notary Public, pursuant to the
7 Federal Rules of Civil Procedure, as amended;

8 That the formality of READING AND SIGNING
9 is specifically NOT WAIVED;

10 That all objections, except as to the form of
11 the questions and the responsiveness of the
12 answers, are reserved until such time as this
13 deposition, or any part thereof, may be used or is
14 sought to be used in evidence.
15

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0240

VIDEO TECHNICIAN:

1 This the continuation video deposition
2 of Cori Rigsby, taken in the suit styled Thomas C.
3 and Pamela McIntosh versus State Farm Fire &
4 Casualty Company, et al., being Number
5 106cv1080-LTS-RHW in the United States District
6 Court for the Southern District of Mississippi,
7 Southern Division.

8 We're at the Scruggs Law Firm in Moss
9 Point, Mississippi. Today's date is Monday,
10 November 19th, 2007. The time is 9:11 a.m. The
11 court reporter is Dusty Burdine with Simpson
12 Burdine & Miguez. I am Jeff Conner, a legal video
13 specialist, with Conner Reporting.

14 Will the attorneys please introduce
15 themselves on audio?
16

17 MR. ROBIE:
18 James Robie for State Farm.
19 MR. BANAHAN:
20 John Banahan for State Farm.
21 MR. WEBB:
22 Dan Webb for State Farm.
23 MR. TOMPKINS:
24 Bruce Tompkins, State Farm.
25 MR. MULLEN:
0241
1 Ben Mullen with State Farm.
2 MS. LIPSEY:
3 Christine Lipsey, E. A. Renfroe.
4 MR. HIBEY:
5 James Hibey, Renfroe.
6 MR. TWIFORD:
7 Hunter Twiford, Renfroe.
8 MR. MEHTA:
9 Amit Mehta, Cori Riggsby.
10 MR. BACKSTROM:
11 Sid Backstrom, plaintiffs.
12 MR. TAYLOR:
13 Bill Taylor for the witness.
14 CORI RIGSBY
15 having been first duly sworn, was examined
16 and testified as follows:
17 EXAMINATION
18 BY MR. ROBIE:
19 Q. Ms. Riggsby, you've been previously
20 deposed before?
21 A. Yes, sir.
22 Q. Thank you so much for making me a cup of
23 coffee before we started. I didn't realize that
24 was you in the kitchen.
25 A. That's okay.
0242
1 Q. I truly appreciate your courtesy there.
2 Have you reconciled and remarried your
3 former husband?
4 A. No, sir.
5 Q. You're not currently married?
6 A. I'm not currently married.
7 Q. Do you still live at -- is it
8 Mockingbird Circle, I think?
9 A. That's correct.
10 Q. Same house?
11 A. Same house.
12 Q. Are you still being paid by Mr. Scruggs
13 on your \$150,000 a year contract?
14 A. Yes.
15 MR. BACKSTROM:
16 Object to the form.
17 THE WITNESS:
18 Yes, I am.
19 MR. ROBIE:
20 Q. And with what frequency does he pay you?
21 A. Twice a month.
22 Q. And does he give you a check?
23 A. Yes.
24 Q. And is that pursuant to a written
25 contract?
0243
1 A. We have a verbal contract.

2 Q. And is there a time limit on that
3 contract, how long it will run?
4 A. It's year to year.
5 Q. And in what year to year? What month
6 each year is the start date?
7 A. July.
8 Q. July 1?
9 A. Yes, sir.
10 Q. And it started July 1, 2006?
11 A. Yes, that's correct.
12 Q. And is it renewable on notice, or how
13 does that work?
14 A. I guess I don't understand the question.
15 Q. Well, does he have to notify you that
16 he's going to continue the contract sometime
17 before the end of the 12-month term?
18 A. It didn't occur like that this past
19 time.
20 Q. How did it occur?
21 A. It just -- we kept receiving a paycheck.
22 We didn't have discussions.
23 Q. So July 1 came and you got a paycheck?
24 A. Yes, sir, I did.
25 Q. July 15th came and you got a paycheck?
0244
1 A. Yes.
2 Q. How much is your semi-monthly paycheck?
3 A. \$6,250.
4 Q. Do you have an understanding with
5 Mr. Scruggs on when that contract will end, if
6 ever?
7 A. I'm assuming --
8 MR. TAYLOR:
9 Well, the question is: Do you have an
10 understanding?
11 THE WITNESS:
12 No.
13 MR. ROBIE:
14 Q. Do you have -- have you had any
15 discussions with him on when it is that
16 arrangement will end?
17 A. No.
18 Q. Are you obligated to perform any
19 services in order to satisfy the contract?
20 A. Yes.
21 Q. And what are those services?
22 A. To be available to help with the claims
23 that he's pursuing and interpret insurance
24 policies, that sort of thing.
25 Q. And how many hours a month do you spend
0245
1 at that?
2 A. It varies.
3 Q. Can you give me an average?
4 A. Well -- no, I can't.
5 MR. HIBEY:
6 Excuse me. Could the witness keep up
7 her voice. We can't hear her back here.
8 THE WITNESS:
9 Sorry.
10 MR. ROBIE:
11 Q. In this calendar year, 2007, can you
12 give me an estimate of how many hours you actually

13 worked in helping with claims and interpreting
14 insurance policies for Mr. Scruggs?
15 A. In the calendar year?
16 Q. Yes.
17 A. No, I can't.
18 Q. How about in the last 60 days?
19 A. The work -- no, I can't.
20 Q. Have you -- do you go to an office?
21 A. Sometimes I go, yes.
22 Q. And other times you work out of your
23 home?
24 A. Yes.
25 Q. Can you estimate for me how many days
0246
1 you've worked this month?
2 A. We speak -- I speak with someone from
3 the law firms at least three days a week every
4 week.
5 Q. My question is: Can you estimate for me
6 how many hours you've worked --
7 A. No, I can't.
8 Q. -- this month? I didn't mean to step on
9 your line. Is your answer, no, you can't?
10 A. No.
11 Q. How about the past week, how many hours
12 did you work last week?
13 A. I'm not paid hourly. I'm paid yearly.
14 I don't keep up with my hours.
15 Q. I understand you're paid semi-monthly.
16 My question is: How many hours did you -- do you
17 estimate you worked last week?
18 A. I didn't keep track.
19 Q. Was it more than five?
20 A. I honestly -- I'm sorry. I can't help
21 you.
22 Q. You're not able to give me an estimate?
23 A. I don't have my calendar in front of me.
24 I'm sorry.
25 Q. Well, I understand you don't have your
0247
1 calendar. My question is: Can you give me an
2 estimate of how many hours you worked for the
3 Scruggs Katrina Group last week?
4 A. I can give you an estimate, but I don't
5 know if it would be correct.
6 Q. Why don't you do that.
7 A. And this might have been the week
8 before, not last week. Four hours.
9 Q. Today is the 19th of November 2007.
10 A. Okay.
11 Q. During this calendar month of November,
12 how many hours have you worked pursuant to that
13 contract?
14 A. I'm sorry. I just don't recall.
15 Q. Is it as many as 20?
16 A. It could be.
17 Q. As many as 80?
18 A. Probably not.
19 Q. Do you ever put in more than 10 hours a
20 week?
21 A. Yes.
22 Q. And how frequently do you do that?
23 A. Again, I'm just not that good without my

24 calendar in front of me. I'm sorry.
25 Q. Do you have your calendar?
0248
1 A. No.
2 Q. Where is it?
3 A. It's at home.
4 Q. The first session of your deposition
5 that you gave in this case, you testified that you
6 printed out your calendar. And you've never
7 produced that calendar. How many years worth of
8 calendars do you have at home?
9 A. From the computer?
10 Q. Any kind of calendars that you keep. I
11 don't know what your style is.
12 A. I'm not sure.
13 Q. Do you keep a handwritten calendar?
14 A. I do now.
15 Q. When did you start that?
16 A. When my computer crashed.
17 Q. And when was that?
18 A. That was in September.
19 Q. At the start of the month, end of the
20 month, middle of the month?
21 A. It was at the beginning, towards the
22 beginning. I don't remember the exact date.
23 Q. The beginning of September 2000 --
24 A. '07.
25 Q. '07, I'm sorry. And that's when you
0249
1 started keeping a manual calendar?
2 A. Yes, sir.
3 Q. And does that manual calendar record the
4 things that you do for the Scruggs Katrina Group?
5 A. No. The manual calendar is a personal
6 calendar.
7 Q. Does the manual calendar indicate when,
8 in fact, you do work for this organization?
9 A. No, it does not. It's just a personal
10 calendar.
11 Q. How would referring to your calendar
12 refresh your recollection on how many hours you
13 were working for Mr. Scruggs?
14 A. When I used to put it on the computer,
15 that was included.
16 Q. Well, I understood you to say that you
17 didn't have your calendar in front of you, so you
18 couldn't remember how many hours you worked last
19 week. How would your calendar assist you in
20 determining how many hours you worked in any week?
21 A. The previous calendar on the computer
22 would have assisted me.
23 Q. And since your computer crashed in the
24 beginning of September 2007, you keep no record or
25 note of what you do on the day to day?
0250
1 A. Not work-wise, no.
2 Q. What do you keep on that calendar?
3 A. Personal.
4 Q. Like go to the grocery store, hair
5 appointment?
6 A. Hair appointment, meet someone for
7 lunch, personal things.
8 Q. All right. Would it have deposition

9 preparation, that sort of thing?
10 A. Yes.
11 Q. Would it have any work-related notations
12 on it?
13 A. No. I don't believe.
14 Q. When you were originally deposed in this
15 case in May of 2007, you testified at that time
16 that you had printed out your calendar and given
17 it to your attorney. Do you have a copy of that
18 calendar?
19 A. No. I gave that to my attorney.
20 Q. And have you seen it since you gave it
21 to him?
22 A. I have not.
23 Q. And you have not produced it to us ever,
24 have you?
25 A. I produced it to him.
0251
1 Q. No. I understand that, but to your
2 knowledge, it's never been produced to the parties
3 in this case, has it?
4 A. I have no -- no idea.
5 Q. And that calendar that you printed out
6 and gave to your attorney was taken from your
7 computer and would have included your day-to-day
8 activities pursuant to your \$150,000 a year
9 contract with the Scruggs Katrina Group?
10 A. It would have some of the items on
11 there, yes. It wouldn't have a day-to-day
12 diary-type thing, but more -- it would be, yes,
13 more detailed.
14 Q. But it would give you the ability to
15 estimate for us how many hours you worked in any
16 particular week based on those notes?
17 A. It could help me, yes.
18 Q. It would also tell you what people you
19 met with, what meetings you attended and that sort
20 of thing?
21 A. Yes.
22 Q. When was the last time you printed an
23 updated calendar off that computer before it
24 crashed on September 1st?
25 A. I don't remember.
0252
1 Q. Well, you printed it out before your
2 deposition in May. Did you print out an updated
3 version of that for your lawyer sometime between
4 May and the crash of your computer?
5 A. I don't remember.
6 Q. Did you continue to update the calendar
7 on the computer?
8 A. Yes, I did.
9 Q. And how often did you do that?
10 A. As often as I needed to.
11 Q. And would that be more than once a week?
12 A. Yes, it would.
13 Q. Three times a week, four times a week?
14 A. It could have been. I'm not sure.
15 Q. Did you boot up your computer every day?
16 Was that your habit?
17 A. Not necessarily every day.
18 Q. Every couple days?
19 A. If I was in town.

20 Q. Well, let's assume you were in -- if you
21 were in town, did you have occasion to turn on
22 your computer virtually every day?

23 A. Not necessarily, no.

24 Q. Okay. Under what circumstances would
25 you not turn it on?

0253

1 A. I don't have an answer to that. I
2 didn't turn on the computer every day.

3 Q. Okay. But Monday through Friday, most
4 days, did you boot it up?

5 A. Most days, absolutely.

6 Q. And the computer we're talking about is
7 what kind of a computer?

8 A. It's a Dell home computer.

9 Q. Right. It was your desktop computer at
10 home?

11 A. That's correct.

12 Q. And what happened on the day it crashed?
13 Can you describe for me what you experienced?

14 A. Well, it had become -- on the day it
15 crashed?

16 Q. Yes.

17 A. It froze, and so I had to unplug it to
18 get it to turn off. And when I plugged it back
19 in, it was a black screen that said F1 setup, I
20 think, and F2 check something.

21 So I tried to do the F2, and it wouldn't
22 respond. And so I kept plugging it in and
23 unplugging it, and I couldn't get past that
24 screen.

25 Q. What program were you running when it
0254

1 froze?

2 A. I don't remember.

3 Q. Had you already gone past the start-up
4 program on the computer when it froze?

5 A. Yes. I was working on it.

6 Q. Right. Were you doing e-mails?

7 A. I don't remember.

8 Q. Were you composing a document?

9 A. I don't know.

10 Q. Were you on the Internet?

11 A. I believe I was on the Internet.

12 Q. All right. And were you doing any
13 particular search at that time?

14 A. Well, I multi-task on the computer, so
15 I'm not sure exactly what all programs were
16 running.

17 Q. What time of the day did this occur?

18 A. I don't remember.

19 Q. You don't recall whether it was morning
20 or night?

21 A. It was daylight.

22 Q. And how long had you been working on the
23 computer that day before it froze?

24 A. That's hard to say. I don't think it
25 was very long.

0255

1 Q. Less than an hour?

2 A. It had been giving -- yes, probably less
3 than an hour.

4 Q. Did you have any problems with the

5 machine before it froze that day?
6 A. Yes.
7 Q. What problems did you have?
8 A. The machine had become very sluggish in
9 its response.
10 Q. And you had noticed this before that
11 day?
12 A. Yes.
13 Q. For how long before the freezing of the
14 computer had you noticed it getting sluggish?
15 A. For about three days, I was having
16 trouble with the computer.
17 Q. And were you having trouble with it in
18 terms of its maintaining a connection with the
19 Internet?
20 A. It was sluggish and freezing up.
21 Q. And what technique did you use to get it
22 to unfreeze in the days before it crashed?
23 A. I would unplug it.
24 Q. You'd just manually unplug the machine?
25 A. (Nodding head affirmatively.)

0256

1 Q. How many times did you do that before
2 the eventful day when it died?
3 A. It seems like it froze on me a couple of
4 times before the last time.
5 Q. So your best recollection is that there
6 were two times when you had to unplug it to get it
7 to re-operate?
8 A. Yes.
9 Q. And when you did that on those two prior
10 occasions, when you plugged it in, what happened?
11 A. It was fine.
12 Q. It would just boot right up?
13 A. Boot right up.
14 Q. It didn't go into an MS-DOS mode?
15 A. I don't know what that means, but it
16 just booted right up.
17 Q. Some of the old computers systems you
18 used to work with at State Farm were MS-DOS based
19 computer systems. It would have black and white
20 screens with a series of symbols or numbers. Does
21 that refresh your recollection?
22 A. Okay. That's what happened the day it
23 wouldn't respond to anything. It was the black
24 and white screen. And I don't remember a black
25 and white screen before that.

0257

1 Q. You never had one of those before?
2 A. I don't remember one before.
3 Q. You never had -- when you had it freeze
4 and you unplugged it and plugged it back in, it
5 would always come back up just as if you were
6 starting fresh?
7 A. That's the way I remember it, but I'm
8 not the type of person that would sit there and
9 wait on it to do it. I would plug it in, go do
10 something else and come back.
11 Q. I'm only asking what you saw and what
12 you recall.
13 A. I don't remember the black and white
14 until the day it quit working.
15 Q. And that was the one and only time you

16 had ever seen that screen on that computer?
17 A. That's my recollection.
18 Q. Did the machine make any noises?
19 A. I don't remember any noises.
20 Q. And other than seeing the F1/F2 prompts,
21 do you have any recollection of seeing any other
22 typing on the screen?
23 A. There was other typing on it.
24 Q. And did you try using any of those
25 prompts?
0258
1 A. Yes, I did.
2 Q. Which ones?
3 A. Whatever it said to do, I tried to do.
4 Like F1 said to restart it, and then F2 had some
5 other instructions under it. And I tried to do
6 everything that it said to do under F2.
7 Q. And with what result?
8 A. Nothing happened. There was no
9 response.
10 Q. It just froze on that black and white
11 screen?
12 A. That's correct.
13 Q. Did you unplug it again?
14 MR. TAYLOR:
15 You mean after she unplugged it the
16 first time?
17 MR. ROBIE:
18 Yes.
19 A. At that point, I think I called somebody
20 to see if -- what was wrong with the computer.
21 This was a real problem.
22 MR. ROBIE:
23 Q. Who did you call?
24 A. I have -- no, I didn't. I went to Best
25 Buy. I went to Best Buy and I talked to the tech
0259
1 guys at the Best Buy and I asked them what that
2 screen normally meant, if there was a way to
3 reboot the computer.
4 Q. And what did they tell you?
5 A. They told me if I got the black screen,
6 that was an indication that it was the mother --
7 mother board --
8 Q. Right.
9 A. -- that was the problem and that mother
10 boards could be replaced.
11 Q. Before you went to Best Buy, did you
12 just leave it sitting there showing this black
13 screen with the F1/F2 prompt?
14 A. I'm sure I turned it off. I just don't
15 remember. It's like locking a door, I'm not sure.
16 Q. You don't remember?
17 A. I don't remember.
18 Q. And if you did turn it off, you would
19 have unplugged it to do that or would the machine
20 turn off?
21 A. I don't remember.
22 Q. Do you have any recollection of actually
23 turning it off as opposed to unplugging it?
24 A. Not the final time. I mean,
25 eventually -- it is now unplugged.

0260

1 Q. Right. But in order to get to the F1/F2
2 prompt black screen, you actually had unplugged it
3 as opposed to turning it off?
4 A. Prior to that, yes.
5 Q. Yes. Were you able to turn it off as
6 opposed to unplug it?
7 A. That's what I don't remember.
8 Q. Okay. Then you get the final screen.
9 You can't do anything with it, and you don't
10 remember whether you unplugged it or shut it off?
11 A. I don't remember.
12 Q. Do you know whether you left it running
13 when you went to Best Buy?
14 A. I don't remember.
15 Q. And when you came back from Best Buy,
16 did you try to start it again?
17 A. No. I assumed it was the mother board
18 like he had told me.
19 Q. And what did that mean to you?
20 A. It meant that I was going to have to get
21 a new mother board to make the computer work
22 again.
23 Q. Did you have an understanding at that
24 time of what a mother board did?
25 A. I still don't know what a mother board
0261
1 does.
2 Q. Right. So did you try turning it on
3 again?
4 A. No.
5 Q. Have you ever tried turning it on again
6 since you came back from Best Buy?
7 A. No.
8 Q. What did you do with the computer?
9 A. I -- when I told my attorneys that the
10 computer had crashed, they told me not to touch it
11 again.
12 Q. When did you notify your counsel the
13 computer crashed?
14 A. I told -- I know I told -- it crashed
15 three days before I went to Washington the first
16 part of September, and I know I told them in
17 Washington. I don't know if I told them before.
18 Q. When did you go to Washington?
19 A. I don't remember the exact dates, but it
20 was around September 5th, I think, 6th.
21 Q. What were you doing in Washington?
22 A. I was meeting with my attorneys.
23 Q. Is Mr. Scruggs paying for your
24 attorneys?
25 A. Yes.
0262
1 Q. And how many law firms is he paying for
2 you to be represented by?
3 A. I believe two.
4 Q. And the names of those firms, please?
5 A. Zuckerman Spaeder. I don't know if it's
6 Battle and Winn or Winn and Battle.
7 Q. That's the Alabama firm?
8 A. That's correct.
9 Q. Did he also pay for your prior attorney?
10 A. Greg Hawley?
11 Q. Yeah.

12 A. Yeah, that's correct.
13 Q. Do you know how much he paid him?
14 A. I do not.
15 Q. Do you know how much he's paid Zuckerman
16 Spaeder?
17 MR. TAYLOR:
18 I'm going to instruct you not to answer
19 that.
20 MR. ROBIE:
21 Q. And you'll follow that instruction?
22 THE WITNESS:
23 Yes.
24 MR. ROBIE:
25 Could we have a legal objection?
0263
1 MR. TAYLOR:
2 Because it will disclose to you the
3 nature and, to some extent, the content of the
4 work that we have done on her behalf.
5 MR. ROBIE:
6 Is that an attorney-client privilege
7 objection?
8 MR. TAYLOR:
9 It's -- no. It's a work product
10 objection.
11 MR. ROBIE:
12 Q. How about the Battle and Winn firm in
13 Alabama, how much has Mr. Scruggs paid them on
14 your behalf?
15 A. I don't know.
16 Q. Do you know how much he paid Mr. Hawley
17 on your behalf?
18 A. I don't know.
19 Q. Do you get copies of some kind of
20 receipt or invoice showing payment of those
21 attorney fee bills?
22 A. I did not with Greg Hawley.
23 Q. How about with the others?
24 A. I do.
25 Q. And what's the form of that
0264
1 documentati on?
2 A. It's mailed.
3 Q. Is it a bill?
4 A. I've never opened it.
5 Q. Well, how do you know what's in it?
6 A. My sister opened it and told me.
7 Q. And what did she tell you was in it?
8 A. The -- I think it was billing and the
9 charges for the attorneys.
10 Q. So a copy of the attorney fee bill comes
11 to you?
12 A. That's my understanding. I haven't
13 opened it. That's what I was told by Kerri.
14 Q. Right. But Kerri tells you that that's
15 what you get?
16 A. Yes.
17 Q. Is there a reason you don't open that?
18 A. Yes.
19 Q. Why?
20 A. I don't want to know.
21 Q. Does the payment of those attorney fees
22 appear on your 1099s that Mr. Scruggs sends you

23 every year?

24 A. No.

25 Q. That's not considered income to you?

0265

1 A. No.

2 MR. TAYLOR:

3 Well, objection as to form. She's not a
4 tax lawyer.

5 MR. ROBIE:

6 Q. You don't report it as income?

7 A. My attorneys' fees?

8 Q. Yes.

9 A. No, I do not.

10 Q. Judge Walker, on October 1st, 2007,
11 issued an order requiring you to produce for us
12 documents with respect to your income and sources
13 of income. Have you produced any of those
14 documents?

15 A. Yes.

16 Q. What were they?

17 A. Well, we had a 1099, a W-2 and the tax
18 returns for '05.

19 Q. Anything else you can think of?

20 A. There were some bank records that I
21 produced.

22 Q. What did those consist of?

23 A. Deposits.

24 Q. Total number of pages, can you estimate
25 for me?

0266

1 A. That was just recent because I think you
2 guys got the bank records previously. It was
3 about three pages. It was a deposit history.

4 Q. Three pages?

5 A. Three pages.

6 Q. Can you estimate for me the total number
7 of pages of financial documents you produced to
8 your attorneys?

9 A. No.

10 Q. But there is no doubt in your mind that
11 you provided them with all of the records showing
12 your income and sources of income from July '05
13 through May '07?

14 A. Yes.

15 Q. The court order also -- do you have
16 those documents by any chance because we've not
17 ever received them?

18 MR. TAYLOR:

19 We produced them.

20 MR. ROBIE:

21 No.

22 MR. MEHTA:

23 We did.

24 MR. ROBIE:

25 That's interesting because we never got
0267

1 them. Has anybody in this room ever received
2 them?

3 MS. LIPSEY:

4 Yes.

5 MR. ROBIE:

6 You did? Okay. Well, somebody did.
7 We'll look them up later, then.

8 MR. TAYLOR:
9 I thought you had them.
10 MR. ROBIE:
11 No. We've never seen them. I've never
12 seen them.
13 MR. BACKSTROM:
14 Did you get any documents after this
15 order?
16 MR. ROBIE:
17 We got a pile of stuff that consisted
18 basically of State Farm claims handling
19 instructions. That's it.
20 MR. MEHTA:
21 It was in that -- it was in that
22 production.
23 MR. ROBIE:
24 Okay.
25 MR. MEHTA:
0268
1 It would have been in that production.
2 MR. ROBIE:
3 All right. We'll look at it again.
4 Q. Requests 2, 3 and 4 obligated you to
5 produce communications regarding employment with
6 the Scruggs Katrina Group, taking of information
7 from State Farm prior to cessation of employment
8 with Renfro. And to the extent there was a
9 claimed privilege, those were to be the subject of
10 a privilege log.
11 Can you estimate for me how many pages
12 of material you produced in response to that
13 request?
14 MR. BACKSTROM:
15 Object to the form.
16 A. Is there any way somebody can give me
17 that list? I don't -- I'm not doing well
18 hearing what -- I don't know what you're asking me
19 for.
20 MR. TAYLOR:
21 I mean, it is true that her attorneys
22 made the production.
23 MR. ROBIE:
24 I understand that. I'm just asking how
25 many pages she turned over.
0269
1 Q. How many -- what kind of volume of
2 material we're talking about.
3 A. And this is the State Farm?
4 Q. Yeah.
5 MR. BACKSTROM:
6 In response to Number 2, Request Number
7 2?
8 MR. ROBIE:
9 Yeah.
10 A. Number 2?
11 MR. TAYLOR:
12 There is a letter, Mr. Robie, from my
13 firm to Mr. Mullen which categorizes the
14 production.
15 MR. ROBIE:
16 I think it incorporates some 300 pages
17 of material under one --
18 MR. TAYLOR:

19 It's a letter dated October 15, 2007.
20 It's a multi-page letter that goes through each of
21 the items.

22 MR. ROBIE:
23 It doesn't break down any document by
24 document.

25 MR. TAYLOR:

0270

1 No, of course not.

2 MR. MEHTA:

3 No. But what it does do is identify the
4 Bates range of documents that --

5 MR. ROBIE:

6 Hundreds of pages of documents for which
7 a privilege is asserted, without breaking them
8 down.

9 MR. MEHTA:

10 Are you talking about privileged
11 documents or are you talking about documents that
12 were actually produced?

13 MR. ROBIE:

14 I'm talking about the claimed privileged
15 documents.

16 MR. TAYLOR:

17 No, no. This letter identifies by Bates
18 number the documents that are produced.

19 MR. MEHTA:

20 And to that letter, we attached a
21 privilege log which identified documents that are
22 Bates range numbered.

23 MR. ROBIE:

24 My point is -- and I really don't want
25 to waste my record here with this because the

0271

1 document will speak for itself, but the privilege
2 log is a Bates range of many hundreds of pages of
3 material with a claimed privilege. It doesn't
4 break it down by document.

5 MR. MEHTA:

6 Well, that's not exactly accurate, but
7 you're right, the document will speak for itself.
8 We did produce attachments. There are basically
9 five documents or six documents that we withheld
10 for various reasons. We have produced almost all
11 of that with the exception, I think, of documents
12 that fell within Categories 5 and 6, which are
13 currently subject to a motion to compel before
14 Judge Walker.

15 MR. ROBIE:

16 Q. Do your duties as part of your contract
17 with -- first of all, is the contract with
18 Mr. Scruggs, the Scruggs Law Firm or the Scruggs
19 Katrina Group?

20 A. The Scruggs Katrina Group.

21 Q. And who comprises the Scruggs Katrina
22 Group, as you know it?

23 A. Dick's office -- Dick Scruggs' office in
24 Oxford, Don Barrett's office and Nutt McAllister
25 in Jackson, and I think there's Lovelace.

0272

1 Q. How about Mike Moore?

2 A. And Mike Moore.

3 Q. Did it ever include Johnny Jones, Jones

4 & Funderburg?
5 A. Yes.
6 Q. And when was that?
7 A. I think that was -- that ended around --
8 I don't know.
9 Q. How did you come to know that they were
10 no longer a part of the Scruggs Katrina Group?
11 A. I don't remember how I found that out.
12 Q. But somebody did tell you that?
13 A. I either read about it or they told me
14 about it.
15 Q. Before you agreed to go to work for SKG
16 in July of '07, how many times had you met Mike
17 Moore?
18 MR. TAYLOR:
19 Do you mean '07?
20 MR. ROBIE:
21 '06. I apologize.
22 MR. BACKSTROM:
23 Can you re-ask it?
24 MR. ROBIE:
25 Sure.
0273
1 Q. Before you agreed to go to work for
2 \$150,000 a year with the SKG group in July of '06,
3 how many times had you met Mike Moore?
4 A. Probably a half a dozen times.
5 Q. And when was the first of those times?
6 A. When he -- at his victory party when he
7 first was elected to the attorney general's
8 office.
9 Q. And when was that?
10 A. I don't know. I was 16 or 17. I don't
11 --
12 Q. Sixteen or 17 years ago?
13 A. I was 16 or 17.
14 Q. You were 16 or 17. How old are you now?
15 A. I'm 39.
16 MR. TAYLOR:
17 Can we mark that confidential?
18 THE WITNESS:
19 I want that under seal.
20 MR. ROBIE:
21 Q. So you first met Mike Moore 23 years
22 ago?
23 A. Yes.
24 Q. Twenty-plus years ago?
25 A. Plus-ish.
0274
1 Q. And in the 20-plus years since then, how
2 many times have you met with him?
3 A. There was a -- when I first met with
4 Mike all those years ago, we had interaction for
5 probably a couple of years. And then I have not
6 seen him again until --
7 Q. What was the nature of this interaction
8 the first couple of years when you were 16 or 17
9 years old?
10 A. We were just at social functions
11 together.
12 Q. What kind of social functions?
13 A. One was his sister's wedding.
14 Q. Did you know his sister?

15 A. No.
16 Q. Did you know him?
17 A. Yes.
18 Q. How did you come to know him?
19 A. I met him -- when you say "him," do you
20 mean Mike Moore?
21 Q. I mean Mike Moore.
22 A. At his victory party when he won
23 attorney general.
24 Q. And you became friends as a result of
25 that introduction?
0275
1 A. Well, he was friends with my mother.
2 Q. Okay. And how long has your mother
3 known Mr. Moore?
4 A. I don't know.
5 Q. But certainly more than 20 years ago?
6 A. Yes.
7 Q. And how many times did you attend social
8 functions involving Mr. Moore?
9 MR. TAYLOR:
10 When you say "involving," Mr. Robie, do
11 you want to be --
12 MR. ROBIE:
13 Q. Either he was present at the event or
14 was somehow affiliated with its sponsorship?
15 A. Maybe three or four.
16 Q. And this is over what period of time?
17 A. Maybe a couple of years.
18 Q. And this is going back -- this is,
19 again, 20 years ago?
20 A. Twenty years ago.
21 Q. All right. Rolling forward, after those
22 flurry of events 20 years ago, when did you next
23 hook up with Mr. Moore or see Mr. Moore?
24 A. This year, I believe.
25 Q. In '07?
0276
1 A. '07.
2 Q. And what was the occasion?
3 A. I saw him in court.
4 Q. In what case?
5 A. I believe it was Judge Senter's court
6 when they were talking about the class action.
7 Q. The Woullard class action?
8 A. Yes.
9 Q. You were present for those arguments?
10 A. Yes.
11 Q. Were you working for the Scruggs Katrina
12 Group as part of that?
13 A. Yes.
14 Q. Did you meet with Mr. Moore before he
15 went to court that day?
16 A. Yes.
17 Q. Here?
18 A. No. I think it was -- it was either
19 before or during lunch. We had conference rooms
20 outside the courtrooms. I don't -- but it wasn't
21 here.
22 Q. During the time that you were working as
23 a claims adjuster on Katrina claims, did you meet
24 with Mr. Moore?
25 A. No.

0277

1 Q. Did you see him?
2 A. No.
3 Q. Was he present at any grand jury
4 proceeding where you testified?
5 A. No.
6 Q. Did you testify at a grand jury
7 proceeding?
8 A. Yes.
9 Q. When?
10 A. In January.
11 Q. January of '07 or '06?
12 A. '07.
13 Q. And where was that at?
14 A. I think it was in Pascagoula.
15 Q. That was in Jackson County?
16 A. (Nodding head affirmatively.)
17 Q. Is that a yes?
18 A. Yes. I'm sorry, yes.
19 Q. Did you ever testify before a grand jury
20 in Harrison County?
21 A. I testified before one grand jury. I
22 think it was in Jackson County. That's the only
23 time I ever done -- testified before the grand
24 jury.
25 Q. Was any SKG attorney present in the

0278

1 grand jury room when you testified?
2 A. No.
3 Q. Who was present?
4 MR. BACKSTROM:
5 Let me object. I let this go a little
6 bit, but I think that gets into the grand jury
7 secrecy issues, and I don't think she should
8 testify as to that.
9 MR. ROBE:
10 Well, I believe under the Mississippi
11 statute, the secrecy issue only exists six months
12 after the grand jury is discharged. And they've
13 been discharged for more than a year.
14 MR. BACKSTROM:
15 I wasn't aware of that.
16 MR. ROBE:
17 Yes.
18 MR. BACKSTROM:
19 Do you have some evidence that it's been
20 discharged?
21 MR. ROBE:
22 I sure do. It's a matter of public
23 record. I didn't think I'd have to bring that,
24 but you can --
25 MR. BACKSTROM:

0279

1 I've never seen anything about it.
2 MR. ROBE:
3 The Jackson County grand jury?
4 MR. BACKSTROM:
5 I've never seen anything about it.
6 MR. ROBE:
7 Well, you do know that in January of
8 '07, AG Hood signed an agreement with State Farm
9 that he would conduct no further investigation and
10 would not initiate any criminal proceedings? You

11 know that, don't you?
12 MR. BACKSTROM:
13 I don't agree to the characterization of
14 that.
15 MR. ROBIE:
16 Okay. Well, we're not going to argue
17 about this either because the record is -- are you
18 somehow instructing her to not answer?
19 MR. TAYLOR:
20 Are you representing -- I mean, we're
21 collaborating on her behalf. Are you representing
22 that the grand jury has been discharged?
23 MR. ROBIE:
24 I sure am, more than six months ago.
25 MR. BACKSTROM:
0280
1 So your position is anything that
2 occurred in that proceeding is now fair game?
3 MR. ROBIE:
4 That's right. That's our position.
5 MR. BACKSTROM:
6 Including every -- including the
7 substance of that testimony?
8 MR. ROBIE:
9 That's correct.
10 MR. BACKSTROM:
11 And when did this become your position
12 in this litigation?
13 MR. ROBIE:
14 It's always been our position that once
15 six months passed from the discharge of the grand
16 jury, that the secrecy no longer applied. I think
17 that's Mississippi law.
18 MR. BACKSTROM:
19 When did that -- when did the
20 termination occur?
21 MR. ROBIE:
22 Well, it was more than six months ago.
23 I didn't -- I didn't bring that. I have -- I can
24 get you a copy of the order if that's what you
25 need, but it's more than six months ago.
0281
1 MR. BACKSTROM:
2 Okay. Well, was it -- I mean, we're in
3 November right now, so was it February? I mean,
4 any idea? I'm just trying to get an
5 understanding.
6 MR. ROBIE:
7 My recollection is that it was way more
8 than six months ago, so, you know, I don't know.
9 MR. BACKSTROM:
10 Okay. Well, why don't you get me that
11 at a break.
12 MR. ROBIE:
13 Well, I may not be able to. My question
14 really is: Are you instructing her to not answer
15 questions on this topic?
16 MR. BACKSTROM:
17 It just depends on the -- on whether or
18 not this was six months ago, and I don't know.
19 MR. ROBIE:
20 All right. Let me ask my questions.
21 You can make your record.

22 Q. Did you present any documents to the
23 grand jury in January of '07?
24 A. I don't -- no. I don't think I had any
25 documents.
0282
1 Q. Were you asked to talk about any
2 documents as part of your testimony?
3 A. Am I supposed to answer this?
4 MR. BACKSTROM:
5 Yeah, go ahead.
6 MR. TAYLOR:
7 Yeah.
8 THE WITNESS:
9 Yes.
10 MR. ROBIE:
11 Q. What documents?
12 A. The McIntosh document. I don't remember
13 specifics.
14 Q. When you say "the McIntosh document,"
15 what document is that?
16 A. The duplicate engineer report with the
17 sticky note.
18 Q. That's the October 12, Forensic
19 Engineering report?
20 A. That is correct.
21 Q. Were you shown that document as part of
22 your testimony?
23 A. I don't remember. I'm sorry.
24 Q. Was the document present in the grand
25 jury room?
0283
1 A. It very well could have been.
2 Q. Well, do you recall that it was?
3 A. I don't recall.
4 Q. Do you recall seeing any document while
5 you were testifying?
6 A. I don't recall.
7 Q. Who was questioning you?
8 A. I believe Courtney, and I have a hard
9 time with her last name.
10 Q. Schloemer?
11 A. Schloemer. She started, and then there
12 was a gentleman that took her place. Actually she
13 ended. The guy who started, I think his name was
14 Jason.
15 Q. Did you tell the grand jury that you
16 were being paid \$150,000 a year by SKG when you
17 testified --
18 MR. TAYLOR:
19 Objection.
20 MR. ROBIE:
21 Q. -- at that proceeding?
22 MR. BACKSTROM:
23 Object to the form.
24 A. If they asked me, I did. I don't
25 remember.
0284
1 MR. ROBIE:
2 Q. Well, do you recall telling them that?
3 A. I don't recall.
4 A. Did you testify before that grand jury
5 that you were the defendant in the Renfroe versus
6 Rigsby litigation in Alabama?

7 A. I really don't -- I'm not going to be
8 able to help you with specifics on the testimony
9 in the grand jury. Whatever they asked me, I
10 answered. And I don't -- I don't have any
11 specific recollection.

12 A. Do you have any recollection of
13 explaining when it was that you first saw the
14 McIntosh document that you've just described?

15 MR. BACKSTROM:

16 I'm sorry. In connection with the grand
17 jury proceeding?

18 MR. ROBIE:

19 Yes.

20 A. If they asked me. I just don't -- I
21 don't recall specifically anything I testified
22 about in the grand jury.

23 MR. ROBIE:

24 Q. Was your sister present while you were
25 testifying?

0285

1 A. No.

2 Q. Did you have the assistance of counsel
3 before going in to testify?

4 A. I had the -- Courtney was the only
5 lawyer that was there with me.

6 Q. No. Before you went into the grand jury
7 room, did you have a lawyer help you get ready?

8 A. I don't -- Courtney was the only one
9 that I remember helping me get ready.

10 Q. Courtney helped you get ready?

11 A. As far as -- I guess I don't understand
12 what help me get ready means.

13 Q. Well, they meet with you, go over the
14 kinds of things that might be asked, the subject
15 of your testimony.

16 A. No. I was pretty -- I didn't get a lot
17 of -- any prep on the grand jury.

18 Q. Nobody prepped you?

19 A. I had no prep.

20 Q. How did you know that you were supposed
21 to go there?

22 A. The AG's office informed me.

23 Q. Did they serve you with a subpoena?

24 A. I believe they did.

25 Q. And who served you with that subpoena?

0286

1 A. A server.

2 Q. You don't know that person's name?

3 A. No.

4 Q. When is the first time you ever met with
5 anyone from the AG's office?

6 A. It was, I believe, early '06.

7 Q. And the circumstances, please?

8 MR. BACKSTROM:

9 Let me just object to asked and answered
10 in this deposition already. You can answer it.

11 A. I'm not going to be able to give you
12 chronological. I remember going to Jackson and
13 meeting with them, and I remember having
14 investigators come down to the Coast and meet with
15 me.

16 MR. ROBIE:

17 Q. Which occurred first, your trip to

18 Jackson or the investigators visiting you on the
19 Coast?

20 A. I'm not 100 percent sure. I believe I
21 went to Jackson first.

22 Q. And who did you go with?

23 MR. TAYLOR:

24 You mean who went with her?

25 MR. ROBIE:

0287

1 Q. Who went with you in the automobile?

2 A. No one.

3 Q. You drove by yourself?

4 A. Yes.

5 Q. Who told you to go there?

6 A. I'm guessing my attorneys told me to go.

7 Q. Well, I don't want you to guess. I want
8 your best recollection, please.

9 A. My best recollection is not that -- it
10 would be the attorneys told me.

11 Q. And were you given any information on
12 the purpose of your trip to Jackson to meet with
13 the AG?

14 A. That we were -- yes.

15 Q. And what was that?

16 A. Just to discuss what we had discovered
17 and the situation that had been going on at State
18 Farm.

19 Q. Well, what had you discovered?

20 A. At that time, we had discovered the
21 duplicate engineering reports with different
22 conclusions. We had witnessed Lecky King
23 requesting that engineer reports have their
24 conclusions changed or they wouldn't be paid.
25 Just some irregularities like that.

0288

1 Q. Can you think of any other than the two
2 that you've mentioned?

3 MR. BACKSTROM:

4 Objection, asked and answered.

5 A. I'm sorry. I need to take a break.

6 MR. TAYLOR:

7 Okay.

8 MR. ROBIE:

9 Can we finish the answer before we take
10 a break, please?

11 MR. TAYLOR:

12 Yeah. Can you answer the question, and
13 then --

14 A. Sure. Any others. There were several
15 things. I remember a report being paid that Lecky
16 ordered not to be paid. And when she went out of
17 town, Mark Drain paid limits on it in a
18 neighborhood where all the other houses weren't
19 paid for under the homeowners claim. That's all
20 that's coming to mind right now.

21 MR. ROBIE:

22 All right. You want to take a break?

23 MR. TAYLOR:

24 Please.

25 VIDEO TECHNICIAN:

0289

1 Off record at 9:56 a.m.

2 (Off the record.)

3 VIDEO TECHNICIAN:
4 On record at 10:02 a.m.
5 MR. ROBIE:
6 Q. Before we broke, we were talking just
7 briefly about the meeting you had with the
8 attorney general's office in Jackson where you
9 drove yourself all by yourself in your car. You
10 told me that your attorneys had told you to go to
11 that meeting. Which attorney was representing you
12 at that time?
13 A. Dick Scruggs.
14 Q. So Mr. Scruggs told you to go to the
15 meeting in Jackson with the attorney general?
16 A. That's my best recollection, yes.
17 Q. And did he tell you this in a
18 face-to-face meeting or a telephone conversation?
19 A. More than likely a telephone
20 conversation.
21 Q. And were you given an address where you
22 should go in Jackson?
23 A. Yes.
24 Q. Where was that?
25 A. It was the office -- Dunn Lampton's
0290 office building.
1 Q. Were you told to take any written
2 materials with you, any documents?
3 MR. BACKSTROM:
4 Let me object to the extent that calls
5 for work product and instruct her not to answer.
6 MR. ROBIE:
7 Q. And you'll decline to answer that?
8 A. Yes.
9 Q. Did you take any documents with you?
10 MR. BACKSTROM:
11 Same objection.
12 A. I'm declining to answer that.
13 MR. ROBIE:
14 Q. Did you give any documents to the
15 attorney general or the representative of the
16 attorney general at that meeting?
17 MR. BACKSTROM:
18 Same objection.
19 MR. ROBIE:
20 Is there an instruction?
21 MR. BACKSTROM:
22 Same instruction.
23 MR. ROBIE:
24 Q. And you'll decline to answer it?
0291
1 A. Yes.
2 Q. What time of the day did you arrive in
3 Jackson for this meeting?
4 A. My best recollection is it was midday.
5 Q. And who did you meet with there?
6 A. Now, I've had a couple of meetings in
7 Jackson, so I'm going to do my best not to get
8 them confused.
9 Q. I'm just trying to get the earliest one.
10 A. Okay.
11 Q. The first one you can remember.
12 A. The first one I can remember, who was in
13 the room? Zach Scruggs was in the room, Tony

14 Dewitt, Jenny Williams, a gentleman from FEMA, Jay
15 Majors, and then a few people that I -- I didn't
16 know.

17 Q. Anybody from the attorney general's
18 office there?

19 A. Well, Jenny Williams is with the --
20 she's an FBI agent. And John Dowdy might have
21 been in the room.

22 MR. TAYLOR:

23 He means the attorney general of
24 Mississippi.

25 THE WITNESS:

0292

1 I'm sorry. No.

2 MR. TAYLOR:

3 Is that right, Mr. Robie?

4 MR. ROBIE:

5 Yes.

6 THE WITNESS:

7 I'm sorry. I got confused.

8 MR. ROBIE:

9 Q. So you went to Jackson to meet with the
10 attorney general's office, and no one from that
11 office appeared?

12 A. I said it wrong. The U.S. attorney's
13 office. I went to Jackson to the U.S. attorney's
14 office.

15 Q. And that was in early '06?

16 A. Yes.

17 Q. The first week of January?

18 A. Oh, no.

19 Q. Can you place it any closer in time for
20 me on a calendar?

21 A. I would believe that would be March,
22 April time -- time frame.

23 Q. Was it before Mr. Scruggs filed your Qui
24 Tam action in April?

25 A. I'm not sure.

0293

1 Q. Did you meet with the U.S. attorney
2 before you filed your Qui Tam action?

3 A. I believe I -- yes. Yes, I did.

4 Q. More than once?

5 A. I met with investigators from the U.S.
6 attorney's office more than once.

7 Q. When was the first time you did that?

8 MR. BACKSTROM:

9 Jim, let me interject here. This
10 obviously squarely relates to the Qui Tam case
11 where discovery's been stayed. I'm not sure that
12 we should be getting into this now.

13 MR. ROBIE:

14 Is that an objection?

15 MR. BACKSTROM:

16 Yeah, it's an objection.

17 MR. ROBIE:

18 Are you going to instruct her?

19 MR. BACKSTROM:

20 I'll see how far it goes.

21 MR. ROBIE:

22 Q. When was the first time you met with
23 someone from the U.S. attorney's -- or spoke to
24 any U.S. attorney investigator ever?

25 A. It was March or April. And it was Jenny
0294

1 Williams. She was the first person I spoke with.

2 Q. Was that a phone call?

3 A. I probably spoke with her on the phone.
4 I believe she came to South Mississippi to meet
5 with Kerri and I.

6 Q. And this is before you went to Jackson?

7 A. Yes.

8 Q. So Jenny Williams came down to the Coast
9 to meet with you and Kerri?

10 A. Yes.

11 Q. And when was that?

12 A. March, April time frame.

13 Q. Again, was that before you filed the Qui
14 Tam action?

15 A. Yes.

16 Q. All right. I'm going to separate the
17 U.S. attorney from the AG because they're
18 completely different sets of questions I asked.

19 A. Right. I got confused earlier.

20 Q. Okay. Let's go back to the attorney
21 general of Mississippi.

22 A. Okay.

23 Q. We talked for a minute about meetings
24 you had with Mike Moore. Did you talk to Mike
25 Moore on the phone at any time before you met with

0295
1 the attorney general's investigator?

2 A. No.

3 Q. Have you ever talked to Mike Moore on
4 the phone?

5 A. Yes.

6 Q. When?

7 A. This summer.

8 Q. Is that the first time you ever talked
9 to him on the phone?

10 MR. TAYLOR:

11 Are you -- do you mean to limit your
12 question to about this matter?

13 MR. ROBIE:

14 Any matter. Any conversation with Mike
15 Moore.

16 MR. TAYLOR:

17 Social or personal?

18 MR. ROBIE:

19 Any matter, any phone call.

20 A. Other than the 20 years ago?

21 MR. ROBIE:

22 Q. Right.

23 A. Yes.

24 MR. TAYLOR:

25 No, no. He's including --

0296
1 MR. ROBIE:

2 Q. I'm including -- I had heard your
3 testimony on those 20 years ago to be social
4 meetings as opposed to phone calls. Were you
5 talking to him on the phone?

6 A. I don't remember.

7 Q. Okay. Let's talk about the present.

8 You talked to Mike Moore on the phone this summer.

9 Is that the first time you have any recollection

10 of ever speaking to him on the phone?
11 A. Yes, it is.
12 Q. Was that after your deposition in this
13 case?
14 A. I believe it was, yes.
15 Q. And can you tell me what you talked
16 about?
17 MR. BACKSTROM:
18 I'm going to instruct her not to answer.
19 MR. ROBIE:
20 Q. And you'll follow that instruction?
21 A. Yes.
22 MR. ROBIE:
23 Is that attorney-client privilege?
24 MR. BACKSTROM:
25 Attorney work product, attorney-client
0297
1 privilege.
2 MR. ROBIE:
3 Thank you.
4 Q. The first time you had any contact with
5 a representative from the Mississippi Attorney
6 General's office, when was that?
7 A. It's going to be the same March, April
8 time frame.
9 Q. How did that occur?
10 A. The two people I met with were Courtney
11 and Burt Wallace. He was an investigator with Jim
12 Hood's office. And I always met with -- they
13 always came to me down on the Coast.
14 Q. And they came to you where?
15 A. They've been to my home, and I've met
16 them at the hotel they were staying at.
17 Q. What hotel?
18 A. I think it was a Hampton.
19 Q. In what city?
20 A. Ocean Springs.
21 Q. Is this while you were on storm duty?
22 A. No. This was '06. Wait. I'm sorry.
23 Yes, it was. Yes, it was when I was on storm
24 duty.
25 Q. Were you living in the hotel as part of
0298
1 your storm duty?
2 A. No.
3 Q. Why were you at a hotel?
4 A. They were staying at the hotel.
5 Q. And you went to them?
6 A. Yes.
7 Q. And when was that?
8 A. March, April, to the best of my
9 recollection.
10 Q. You went to meet with them in a hotel,
11 the Hampton Inn in March, April of '06?
12 A. Yes, that's correct.
13 Q. Is that the first time you met them?
14 A. I believe so, yes.
15 Q. And how was that meeting arranged?
16 A. I believe Burt Wallace called and set up
17 that meeting with me.
18 Q. Who is Burt Wallace?
19 A. He's an investigator for Jim Hood's
20 office.

21 Q. Had you met him before?
22 A. I had not.
23 Q. How did he introduce himself?
24 A. I don't understand the question.
25 Q. Did he call and say, hi, my name is Burt

0299

1 Wallace, I'm an investigator for the attorney
2 general's office?
3 A. I'm guessing it went something like
4 that.
5 Q. I don't want you to guess.
6 A. I don't remember if I talked to Burt or
7 Courtney first on the phone. Burt was always the
8 one that set up the meeting. I talked to him the
9 most. But I don't know if I had talked to
10 Courtney before Burt.
11 Q. And what State Farm office were you
12 working at at the time?
13 A. It would be the Biloxi office.
14 Q. Did they call you at the Biloxi office?
15 A. I don't recall being called at the
16 Biloxi office.
17 Q. Do you recall ever talking to Burt or
18 Courtney by telephone from the Biloxi office?
19 A. I don't recall that, no.
20 Q. I forgot to ask you this at the front
21 end, but your sister has the same \$150,000 a year
22 contract with SKG?
23 A. Yes.
24 Q. Does she have to work about the same
25 amount as you do?

0300

1 A. I would say yes. I mean, we do
2 different things.
3 Q. Do you coordinate your activities?
4 A. Sometimes.
5 Q. In what kind of circumstances?
6 A. Well, for example, she did that
7 commercial and I didn't. So, you know, we don't
8 always do the same thing. Sometimes we travel
9 together to Jackson. When we were meeting with
10 the Nutt firm to go over some cases, we'll travel
11 together. When we were handing out the settlement
12 checks this past year, we did that together.
13 Q. You got to participate in distributing
14 the settlement money?
15 A. Yes.
16 Q. Have you testified before any committee
17 or body of the U.S. Congress?
18 A. No.
19 Q. Or the United States Government?
20 MR. TAYLOR:
21 Whoa, whoa, whoa. That's a big --
22 MR. ROBIE:
23 Q. Have you gone to Washington and given
24 testimony? That's all.
25 A. No.

0301

1 Q. The first time you got a call from Burt
2 Wallace, did he tell you why he wanted to meet?
3 A. It seems like he just wanted to meet and
4 discuss -- you know, have a discussion.
5 Q. Did he tell you why he wanted to meet?

6 A. I don't recall the exact conversation.
7 Q. Do you recall the substance of it?
8 A. He wanted to talk about the duplicate
9 engineer reports.
10 Q. He wanted to talk about the McIntosh
11 reports?
12 A. Yes.
13 Q. He said that in his first conversation
14 with you?
15 A. I don't know that he said that verbatim
16 in his first conversation.
17 Q. Did you ask him how he came to have --
18 MR. TAYLOR:
19 I don't think she had finished her
20 answer.
21 MR. ROBIE:
22 Q. I'm sorry. I certainly don't mean to
23 step on your toes.
24 A. We had turned over some information to
25 Mr. Scruggs. And the authorities had that same
0302
1 information, and they wanted to talk about the
2 situation of what we felt like was the fraudulent
3 activity going on at State Farm.
4 So to say that he said, I want to talk
5 about the McIntosh reports, I don't believe that
6 was the case. I think it was more, I want to talk
7 about the situation.
8 Q. When, to your knowledge, did you first
9 turn over information to Mr. Scruggs?
10 A. In February of '06.
11 Q. And how is it that you know that date?
12 MR. TAYLOR:
13 She didn't say that she knew the date.
14 MR. ROBIE:
15 Q. How do you know that specific time
16 period?
17 A. How do I remember it?
18 Q. Yeah.
19 A. I remember it because my mother and my
20 sister had moved into my home that week.
21 Q. The week of what, February what?
22 A. It was the last week.
23 Q. The last week of February?
24 A. (Nodding head affirmatively.)
25 Q. I need a verbal response.
0303
1 A. Yes.
2 Q. And you met Mr. Scruggs for the first
3 time sometime after your mother and sister moved
4 into your house?
5 A. Yes.
6 Q. Had they met with him previous to that?
7 A. My sister hadn't. I don't know about my
8 mother. You'd have to ask my mother.
9 Q. Kerri had already met with Mr. Scruggs?
10 MR. TAYLOR:
11 No. She said had not.
12 MR. ROBIE:
13 Q. Had not?
14 A. Had not.
15 Q. Was your mother represented by
16 Mr. Scruggs at the time she moved into your house?

17 A. You'll have to ask her. I don't -- I
18 don't know.
19 Q. Do you know if she had already filed a
20 lawsuit against State Farm when she moved into
21 your house?
22 A. I don't believe she had at that time.
23 Q. Do you know that she did some other
24 time?
25 A. I know that the Scruggs firm represented
0304
1 her against State Farm, yes.
2 Q. Do you know when it was she sued State
3 Farm?
4 A. It was in the -- she was part of the
5 settlement.
6 Q. My question is: Do you know when she
7 sued State Farm?
8 A. No.
9 Q. Did she sue State Farm before the data
10 dump?
11 A. I don't know.
12 Q. Do you know when she got her settlement
13 money?
14 A. Yes.
15 Q. When was that?
16 A. That was in -- I believe that was
17 December '06.
18 Q. At the time she moved into your house in
19 the last week of February of '06, did you have
20 some understanding that she was trying to arrange
21 a meeting between you and Mr. Scruggs?
22 A. No, I did not.
23 Q. When did you first come to know that?
24 A. That she had arranged a meeting?
25 Q. That she was trying to arrange a
0305
1 meeting.
2 A. Less than a half hour before he arrived.
3 Q. It was -- she told you that he was
4 coming, and then he was there?
5 A. Yes.
6 Q. And this was all in the last week of
7 February?
8 A. Yes.
9 Q. Had you already given your mother any
10 documents prior to that meeting?
11 A. No. I didn't give my mother any
12 documents.
13 Q. Did your mother have copies of the
14 McIntosh reports?
15 A. I don't know.
16 Q. You originally started -- I think your
17 words were absconding with documents from State
18 Farm in about October of 2005, right?
19 A. I don't know if absconding was my word,
20 but, yes, we -- Kerri made a copy of the McIntosh
21 engineering reports in October of 2005.
22 Q. I'm talking about Cori. You originally
23 started taking documents from the State Farm
24 office on your own in October of '05?
25 A. That is correct.
0306
1 Q. And the documents that you first started

2 taking were what?

3 A. There were e-mails. There were -- when
4 State Farm had decided to do the mass cancellation
5 of the engineering reports, there were documents
6 they were faxing out to the firms, the ones that
7 said, don't complete the investigation, just turn
8 in your pictures and notes and we'll pay your
9 invoice. I absconded with those. I don't
10 remember every document, if it seemed pertinent.

11 Q. Now, when you say you absconded with
12 mass cancellation of engineering reports, how many
13 of those did you take?

14 A. I don't remember exactly. It was just
15 -- it was a small amount. I would say under --
16 under 15.

17 Q. And how did you select the ones you were
18 taking?

19 A. One of my adjusters was in the -- we had
20 a trailer outside of the office in Gulfport where
21 we worked. Renfroe had a trailer. And one of my
22 adjusters came in, and he was very, very upset
23 that we were cancelling the engineer reports
24 because it had been State Farm's instruction that
25 we were going to pay the flood policy up front and

0307

1 investigate the wind damage after the engineers
2 had an opportunity to inspect the property. And
3 the adjusters had told all the policyholders that.
4 And then the next thing you know, they're doing
5 these cancellations.

6 And the adjuster was very upset that he
7 was going to have to deny these wind policies
8 because that's not the information he had given
9 the policyholders. And he was in there with a
10 stack showing me his cancellations, wondering how
11 he was going to explain this change in protocol.
12 And that's when I got a copy of the cancellations.

13 Q. Who is this adjuster?

14 A. Denny Sykes.

15 Q. And when you say that's when you got a
16 copy of this cancellation, did you make a copy of
17 the ones he brought to you?

18 A. Yes.

19 Q. And you took those home with you?

20 A. Yes.

21 Q. You took physical hard copies home with
22 you?

23 A. Yes.

24 Q. Did you put them in a briefcase or a
25 package of some kind?

0308

1 A. I had a little tote that I carried in
2 and out with my computer, so it's possible, but I
3 don't have a recollection of where I put them.

4 Q. And then what did you do with them once
5 they got home?

6 A. Our house was such chaos then with all
7 those people living there. I imagine I would have
8 put them in my office.

9 Q. Who was living in your house at that
10 time?

11 A. My mother, my stepfather and my sister.

12 Q. This is October of '05?

13 A. Oh, no. I'm sorry. I'm sorry. They
14 weren't living there then. I'm getting my time
15 frames confused. I would have put it in my
16 office. I was still living there by myself in
17 October.
18 Q. Did you make a folder?
19 A. No.
20 Q. And did you do this on more than one
21 occasion in October of '05, namely take copies of
22 these cancellation notices?
23 A. That's the one time I remember
24 specifically. I might have taken more. I
25 specifically remember that time.
0309
1 Q. Had you already seen the McIntosh report
2 by the time you did that?
3 A. Yes.
4 Q. How long before you took these
5 cancellation notices was it that someone had shown
6 you the McIntosh report?
7 A. It was -- it was a very short time
8 frame.
9 Q. A day or two?
10 A. I would say it would be within at least
11 a week. It was a very short time frame, possibly.
12 Q. And who showed you that report?
13 A. The McIntosh report?
14 Q. Yes.
15 A. Kerri.
16 Q. And where were you when she showed it to
17 you?
18 A. I don't recall where we were.
19 Q. Were you at the office?
20 A. We worked in the same office --
21 Q. My question --
22 A. -- every day. I'm thinking.
23 Q. Go ahead. Take your time.
24 A. I'm trying to remember. The office -- I
25 think -- I just can't remember. I'm sorry.
0310
1 Q. Were you at your desk?
2 A. I don't know if she showed them to me at
3 the office or if we talked about it on the phone
4 and she showed it to me at another time.
5 Q. I want you to recall for me the first
6 time you ever heard anything about this McIntosh
7 report. Where were you?
8 MR. TAYLOR:
9 That question has been asked and answer,
10 Mr. Robie. You can answer if you can.
11 A. I'm just not clear on that.
12 MR. ROBIE:
13 Q. Did you hear about it -- did you have a
14 desk at the cat office?
15 A. I did.
16 Q. Do you have a recollection of having her
17 show it to you at your desk?
18 MR. BACKSTROM:
19 Objection, asked and answered.
20 A. My desk and her desk and all the
21 adjusters' work tables were all in one big room.
22 It wasn't a private office situation. I don't
23 have a recollection of her showing it to me at the

24 desk.
25 MR. ROBI E:

0311

1 Q. Do you have a recollection of her
2 showing it to you at the office?

3 A. It's possible. I just don't recall.

4 Q. Do you recall her showing it to you at
5 her house, your house or somewhere off the State
6 Farm premises?

7 A. Well, yes.

8 Q. Where was that?

9 A. Well, I've seen it more than once. I
10 mean --

11 Q. I want to talk about the first time you
12 saw it.

13 A. I believe she called me and told me
14 about it, and I -- it could have been my house or
15 her house.

16 Q. So she called you, and what did she tell
17 you about it?

18 A. She told me the story behind how she had
19 found the report.

20 Q. What was that?

21 A. The adjuster for the McIntosh claim's
22 name was Cody Perry. The engineer report was put
23 in his box at the office. The file had already
24 been closed. So Cody brought the report to
25 Kerri -- she was his Renfroe manager -- and said,

0312

1 what am I -- you know, what am I supposed to do
2 with this. And she said, I'll take care of it.
3 I'm paraphrasing.

4 So she relayed to me that she went and
5 had the McIntosh file. It was closed. And she
6 requested that it be pulled and given to her. She
7 was just going to insert the engineer report. She
8 thought it had been left out of the file.

9 When she got ahold of the file, she saw
10 that there was already another engineer report in
11 the file, and that's when she noticed that the
12 dates on the engineer report were different. And
13 as adjusters, we go straight to the conclusion
14 page. We're used to reading a lot of engineer
15 reports, but we just flip and go straight to the
16 conclusion page. And that's when she noticed that
17 the conclusion on the two engineer reports were
18 different and the date on the two engineer reports
19 were, I believe, six days apart. And that just
20 was a red flag for her.

21 So it's my understanding at that point,
22 she made a copy of the -- both reports, and she
23 kept those copies for herself, and she put the
24 original file with the report that was originally
25 in it back in the file cabinet. And then she took

0313

1 the report that had the sticky note on it that
2 said, do not pay, do not discuss, she took that
3 back and gave it to Lecky King.

4 Q. The file that you understand she pulled,
5 what file was that? Was that the flood file, wind
6 file or combination file?

7 A. It's my understanding it was the wind
8 file.

9 Q. And did your sister give you this
10 explanation the first time you talked to her about
11 this McIntosh file?

12 A. Yes.

13 Q. This is the story she told you?

14 A. Yes.

15 Q. And do you know where you were when she
16 gave you this information?

17 A. I don't.

18 Q. Do you know how long after she
19 discovered this situation it was that she talked
20 to you about it?

21 A. It would have been that day or the next
22 day.

23 Q. Was it during working hours?

24 A. I just don't recall.

25 Q. Did she bring you copies of documents to

0314

1 look at?

2 A. I don't know how soon it was after she
3 told me the story that I saw the documents.

4 Q. All right. And did you first see the
5 documents at the office or some other place?

6 A. I don't recall.

7 Q. Did you at some point see them at your
8 house?

9 A. Yes. I did see them at my house.

10 Q. And how did they get to be at your
11 house?

12 A. Kerri moved into my house.

13 Q. When was that?

14 A. In late February.

15 Q. Before late February, had you seen that
16 document?

17 A. Yes.

18 Q. When was that?

19 A. I don't recall.

20 Q. Did you see it before Christmas of 2005?

21 A. I'm sure I did. I'm sure I did.

22 Q. Did you see it before Thanksgiving of
23 2005?

24 A. I feel certain that I saw it pretty
25 quickly after she discovered it.

0315

1 Q. And when in 2005 was that?

2 A. She -- I believe she discovered it
3 around the end of October.

4 Q. And how did you come to see it shortly
5 after she found it?

6 MR. BACKSTROM:

7 Objection, asked and answered.

8 A. Do I answer?

9 MR. TAYLOR:

10 Yes.

11 THE WITNESS:

12 Oh, okay. I'm sorry. How did I come to
13 see it?

14 MR. ROBIE:

15 Q. Yes.

16 A. She would have showed it to me.

17 Q. All right. She came to you and said,
18 look at this, or words to that effect?

19 A. Yes.

20 Q. Do you know if you were at the office?

21 MR. BACKSTROM:

22 Objection, asked and answered.

23 A. I don't remember where I was. I'm
24 sorry.

25 MR. ROBIE:

0316

1 Q. Did one of the documents have a sticky
2 note on it?

3 A. It had a copy of the sticky note.

4 Q. And do you know, as you sit here today,
5 what color the sticky note was?

6 A. Well, I can't tell you for sure what
7 color the sticky note was. Most of them in the
8 office were yellow.

9 Q. And how is it that you know it had a
10 sticky note on it?

11 A. You could see the imprint of the sticky
12 note on the copy.

13 Q. Let me show you a document which has
14 previously been marked as Exhibit 9. Is that what
15 you saw?

16 A. Yes, sir. That looks like what I saw.

17 MR. TAYLOR:

18 You mean the first page?

19 MR. ROBIE:

20 Yes.

21 MR. TAYLOR:

22 Well, there's multi pages to the
23 document.

24 MR. ROBIE:

25 Right.

0317

1 Q. There were multi pages to the document
2 you saw or just a face page?

3 A. There were multiple pages.

4 Q. It was what she represented to you to be
5 a complete copy of the October 12 report?

6 A. That is correct.

7 Q. Are you able to tell us whether this is
8 a complete copy of that report?

9 A. It appears to be.

10 Q. That's what you think she showed you
11 that day or a reasonable facsimile of this?

12 A. Yes. This, and then there was another
13 one she showed me. I believe it was dated October
14 the 18th.

15 Q. Have you ever seen this report without
16 the sticky note on it?

17 A. No.

18 Q. You've never seen the first page of this
19 text without this obliterated box on it, have you?

20 A. No.

21 Q. Do you know whether or not your sister
22 has a copy of the document without the obliterated
23 box on it?

24 A. No.

25 Q. She's never shown you one, has she?

0318

1 A. No.

2 Q. And as you sit here today, you've never
3 seen the text that's covered up by what appears to
4 be a sticky note; is that right?

5 A. I have not.
6 Q. No one's ever shown you one, have they?
7 A. Not that I recall.
8 Q. Your sister told you that when she made
9 the copy of the document, she returned the
10 original to Lecky?
11 A. Yes, she did.
12 Q. And where was Lecky when your sister
13 gave her this document?
14 A. At the Gulfport office.
15 Q. Is that what your sister told you?
16 A. Yes.
17 Q. And this note, if I read it correctly,
18 the first line says, put in wind file. Do you see
19 that?
20 A. I do.
21 Q. Did you ask your sister why she didn't
22 put it in the wind file?
23 A. No.
24 Q. Did you ask your sister what she did
25 with the wind file after she finished looking at
0319
1 it and extracted the later McIntosh report?
2 A. Yes.
3 Q. What did she tell you?
4 A. She returned it to CAPS.
5 Q. That would be the --
6 A. Kind of clerical group that does the
7 filing.
8 Q. But she didn't put this file -- this
9 report in the wind file?
10 A. No, she did not.
11 Q. What happened to the file, if you know?
12 Has anybody told you what happened to this report
13 after your sister purportedly gave it back to
14 Lecky?
15 A. This one?
16 Q. Yes.
17 A. No. She just -- Kerri said she handed
18 it to Lecky because she wanted to see her
19 reaction.
20 Q. And what was her reaction?
21 A. She said that she -- she said, I don't
22 think I was supposed to have this. And Lecky
23 looked at it and said, no, you weren't and took
24 it.
25 Q. Did they have any discussion about why,
0320
1 according to your sister, she wasn't supposed to
2 have this?
3 A. No. That was the end of the discussion.
4 Q. You and your sister had both come to the
5 conclusion when State Farm announced that they
6 were going to hire engineers on all these slab
7 claims that that was a stupid decision, hadn't
8 you?
9 A. It was my opinion that that -- and I
10 assume Kerri shared that, but it was my opinion
11 that that was, yes, an unfortunate decision.
12 Q. And why, in your view, did you figure
13 that that was a stupid thing for them to do?
14 A. Well, not to give a long answer, but
15 it's kind of like putting three adjusters on the

16 same street in a hail storm. You're going to have
17 three different opinions. And in my opinion, if
18 they wanted to use an engineer report, they should
19 have done it per region instead of getting two or
20 three different engineers on the same street.
21 It's just common sense you're going to get back
22 different reports.

23 Q. Right. There's going to be
24 inconsistencies?

25 A. Exactly.

0321

1 Q. And it's going to be confusing?

2 A. Yes.

3 Q. And it's going to be kind of a mess?

4 A. Yes.

5 Q. And that's exactly what happened?

6 A. Yes.

7 Q. And you had already been doing claims
8 adjusting for how many years by the time you were
9 assigned to Katrina in '05?

10 A. I think it was about seven.

11 Q. And you had done tornados losses?

12 A. Yes, sir.

13 Q. Hurricanes losses?

14 A. Yes, sir.

15 Q. Hail storm losses?

16 A. Yes.

17 Q. You were sophisticated and trained as an
18 adjuster to identify flood damage, weren't you?

19 A. Yes.

20 Q. And wind damage?

21 A. Yes.

22 Q. Did you believe that you needed an
23 engineer to tell you how to identify flood versus
24 wind damage?

25 A. Well, now, I didn't adjust claims in

0322

1 this storm. I was a manager. And in some cases,
2 possibly you do need an engineer to tell you when
3 there's overlapping damage. In some cases, you
4 don't. There's not a yes or no answer to that
5 question.

6 Q. So maybe yes, maybe no?

7 A. Right.

8 Q. But in some cases, you certainly could
9 clearly identify flood damage?

10 A. Yes.

11 Q. And what kind of things would you look
12 for in order to make that decision?

13 A. To clearly identify flood damage when
14 that's the only damage or to clearly identify it
15 when there's wind and flood damage to the
16 property?

17 Q. However you want to answer.

18 A. Well --

19 MR. BACKSTROM:

20 Objection, vague. You can answer.

21 THE WITNESS:

22 Obviously if you have a few missing
23 shingles and then you have a water line of four
24 feet in the house, you can tell that the flood
25 caused the damage for the four feet and the wind

0323

1 blew the shingles off. You don't need an engineer
2 for that.

3 MR. ROBIE:

4 Q. Right. Because you can see the water
5 line?

6 A. Right.

7 Q. And it's your experience that high water
8 in a house typically destroys the drywall?

9 A. Yes.

10 Q. Takes out the cabinets?

11 A. Takes out is a strong word. If you have
12 slow rising water and then it dissipates, it ruins
13 the cabinets.

14 Q. Right.

15 A. And it ruins the drywall.

16 Q. Right. It just delaminates everything?

17 A. Yes.

18 Q. It all comes apart, right?

19 A. If the water's in there long enough.

20 Q. Right.

21 A. Yes.

22 Q. And as a flood adjuster, you were
23 experienced and accustomed to handing out checks
24 when you saw four feet of water having formally
25 been in a house, weren't you?

0324

1 A. I was accustomed to paying flood claims,
2 yes.

3 Q. Right. And you didn't think there was
4 anything unfair or unreasonable about giving a
5 policyholder a check on their flood policy when
6 you could see a clear water line like that, did
7 you?

8 A. No, I did not.

9 Q. And as you sit here today, you're not
10 suggesting that your position's changed on that,
11 are you?

12 A. No. I believe we owe for flood damage
13 if there was flood damage.

14 Q. Right. And so if you -- I think your
15 sister testified in Marion that the McIntosh house
16 clearly had flood damage. Have you ever been in
17 that property?

18 A. I have not.

19 Q. Have you ever talked to the McIntoshes?

20 A. I have not.

21 Q. Have you ever talked to Brian Ford?

22 A. I have not.

23 Q. You never had any communication with him
24 at all?

25 A. No.

0325

1 Q. Have you ever met him?

2 A. No, I have not.

3 Q. Have you ever been in the same room with
4 him?

5 A. Not that I'm aware of.

6 Q. Okay. How about Mr. Kochan, do you know
7 him?

8 A. Kochan?

9 Q. Right, from Forensic Engineering.

10 A. No.

11 Q. How about Nellie Williams, have you ever

12 met or had any contact with her?
13 A. No.
14 Q. You've not talked to Mr. Kochan at all?
15 A. No.
16 Q. Other than this McIntosh report
17 situation, can you identify any other engineering
18 reports which you believe had changed conclusions
19 at the instruction of someone from State Farm?
20 A. Specifically?
21 Q. Yes.
22 A. No.
23 Q. You can't say that the original of this
24 October 12 Forensic report was shredded by
25 anybody, can you?

0326

1 A. No.
2 Q. You don't have any information that
3 would allow you to say somebody shredded this
4 document, do you?
5 A. No.
6 Q. Once you got this -- incidentally, did
7 your sister make a copy of these two reports when
8 she showed it to you the first time?
9 MR. BACKSTROM:
10 Object to the form, asked and answered.
11 A. She showed me the copy that she had
12 made.
13 MR. ROBIE:
14 Q. Right. Have you ever seen the originals
15 of either of these two reports?
16 A. Not that I recall.
17 Q. Do you know whether these reports were
18 originally put in a binder or had stapling or some
19 kind of attachment?
20 MR. BACKSTROM:
21 Object to the form.
22 MR. ROBIE:
23 Pardon?
24 MR. BACKSTROM:
25 Object to the form.

0327

1 A. Most of the engineer reports arrived
2 bound in some form.
3 MR. ROBIE:
4 Q. My question is: Do you know how these
5 were assembled?
6 A. I do not.
7 Q. You've never seen the originals of
8 these, have you?
9 A. I have not.
10 Q. Once she showed you a copy --
11 A. Let me back up. I apologize. I might
12 have.
13 Q. Okay.
14 A. Lecky King reviewed all the engineering
15 reports on her desk in their original format, and
16 I looked through original engineer reports with
17 her on her desk. So I have seen engineer reports
18 in their original format.
19 Q. I'm asking specifically about the two
20 McIntosh reports. You've never seen the originals
21 of either of those, have you?
22 A. It's -- I believe that I saw the

23 original McIntosh report on Lecky's desk, not with
24 the sticky note on it.

25 Q. Which one did you see?

0328

1 A. The October 12th McIntosh report.

2 Q. This one that is placed in front of you?

3 A. Yes.

4 Q. But it was before it had a sticky note
5 put on it?

6 A. Yes.

7 Q. And why do you believe you saw that?

8 A. Lecky and I were having a discussion.

9 She was going through the engineer reports. And
10 she flipped over to the pictures in this one and
11 she said, look at this, what do you think caused
12 the damage.

13 Q. And what did you tell her?

14 A. And I don't remember exactly my wording,
15 wind and water, but it looked -- it was obvious to
16 me there was some water damage to this property.

17 Q. Clearly that house had some flood
18 damage, right?

19 A. Clearly. And that's -- I've never
20 disputed that.

21 Q. Right.

22 A. And she said, the engineer must have a
23 relative that lives on this street. And she
24 picked up the report and she gave it to Lisa
25 Wachter, who was sitting in front of her. And

0329

1 that's when she said, call them up and tell them
2 if they don't change the conclusion, we're not
3 going to pay their invoice.

4 Now, at the time, I didn't realize that
5 was the McIntosh report. And then later, when I
6 saw a picture of it, it was a better picture in
7 one of these depositions, I realized that had been
8 the report she showed me.

9 Q. Have you seen the follow-up report?

10 A. The October 18th report?

11 Q. Whatever the date is.

12 MR. BANAHAN:

13 20th.

14 A. 20th, yes.

15 MR. ROBIE:

16 Q. It's more accurate actually than the
17 original report, isn't it --

18 MR. BACKSTROM:

19 Object to the form.

20 MR. ROBIE:

21 Q. -- in terms of its conclusions?

22 A. I'm not an engineer.

23 Q. Well, I didn't ask you that.

24 A. I've not seen the house. I don't feel
25 qualified to make that assumption.

0330

1 Q. Has your sister told you that she
2 testified that it was more accurate than the
3 October 12 report?

4 MR. BACKSTROM:

5 Object to the form.

6 A. No.

7 MR. ROBIE:

8 Q. You don't have any reason to dispute it,
9 do you?

10 A. I have no reason to dispute it, no.

11 Q. In fact, clearly this report doesn't
12 even mention the word "water," and plainly there's
13 water damage to that house?

14 MR. TAYLOR:

15 "This report"?

16 MR. ROBIE:

17 The October 12 report.

18 MR. TAYLOR:

19 Do these have numbers, these exhibits?

20 THE WITNESS:

21 This is Number 9.

22 Q. Right. Exhibit 9, the conclusion
23 doesn't even mention the word "water," does it?

24 MR. BACKSTROM:

25 Object to the form. The document speaks

0331

1 for itself.

2 A. Not in the three bullets of the
3 conclusion, no.

4 MR. ROBIE:

5 Q. In fact, the conclusion is completely
6 missing a description of the clear water damage
7 that occurred at that property, isn't it?

8 MR. BACKSTROM:

9 Object to the form.

10 A. Well, that's not exactly accurate. It's
11 saying that the water entered through openings
12 that were created by wind. It's not disputing
13 that the property had water damage. It's saying
14 that the water damage, it sounds to me like, came
15 through the windows and the openings that were
16 created by the --

17 MR. ROBIE:

18 Q. Where do you see that in that report?

19 A. The front door, carport and window
20 damage was caused by wind and wind-driven debris,
21 the roof. So that's -- what it's indicating to me
22 is these were the openings that -- this engineer
23 report is indicating that the opening was created
24 by wind. Obviously the water got there. The
25 question is where did the water come from. Did it

0332

1 rise up from the ground or did it come in from
2 somewhere else.

3 This report indicates -- it's not saying
4 there's a lack of water, in my opinion. It's
5 disputing where the water came from.

6 Q. Is this an accurate description of the
7 cause of damage to the McIntosh house?

8 A. I've never been to the McIntosh house.

9 Q. And, again, this is referencing Exhibit
10 9, the October 12, 2005 report?

11 A. I've never been to the McIntosh house.

12 Q. So your answer is you don't know?

13 A. I don't know.

14 Q. You're not suggesting that this is
15 accurate, right?

16 A. I'm not suggesting that it is accurate,
17 but I'm also not agreeing with you that it says
18 there's no water damage here.

19 Q. Right. I get you. But you're also not
20 disputing that the follow-up report might well be
21 more accurate than this one, correct?

22 MR. BACKSTROM:

23 Object to the form.

24 A. I'm not disputing that.

25 MR. ROBIE:

0333

1 Q. You're not disputing that, right?

2 A. I don't know the answer.

3 Q. Right. So you believe you saw this
4 original report, but it didn't have a sticky note
5 on it?

6 A. Yes. I realized that after the fact.

7 Q. This is something that you put two and
8 two together on your own?

9 A. Yes.

10 Q. Who put the sticky note on here?

11 MR. BACKSTROM:

12 Object. It calls for speculation.

13 A. I don't know for sure.

14 MR. ROBIE:

15 Q. And the instruction, put in wind file,
16 would suggest to you what?

17 A. That it belongs in the wind file.

18 Q. Somebody was supposed to put it in the
19 wind file, right?

20 A. That's what it says.

21 Q. And who at the State Farm office would
22 have been responsible for getting that in the wind
23 file?

24 A. I don't know exactly the chain of how
25 the reports were handled. They were all

0334

1 hand-delivered to Lecky. At that point, if it was
2 a report that was going to be sent out to the
3 policyholder, I'm assuming it went to a team
4 manager.

5 But two copies came in of every report.
6 The wind file paid for the engineer report. So
7 all the -- all the engineering files would go
8 actually in the wind report with the flood claim
9 because the wind file paid for them.

10 Q. Is the report that Cody Perry showed
11 your sister this same document which we've got a
12 copy of as Exhibit 9?

13 A. The document -- it's my understanding
14 that the document that was in Cody Perry's box was
15 the document with the sticky note on it.

16 Q. Which is the one we've made as Exhibit
17 9?

18 A. Yes.

19 Q. And if we're following this sequence,
20 Cody Perry would have had this report with the
21 sticky note on it, right?

22 A. The file was closed, so the file was no
23 longer in Cody Perry's possession, the McIntosh
24 claim.

25 Q. But the --

0335

1 A. This report ended up in --

2 Q. The report itself was in Cody's box?

3 A. Was in his basket.

4 Q. And that's what your sister tells you?
5 A. And that's what my sister tells me. He
6 brought it to her and said, this was in my basket,
7 the claim's closed. She said, I'll take care of
8 it.
9 Q. And she went and made a copy of it?
10 A. No. She went to CAPS and got the
11 McIntosh claim file pulled. She went to put it in
12 there, and that's when she realized there was
13 another engineer report in there.
14 Q. Why didn't she put it in the file?
15 A. She was about to, but she saw -- there's
16 an order. There's a file order. You don't just
17 stick things in there. So when she looked through
18 to put it in the appropriate place, there was
19 another one there and she noticed it was
20 different.
21 Q. She told you that?
22 A. Yes.
23 Q. And did she tell you why she didn't put
24 this in the file?
25 A. Yes.

0336
1 Q. What did she tell you?
2 A. She wanted to see what Lecky's reaction
3 was when she gave it to her.
4 Q. And you've told me that she handed it to
5 Lecky, and Lecky said what?
6 MR. BACKSTROM:
7 Objection, asked and answered.
8 MR. TAYLOR:
9 Asked and answered.
10 A. Do I answer?
11 MR. TAYLOR:
12 Yes.
13 THE WITNESS:
14 Kerri said, I'm not supposed to have
15 this, am I -- I don't think I'm supposed to have
16 this. And Lecky said, no.
17 MR. ROBIE:
18 Q. And then what did Lecky do with it?
19 A. She just took it.
20 Q. Took it and did what?
21 A. We don't -- I don't know what she did.
22 You'll have to --
23 Q. You have no idea?
24 A. No.
25 Q. Now, once you saw this in October, did
0337
1 you give copies of it to anybody?
2 A. No.
3 Q. Other than this McIntosh report, which
4 you describe as having a changed conclusion, are
5 you aware of any other reports that you believe
6 someone from State Farm had changed?
7 MR. BACKSTROM:
8 Objection, asked and answered.
9 A. I can't give you a specific report. I
10 was in the office when Lecky King repeatedly
11 instructed Lisa to have engineers change their
12 reports, but I can't give you the names of whose
13 reports those were.
14 MR. ROBIE:

15 Q. And did that send up some kind of a
16 signal to you?
17 A. Yes, it did.
18 Q. And when was the first time you heard
19 that?
20 A. I actually heard it before we discovered
21 the McIntosh report.
22 Q. So you would have heard that early
23 October?
24 A. Sometime before we discovered the
25 McIntosh report.

0338

1 Q. And did you consider that inappropriate?
2 A. Yes.
3 Q. Did you report it to anybody?
4 A. I asked Lecky about it.
5 Q. And what did Lecky tell you?
6 A. She said that if they were asking them
7 to change the report, it was because they needed
8 additional scientific information to support the
9 conclusion.
10 Q. Did that satisfy you that it was okay?
11 A. That satisfied me.
12 Q. Because you considered that a legitimate
13 request for --
14 A. I thought that was legitimate and I was
15 satisfied with that.
16 Q. Right. And you felt she was doing her
17 job by making that request, didn't you?
18 A. Yes.
19 Q. Does your job duties on your \$150,000 a
20 year contract with SKG include meetings with Anita
21 Lee?
22 A. No.
23 Q. You don't have to meet with Anita Lee or
24 any other members of the media?
25 A. No.

0339

1 Q. Do you have any kind of immunity or
2 non-prosecution agreements with any government
3 official?
4 A. I don't believe so, no.
5 Q. Has anybody from SKG told you you didn't
6 have to worry about any kind of criminal exposure?
7 MR. BACKSTROM:
8 Object. It calls for attorney's mental
9 impressions. I'm going to instruct you not to
10 answer.
11 MR. TAYLOR:
12 I think that's well taken. It relates
13 to advice she received from her counsel. So I
14 instruct you not to answer that question.
15 MR. ROBIE:
16 Q. Can you identify for me any file in
17 which you believe a document should be present
18 where the document has been destroyed or is
19 otherwise missing from a claim file?
20 MR. BACKSTROM:
21 Objection, asked and answered.
22 A. I need you to repeat that.
23 MR. ROBIE:
24 Q. Can you identify any claim by name, file
25 number or otherwise where you believe a document

0340

1 should be present in that file which is missing?

2 MR. BACKSTROM:

3 Same objection.

4 A. No. I don't think I can specifically
5 name one. I mean, I'm assuming this document
6 wasn't in the McIntosh file.

7 MR. ROBIE:

8 Q. Okay. If we follow that assumption
9 along, other than the McIntosh file, can you think
10 of any claim where that also occurred?

11 MR. BACKSTROM:

12 Same objection.

13 A. No. I can't give you a specific claim.

14 MR. ROBIE:

15 Q. Are you aware of any other claim where
16 that occurred?

17 A. I'm aware of claims where Lecky had the
18 reports changed.

19 Q. My question is: Are you aware of any
20 situation where a report which should be filed and
21 the claim file is gone?

22 A. No.

23 Q. The first meeting you had with the
24 attorney general's office, I think you told me was
25 at the Hampton Inn. Is that in Pascagoula?

0341

1 A. Ocean Springs.

2 Q. Ocean Springs. And what time of the day
3 did that occur?

4 A. I don't remember.

5 Q. Well, it was -- was it a working day?

6 A. It was a -- I think they were still
7 having continental breakfast in the lobby, so it
8 was probably in the morning.

9 Q. And you were still working Katrina flood
10 claims at that time?

11 A. That is correct.

12 Q. Between the first time you saw this
13 McIntosh report and the end of the year in 2005,
14 did your sister furnish you with a copy of those
15 reports?

16 A. No.

17 Q. Did you furnish her --

18 MR. TAYLOR:

19 These McIntosh reports?

20 MR. ROBIE:

21 Yes.

22 Q. Did you furnish her with copies of the
23 documents that you were absconding with, as you
24 put it?

25 MR. TAYLOR:

0342

1 Object as to form.

2 A. No.

3 MR. ROBIE:

4 Q. Did she know that you were taking
5 documents out of that claims operation?

6 A. Yes.

7 Q. How did she know?

8 A. I told her or showed her.

9 Q. And did you tell her why you were doing
10 that?

11 A. Well, I didn't have to explain why. She
12 knew why I was doing it.

13 Q. Why would she know why?

14 A. Because when all the running around
15 changing the engineer reports was going on and
16 Lecky had pacified me with the additional
17 scientific information response and then we found
18 this, we realized that she had misled us and that
19 was completely untrue and they were changing
20 reports because they didn't like the conclusions.

21 So at that point, when we felt like --
22 we felt like this was wrong, and when we saw other
23 documents that supported what we felt like was
24 wrongdoing, we collected them.

25 Q. And you must have had a discussion about
0343 1 this somewhere before the collection started in
2 earnest, didn't you?

3 A. We had a discussion when this document
4 was found.

5 Q. Tell me what you said to each other.

6 MR. BACKSTROM:

7 Objection, asked and answered.

8 MR. TAYLOR:

9 You don't want her to go through the
10 whole --

11 MR. ROBIE:

12 No, no, no.

13 Q. Did you have an agreement between the
14 two of you that something was wrong and you needed
15 to start stealing documents to make sure that you
16 could prove it?

17 MR. BACKSTROM:

18 Object to the form.

19 A. No. This was upsetting. And quite
20 frankly, we didn't know what to do. And we didn't
21 make a decision to go on some covert operation.
22 We put this in a desk drawer. And then if
23 something came along, like the e-mail, Lecky's
24 e-mail or the cancellation of documents, we just
25 both felt it was prudent to keep a record of it.

0344

1 MR. ROBIE:

2 Q. So did you have an understanding between
3 the two of you that you were both going to be
4 doing this?

5 A. We didn't have a formal discussion like
6 that. It just -- it just kind of evolved into
7 that.

8 Q. So at some point, you would have touched
9 bases with each other to say, did you see this,
10 did you see that, I've taken a copy of this, I've
11 taken a copy of that?

12 A. Yes.

13 Q. So you were having some kind of ongoing,
14 sisterly discussions, however brief, that said, I
15 picked up copies of this stuff?

16 A. Yes, that's correct.

17 Q. Right. And did she keep you apprised of
18 what she was copying?

19 A. Yes.

20 Q. What did she tell you she was copying?

21 A. There was not a lot of copying going on

22 in '05.

23 Q. Okay.

24 A. Okay. And I remember -- I remember she
25 copied the Ana Villa report, McFarland. We -- I

0345

1 copied the engineer roster, miscellaneous e-mails
2 that had procedures in them, those types of
3 things.

4 Q. And what standards were you using in
5 choosing these kinds of documents to copy in '05?
6 What is it about the Villa report, McFarland, the
7 engineering roster, etcetera, that you all thought
8 were important enough that you should copy in '05?

9 A. It was all under the theme of changing
10 the conclusions of the engineer reports.

11 Q. Okay. That was the critical issue?

12 A. That was the whole thing.

13 Q. And the McFarland report had also had a
14 change in it?

15 A. McFarland was a mediation issue that
16 Kerri felt like that he was being treated unfairly
17 in mediation.

18 Q. And this mediation occurred in '05?

19 A. No. This mediation was '06.

20 Q. All right. I was trying to concentrate
21 on October to the end of the year '05.

22 A. Okay.

23 Q. We'll move chronologically in just a
24 minute.

25 A. So scratch McFarland then.

0346

1 Q. Okay. That was a case where she felt
2 Mr. McFarland was cheated at the mediation?

3 A. Yes.

4 Q. She did that mediation, didn't she?

5 A. Yes.

6 Q. She made the company's presentation?

7 A. Yes.

8 Q. And she argued that the loss was caused
9 only by water, didn't she?

10 A. I wasn't there.

11 Q. Did she tell you that she had done that?

12 A. She told me that she recommended that he
13 be paid for wind damage based on the evidence he
14 brought in. And her State Farm supervisor told
15 her no, and she was going to be the one that had
16 to tell him.

17 Q. Did she tell you that she declined to
18 present the company's case at the McFarland
19 mediation?

20 A. She didn't tell me that she declined to,
21 no.

22 Q. In fact, did she tell you that she made
23 a rather spirited presentation?

24 A. I never used -- her to use the word
25 "spirited." But she told me that mediation was

0347

1 set up so that the policyholder had an opportunity
2 to introduce any kind of eyewitnesses, facts,
3 engineering reports or evidence on their own that
4 might help us in the investigation.

5 Mediation -- basically the decisions
6 were made before we went in there. And Dr.

7 McFarland presented a case that Kerri felt like
8 that he should have been given the benefit of the
9 doubt on the mediation.

10 And when she met with her State Farm
11 supervisor, he told her that they weren't going to
12 offer him any money or it was a low amount and
13 that she was going to be the one to tell him that.
14 So, yes, she presented it for State Farm.

15 Q. Did she ever suggest --

16 A. But she disagreed with it.

17 Q. Did she tell anybody she disagreed with
18 that?

19 A. She told me she disagreed with it.

20 MR. ROBIE:
21 Okay. I think we've got to change
22 tapes.

23 VIDEO TECHNICIAN:

24 Off record at 11:00 a.m.

25 (Off the record.)

0348

1 VIDEO TECHNICIAN:

2 On record at 11:19 a.m.

3 MR. ROBIE:

4 Q. When you came back from Best Buy after
5 trying to seek advice on why your computer was
6 showing you a black screen with an F1/F2 prompt,
7 what did you do with the machine?

8 A. I took it, the whole machine -- well,
9 actually, I had my ex-husband do it. He carried
10 the whole machine upstairs and secured it.

11 Q. What does that mean, "secured it"?

12 A. It was all taken apart and put over in a
13 box upstairs.

14 Q. I don't understand. What's to take
15 apart on a desktop computer?

16 A. Monitor, the keyboard, the CPU, the
17 printer that went with it.

18 Q. He just disconnected everything from the
19 tower?

20 A. Yes.

21 Q. And carried the tower upstairs?

22 A. And everything that went with it.

23 Q. And put it all in one box?

24 A. He just put the tower and the cords in a
25 box, and he left the rest of it kind of laying

0349

1 around.

2 Q. What is your husband's name, your
3 ex-husband?

4 A. Paul.

5 Q. Moran?

6 A. Yes.

7 Q. Does he live with you?

8 A. Yes.

9 Q. At some point, did you notify anyone
10 that that computer wasn't working?

11 A. Yes.

12 Q. Who did you notify?

13 A. My attorneys.

14 Q. Which attorneys?

15 A. Zuckerman Spaeder.

16 Q. And when did you do that?

17 MR. TAYLOR:

18 Asked and answered.
19 A. The first part of September.
20 MR. ROBIE:
21 Q. How many days after you saw the black
22 F1/F2 prompt was it that you notified them that
23 you were having a problem with the computer?
24 A. It's very possible that I told them on
25 the phone because I was planning a trip to
0350
1 Washington and I couldn't print out anything
2 because I didn't have a computer, flight tickets.
3 So I alerted somebody the day it happened, and I
4 don't remember exactly who it was.
5 We had a more in-depth discussion about
6 the computer when I got to Washington, and that's
7 when I was instructed not to do anything, don't
8 touch it, don't get anybody to try to fix it,
9 leave it alone.
10 Q. Had it already been moved upstairs by
11 then?
12 A. No.
13 Q. So you had your husband take it apart
14 sometime after you got back from Washington, D.C.?
15 A. Right.
16 Q. Let's go back to where we started here.
17 When you got back from Best Buy, what did you do
18 with that computer?
19 A. The sequence of events was the computer
20 crashed. I told my guys, the lawyers, about it.
21 I had -- my intention with going to Best Buy was
22 to try to fix -- find a way to fix the computer to
23 continue using it. I was told I couldn't use the
24 computer.
25 Q. Who told you that?
0351
1 A. Who told me what?
2 Q. You couldn't use the computer.
3 A. My attorneys advised me not to have the
4 computer messed with or fixed or tampered with.
5 Q. I'm confused. When you saw the black
6 screen with the F1/F2 prompt, did you notify your
7 lawyers then or did you first go to Best Buy?
8 A. Oh, I notified my lawyers.
9 Q. You notified them before you went to
10 Best Buy?
11 A. (Nodding head affirmatively.)
12 Q. Is that a yes?
13 A. Yes.
14 Q. And the lawyers you notified are the
15 firm that's representing you here today?
16 A. Yes.
17 Q. You then -- was the thing still plugged
18 in when you notified them? Were you still looking
19 at this black screen?
20 A. I didn't go to Best Buy till I got back
21 from Washington.
22 Q. Okay. Your lawyers -- did someone tell
23 you to unplug it or do something with it?
24 A. When I got back from Washington and they
25 told me that I could not mess with it, that's when
0352
1 we disassembled it and took it upstairs to get it
2 out of the way.

3 Q. I'm just trying to find out
4 sequentially. You get the black screen with the
5 F1/F2 DOS prompts on it?
6 A. Right.
7 Q. You hit the keys, nothing is happening?
8 A. Right.
9 Q. You call your lawyers?
10 A. Yes.
11 Q. They tell you not to mess with it?
12 A. Yes.
13 Q. Do you unplug it? What do you do with
14 it?
15 A. I just -- I get it out of my way. I use
16 a laptop. I just used a laptop. I don't
17 disconnect anything.
18 Q. You just leave it sitting there with the
19 black screen?
20 A. I leave it sitting there. I'm sure I
21 turned the power off. I used my laptop. I go to
22 Washington. They tell me not to repair it or take
23 it in to anybody, don't let anybody touch it.
24 I come back from Washington. I go to
25 Best Buy to get a new computer or to find out if
0353
1 mine can be -- you know, can be repaired because
2 I'm thinking, well, the CPU was all anybody
3 wanted, what everybody was requesting. And I was
4 thinking I'll get a new CPU to use with this
5 computer.
6 Q. When was this trip to Washington?
7 A. The beginning of September.
8 Q. How many days?
9 A. I believe it was a three-day trip.
10 Q. Did SKG reimburse you for your expenses?
11 A. Yes, they did.
12 Q. Paid for your air fare?
13 A. Yes, they did.
14 Q. And you had this conversation with the
15 Best Buy guy about the mother board after you
16 returned from Washington?
17 A. Yes.
18 Q. And you had your husband -- your
19 ex-husband take it apart and take it upstairs?
20 A. Yes.
21 Q. After you got back from D.C.?
22 A. Yes.
23 Q. All right. What then happened to the
24 computer?
25 A. It stayed up there.
0354
1 Q. For how long?
2 A. Until -- till Zuckerman Spaeder sent an
3 expert to try to retrieve the hard drive or
4 something.
5 Q. When was that?
6 A. It was a few weeks ago, I guess.
7 Q. Was it before Halloween?
8 A. I believe it was, yes.
9 Q. Can you give me the month?
10 A. It was in October because I had just had
11 my surgery, and I couldn't go -- I couldn't walk
12 upstairs.
13 Q. All right. When did you have surgery?

14 A. I had surgery September the 25th.
15 Q. And you had already been to Washington?
16 A. And I had already been to Washington.
17 Q. And the person that arrived at your
18 house to look at the computer came sometime after
19 September 25th?
20 A. Yes.
21 Q. All right. And who is that person?
22 A. I don't remember his name.
23 Q. Did he give you a business card?
24 A. He might have. I don't know.
25 Q. Did he introduce himself?

0355

1 A. Yes, he did.
2 Q. What did he tell you?
3 A. I know he was from Georgia. And he told
4 me the name of the firm he was with, and I'm
5 pretty sure he gave me a card. And he tried to --
6 he tried to see if he could retrieve something on
7 the hard drive. And he said that he -- am I
8 rambling on about this? Is this what you're
9 asking me?
10 Q. Right. I'm trying to figure out what he
11 did, if you know.
12 A. So he hooked -- I didn't see him because
13 I wasn't up there. He comes down after about a
14 half hour and he says that it's not the mother
15 board; it's the hard drive, and that he can't --
16 he can't mirror it. I think that's what his
17 intentions were, was he was coming to mirror the
18 hard drive. And he was not able to do it with the
19 equipment he had on hand. So he wanted to take
20 the whole CPU unit back with him to Georgia and
21 put it in a clean room, he called it, and see if
22 they could get information off the hard drive.
23 Q. Did you give it to him?
24 A. Yes, I did.
25 Q. Was the hard drive still in the tower

0356

1 when he left your house?
2 A. Yes.
3 Q. Was it in the case?
4 A. It was in the whole -- he took the whole
5 CPU unit, yes, the whole tower.
6 Q. Do you know whether he had removed the
7 hard drive from the CPU, from the tower?
8 A. No. I wasn't up there while he was
9 working.
10 Q. The answer is you don't know?
11 A. I don't know.
12 Q. Okay. Did he take the power cord with
13 him?
14 A. I don't know.
15 Q. All you know is that he took what
16 appeared to be the tower?
17 A. Yes.
18 Q. All right. Did he give you a receipt
19 for that?
20 A. No, he did not.
21 Q. And have you seen it since?
22 A. I have not.
23 Q. Between the time that you and your
24 sister started taking documents from the State

25 Farm catastrophe office in October of '05 and the
0357

1 end of that year, did you give any of those
2 documents to anyone?

3 A. No, we did not.

4 Q. Did you show them to anyone?

5 A. No, we did not.

6 Q. Did you show them to your mother?

7 A. I did not.

8 Q. Did Kerri show them to your mother?

9 A. You'll have to ask Kerri.

10 Q. Well, has your mother given you any
11 indication that she ever knew about any documents
12 during '05?

13 A. She indicated she knew about some
14 documents, but I don't know if Kerri showed them
15 or mother just saw them.

16 Q. How would your mother have just seen
17 them?

18 A. She lived with Kerri.

19 Q. Right. And so she might have seen them
20 in Kerri's office or desk?

21 A. Yes.

22 Q. Do you have any recollection of a
23 discussion with your mother any time in '05 about
24 any documents?

25 A. Mother knew about this.

0358

1 Q. "This" being the McIntosh report?

2 A. McIntosh. And they had a discussion
3 about the McIntosh.

4 Q. When was that?

5 A. I don't remember exactly, but it was
6 after Kerri had made the copies. I know mother
7 has seen the McIntosh report. I don't know if
8 Kerri showed it to her or if mother -- you know,
9 sharing an office. And mother -- we had a
10 discussion about it. She indicated she thought we
11 should document anything that we see as
12 irregularities.

13 Q. Did she suggest to you that you should
14 consider hiring a lawyer?

15 A. Not -- I don't believe during the
16 October, December time frame. We had no plan of
17 action.

18 Q. When did you develop a plan of action?

19 A. In '06, things progressively just -- you
20 know, things happened that supported what we felt
21 like was going on, which was the changing of the
22 reports. And, you know, we can get into what do I
23 think the conclusion is, and that's really not the
24 point, whether the conclusion's right or wrong.
25 You don't -- if you pay for somebody to give you

0359

1 an expert conclusion, then you go with it,
2 otherwise you didn't need it to begin with. So
3 that was our entire point.

4 And then we kept seeing more and more
5 evidence to support this was going on. We felt
6 like it was wrong. And basically we -- Kerri and
7 I had just gotten into such a -- it was a
8 traumatic experience. It was very stressful. We
9 had always been very proud to work for State Farm,

10 very proud to work with Renfro. A lot of people
11 don't stay exclusively with one independent firm,
12 but Kerri and I had done that with Renfro.

13 So it was -- this was just a very
14 disturbing time. And I think that what simply
15 happened is mother saw our stress level increase.
16 And McIntosh -- Kerri was so upset over the -- I'm
17 sorry, McFarland, Dr. McFarland, the treatment in
18 the mediation, she was about ready to quit. And
19 that's when mother called Dick Scruggs.

20 Q. And that was sometime before February of
21 '06, right?

22 A. It was in February of '06, not before.

23 Q. Well, you met him in February of '06?

24 A. I don't know when mother called him. I
25 met him in February.

0360

1 Q. Have you read your mother's deposition
2 in the Marion case?

3 A. No, I have not.

4 Q. You don't know how many times your
5 mother spoke to Dick Scruggs or called Dick
6 Scruggs in December of '05?

7 A. I know that she tried to get in touch
8 with him in the '05 period, but I don't know if
9 that was regarding us or if that was regarding a
10 claim for herself.

11 Q. Her own claim?

12 A. Yeah. I don't know what that was about.

13 Q. You accessed her claim in '05 on the
14 State Farm computer system, didn't you?

15 A. I -- it was blocked, but I couldn't
16 access it.

17 Q. You never accessed her claim?

18 A. No. I couldn't get it. It was blocked.

19 Q. You didn't access it on October 1st,
20 '05?

21 A. My mother's claim?

22 Q. Yes.

23 A. I recall trying to pull up her claim and
24 it was blocked. You couldn't get in it.

25 Q. Why were you trying to do that?

0361

1 A. I don't remember why at the time I was
2 trying to do it.

3 Q. And what time of the -- when was that?

4 A. Well, you said it was October.

5 Q. Well, I'm asking you if you can tell me
6 when it was that you tried to get in and found it
7 blocked?

8 A. I remember trying to get in my mother's
9 claim when we were in Biloxi, which would have
10 been '06. I don't remember doing that in October.

11 Q. You didn't try to access your mother's
12 claim on October 1st?

13 A. I'm not denying it. I don't recall it.

14 Q. How about November 11th, did you try to
15 access -- did you access that claim on
16 November 11?

17 A. I don't recall.

18 Q. You wouldn't deny it?

19 A. I'm not denying it, no.

20 Q. How about November 28th, did you access

21 your mother's claim on November 28th, '05?
22 A. I didn't access her claim three times, I
23 can tell you that. The one time I remember trying
24 to access her claim was in '06, and it was
25 blocked.

0362

1 Q. Did you ever give your State Farm laptop
2 to anybody else to use?

3 A. We had partners in mediation, and it's
4 very possible that they might have used my laptop
5 for something if we only carried one up to
6 mediation.

7 Q. Who was your partner?

8 A. I had several partners, Shane Abernathy
9 was one of my partners, Anna Eaton, and Shelly
10 Leverett was a later partner, but I wouldn't have
11 given --

12 Q. They all had their own passwords,
13 though, didn't they?

14 A. Right. I wouldn't have given somebody
15 my password to my laptop.

16 Q. Did you ever give anybody your password
17 and your laptop to access State Farm's system?

18 A. You know, Kerri might have had my -- I
19 don't think I did, though. I don't recall doing
20 that, no.

21 Q. So to the extent that I can trace an
22 access to a file through your alias --

23 A. Then it's probably me.

24 Q. Right.

25 A. Probably me.

0363

1 Q. Because you never gave your password to
2 anybody else, did you?

3 A. I don't recall giving my password to
4 anybody else.

5 Q. Did you ever go on the system and then
6 give the laptop to somebody else to look at?

7 A. Yes.

8 Q. When did you do that?

9 A. Well, that's what I was talking about,
10 sharing a laptop. We would do that in the office.
11 I need to get on your computer real quick. We did
12 that all the time.

13 Q. Right. Do you know of anybody that you
14 logged in, gave the laptop to and then they
15 accessed your mother's file?

16 A. No. I mean, it could have been. Jamie
17 Woody was her -- I'm speculating. No, I don't
18 know of anybody.

19 Q. Well, Jamie Woody had her own password,
20 right?

21 A. Right.

22 Q. My question is simply this: Do you deny
23 that you accessed your mother's Katrina claim on
24 October 1st, November 11th and November 28th, '05?

25 MR. BACKSTROM:

0364

1 Object to the form, asked and answered.

2 A. I don't confirm or deny. I don't know.

3 MR. ROBIE:

4 Q. Did you access Senator Lott's claim?

5 A. I tried to access Lott's claim.

6 Q. When?
7 A. That would -- I believe I remember that
8 was the Biloxi office, so it was '06.
9 Q. When?
10 A. I don't remember.
11 Q. First quarter?
12 A. That would be fair.
13 Q. That's January, February?
14 A. January, February, March.
15 Q. Had you already met with the attorney
16 general?
17 A. It's possible.
18 Q. Well, I'm not looking for possibilities.
19 I'm looking for probabilities.
20 A. This was over a year ago. I don't know
21 the -- I'm not remembering the sequence.
22 Q. Why would you be accessing Senator
23 Lott's claim?
24 A. Probably curiosity.
25 Q. Well, any other reason?
0365
1 A. No.
2 Q. Have you ever had contact with Senator
3 Lott or anybody from Senator Lott's office?
4 A. Yes.
5 Q. When?
6 A. Senator Lott's office called, and I
7 missed the phone call, so I didn't talk with them.
8 Q. When was that?
9 A. That was after we had started working
10 for SKG.
11 Q. Can you place this in time for me,
12 please?
13 A. I'm sorry. I can't. Kerri spoke with
14 him.
15 Q. Were you living together?
16 A. I don't recall.
17 Q. Well, where was the phone that he
18 called?
19 A. My cell phone.
20 Q. Your cell phone. Where were you when he
21 called your cell phone?
22 A. It seems like I was at my house when he
23 called, and I think it was after -- I think it was
24 after the -- after 20/20 and all that aired.
25 Q. And why is it that you think that?
0366
1 A. Because of what he told Kerri.
2 Q. What did he tell Kerri?
3 A. I'm paraphrasing. Just something like
4 we're very proud that you girls were brave enough
5 to do this and, you know, we appreciate it, that
6 kind of thing.
7 Q. Did you ever talk to him or his staff?
8 A. No, I did not.
9 Q. Did you ever have any contact with him?
10 A. During this?
11 Q. Any time, ever.
12 A. I saw him at the -- my cousin's
13 reception, wedding reception.
14 Q. Who is your cousin?
15 A. Jenny Martin Maxwell.
16 Q. When was that?

17 A. Ten years ago.
18 Q. Did you ever have anybody contact his
19 office on your behalf?
20 A. I didn't.
21 Q. Anybody do that for your sister or your
22 mother?
23 A. Not that I'm aware of.
24 Q. The call that came in to your cell
25 phone, did your sister take that call?
0367
1 A. No.
2 Q. Did someone leave a message on your
3 phone?
4 A. It's my recollection that I missed the
5 call. I recognized the area code as Washington.
6 I tried to call back, and I got some receptionist.
7 And I said, I missed a call from this number, this
8 is Cori Rigsby. And she said, it's okay, we got
9 your sister.
10 Q. So you've never spoken to him?
11 A. (Nodding head negatively.)
12 Q. Is that a verbal no?
13 A. That's a verbal no.
14 Q. Do you know who Brian Ford is?
15 A. I think I do.
16 Q. Who is he?
17 A. I think Brian Ford works for Forensic
18 Engineering.
19 Q. Do you know whether Brian Ford is a paid
20 consultant of the Scruggs Katrina Group?
21 A. I don't. Not that I'm aware of.
22 Q. You've never talked to him?
23 A. I've never spoken with Brian Ford.
24 Q. And you have no information to suggest
25 one way or another whether or not he's being paid
0368
1 8- to \$10,000 a month for his work?
2 A. No. I've never heard anything like
3 that.
4 Q. So when is it that you tried to access
5 Senator Lott's file?
6 A. I don't remember, but I couldn't get in
7 it.
8 Q. You were still working at State Farm?
9 A. Oh, yes, I was. Yes, I was. In fact,
10 one of -- I think it was one of the adjusters on
11 my team was actually the claims adjuster for that
12 file.
13 Q. And you were still drawing a paycheck
14 from Renfroe at that point?
15 A. Yes, I was.
16 Q. Was there ever a period of time when you
17 were paid both by Renfroe and by SKG
18 simultaneously?
19 A. No, there wasn't.
20 Q. When did you first get your paycheck
21 from SKG?
22 MR. BACKSTROM:
23 Objection, asked and answered.
24 A. July 1st.
25 MR. ROBIE:
0369
1 Q. And your last paycheck came from Renfroe

2 when?

3 A. I don't know when it was actually direct
4 deposited, but my recollection is I didn't bill
5 past May or maybe June 1st of '06. So there was
6 at least a month gap.

7 Q. When did you last go to work at a State
8 Farm office?

9 A. I went into a State Farm office, I
10 believe, on June the 20th, but I didn't bill for
11 that.

12 Q. You say June 20th?

13 A. Around June 20th.

14 Q. All right. What did you do there?

15 A. I worked on some files for mediation.
16 And then I got ready to go inspect the homes, and
17 John Deganhart chased me out of the building and
18 took the files away from me and told me I was not
19 allowed to take any State Farm property out of the
20 building.

21 Q. Did you try to access the Lott file on
22 June 4th, 2006?

23 A. June 4th was the weekend of the data
24 dump.

25 Q. Okay.

0370

1 A. So it's possible if he had an engineer
2 report -- we were going from the roster. If he
3 was on the roster, we would have tried to access
4 it.

5 Q. Do you recall whether you did try to
6 access it?

7 A. Well, there was five of us working. I
8 personally don't remember it.

9 Q. So you just logged in your computer and
10 turned it over to others?

11 A. Yes, I did.

12 Q. And what instructions did you give them
13 in terms of what they were to download?

14 A. I gave them a list of instructions,
15 basically, that -- you know, F5 controlled this.
16 They didn't know what they were doing.

17 Q. Tell me what you told them.

18 A. Well, I wrote it down for them. I told
19 them to enter in the claim number. And then there
20 was pages I wanted printed out, and how to get to
21 those pages and print them.

22 Q. What pages did you want printed out?

23 A. I wanted the information sheet, the main
24 information sheet.

25 Q. That's on the claims service report?

0371

1 A. It's similar to that. In the -- in CSR,
2 it's a little bit different. It has the policy
3 number and the claim number and the address, the
4 phone number, but it doesn't have previous claims
5 like the page in the file.

6 Q. Right. The page you were looking for
7 would have all the information you just listed
8 plus contact information, policy limits,
9 adjuster's notes, prior claims, right?

10 A. My page didn't have prior claims when
11 it's printed out of Reflections, but it was the
12 address, the policy number, the claim number, the

13 assigned adjuster.

14 Q. So it would be a -- it would be a
15 complete inventory of how to reach somebody, what
16 insurance they had and what they had been paid,
17 right?

18 A. Well, not on that page, but, yes, that
19 was -- the second page I printed was the payment
20 sheet.

21 Q. Had you already retained Mr. Scruggs
22 when you designed this data dump?

23 A. Yes.

24 Q. And when did you retain him?

25 A. I retained him the day I met him in

0372

1 February.

2 Q. And you don't remember the date of that?

3 A. No, I don't.

4 Q. Is there a retainer agreement?

5 A. No.

6 Q. There's no written retainer agreement?

7 A. It was verbal.

8 Q. And is there a contingent fee agreement
9 that you have with him?

10 A. We've never discussed that.

11 Q. There's no fee agreement with him?

12 A. In -- I have another case where there's
13 a fee agreement with him.

14 Q. I'm talking about this moment in time in
15 February when you retained him to represent you,
16 what were the terms of that representation?

17 A. We had this information and we didn't
18 know what to do with it. We needed legal advice.
19 He came over. We had told him we needed a lawyer.
20 He agreed to be our lawyer. It was a verbal
21 retainer, and we gave him our information.

22 Q. And you had not yet met with the
23 attorney general at that point?

24 A. No.

25 Q. Or anyone from the attorney general's

0373

1 office?

2 A. No.

3 Q. When you met with him at your house, did
4 you have a box of documents to give him?

5 A. No.

6 Q. How many documents did you give him?

7 MR. BACKSTROM:

8 Object to the form, attorney-client
9 privilege. I instruct you not to answer.

10 MR. ROBIE:

11 Q. Can you give me a quantity either by
12 number of pages or description of some bulk?

13 MR. BACKSTROM:

14 Same objection and same instruction.

15 MR. ROBIE:

16 Q. Did you also understand that he was to
17 give those documents to the attorney general's
18 office?

19 MR. BACKSTROM:

20 Same objection, same instruction.

21 Q. And you'll follow those instructions?

22 A. Yes.

23 MR. BACKSTROM:

24 Can you give us one minute?

25 MR. ROBIE:

0374

1 Yes. Let's go off the record for a
2 minute, please.

3 VIDEO TECHNICIAN:

4 Off the record at 11:46 a.m.

5 (Off the record.)

6 (A recess was taken.)

7 VIDEO TECHNICIAN:

8 On the record at 1:03 p.m.

9 MR. ROBIE:

10 Q. It's my understanding that after
11 discussion over the lunch hour, you and your
12 counsel and counsel for the plaintiff have
13 reconsidered some of your instructions and
14 objections. And I'm now going to be allowed to
15 re-ask you those questions about your first
16 meeting with Mr. Scruggs at your house --

17 A. Okay.

18 Q. -- where he gave you documents.

19 MR. TAYLOR:

20 No. She gave him documents.

21 MR. ROBIE:

22 Q. Or you gave him documents.

23 MR. BACKSTROM:

24 And, Jim, before you get into that
25 question, let me just say this: We're allowing

0375

1 you to go into this based on your agreement that
2 you won't construe this as a waiver of the work
3 product or attorney-client privilege.

4 MR. ROBIE:

5 Right. And my agreeing that it won't be
6 construed as a waiver should not be construed as a
7 concession that I contest that there's a
8 privilege. How's that?

9 MR. BACKSTROM:

10 Fine.

11 MR. TAYLOR:

12 You should also know that in the
13 examination by Ms. Stanley in the Renfroe case,
14 she went through in detail this set of questions
15 and the answers.

16 MR. ROBIE:

17 While I adore Ms. Stanley, we don't
18 always see it exactly the same detail.

19 MR. TAYLOR:

20 I think that it's very important that
21 you all ask all the questions you want to ask of
22 our clients. It's just not important that
23 everybody ask all the same questions.

24 MR. ROBIE:

25 We agree on that.

0376

1 Q. What documents did you give Mr. Scruggs
2 that day?

3 A. We gave him the two copies of the
4 engineering report for the McIntosh claim. We
5 gave him Ana Villa's -- some paperwork out of Ana
6 Villa's file. I believe her engineering report
7 and possibly a letter. Kerri gave him something
8 to do with McFarland, and I'm not quite sure what

9 that was. You'll have to ask her. A roster, I
10 believe, of the personnel working at the office.
11 There might have been some miscellaneous more
12 documents, but that's the -- that's what I
13 remember.

14 Q. Who actually gave him the documents?

15 A. Well, we were all three kind of sitting
16 at the table, and the documents were there. Kerri
17 was probably the one handing. She was sitting
18 closest to him, so she was kind of handing the
19 documents.

20 Q. Did you see her give him the documents?

21 A. Yes.

22 Q. Did you see her give him the two
23 McIntosh reports?

24 A. Yes.

25 Q. And the McIntosh report dated October 12

0377

1 was a copy that had the text on the front page
2 obliterated by the sticky note?

3 A. Yes.

4 Q. You did not have at that time a copy of
5 that October 12 report without a sticky note
6 obliteration?

7 A. No.

8 Q. In fact, to date, you've never seen such
9 a thing, have you?

10 A. That's correct.

11 Q. Was it your understanding that
12 Mr. Scruggs was to take these documents and
13 furnish them to the attorney general?

14 A. I don't believe I actually had an
15 understanding at that time of what he was going to
16 do.

17 Q. Did you have an understanding that he
18 was going to distribute them to plaintiffs'
19 lawyers involved in Katrina litigation?

20 A. At that meeting, I didn't have any
21 understanding of exactly what he planned to do
22 with the documents.

23 Q. What did you think he was going to do
24 with those documents?

25 A. It was --

0378

1 MR. BACKSTROM:

2 Object to speculation. You can answer.

3 THE WITNESS:

4 Okay. I don't know that I even thought
5 of what he was going to do with the documents.
6 These were documents that Kerri and I had that we
7 didn't know what to do with. And we needed
8 someone to tell us legally -- to guide us what to
9 do, so we turned over the documents to him. And I
10 don't think any decision was made that day, I'm
11 going to do this or we're going to do that.

12 MR. ROBIE:

13 Q. When was the next time you gave
14 Mr. Scruggs documents?

15 A. There were -- I'm trying to remember.
16 During the Renfroe testimony, Barbara did a
17 flowchart of the documents. And I think we
18 categorized them into four categories. It was the
19 initial meeting and, of course, the data dump and

20 then miscellaneous documents in between those two
21 times.

22 Q. Was there any time other than that first
23 meeting when you gave Mr. Scruggs McIntosh
24 reports?

25 A. I don't believe so.

0379

1 Q. That was the only time you gave him
2 those two reports?

3 A. Yes. That's -- yes.

4 Q. All right. How long after the date of
5 that first meeting with Mr. Scruggs was it that
6 you met with someone from the attorney general's
7 office?

8 A. The attorney general's office was around
9 the March time frame.

10 Q. Had the attorney general already issued
11 a grand jury subpoena to State Farm?

12 A. That also happened in March, so I don't
13 remember. I think -- I think we met with them
14 before the subpoena.

15 Q. All right. And the first contact you
16 had with the AG was a phone call?

17 A. The AG, yes, it was a phone call.

18 Q. And that was from whom?

19 A. I'm pretty sure it was Burt Wallace.

20 Q. And Mr. Wallace called to make an
21 arrangement for you to meet him and Courtney
22 Schloemer?

23 A. Yes.

24 Q. Did you provide documents to them at
25 that meeting?

0380

1 A. It's very possible we did.

2 Q. And those documents would have been the
3 same documents you had given to Mr. Scruggs?

4 A. It's my recollection that we only had
5 one copy of the McIntosh report, and we gave that
6 copy to Mr. Scruggs. So we didn't have another
7 copy of that to give.

8 Q. Right.

9 A. There were -- yes, I probably -- it
10 would have been things like the roster, the
11 engineer roster, the personnel roster, maybe some
12 information like that that we turned over to the
13 attorney general's office.

14 Q. Once you gave up your only copy of the
15 McIntosh report to Scruggs, have you ever had
16 another copy?

17 A. I have not.

18 Q. Have you ever seen the original since
19 then?

20 A. I have not, I don't believe, unless it
21 was in a deposition.

22 Q. Right. Other than in a deposition, some
23 legal proceeding?

24 A. No, I have not.

25 Q. You only had one, and you gave it away

0381

1 in that first meeting?

2 A. To my -- yes.

3 Q. Right. And it looks just like -- at
4 least the October 12 looks just like the one we've

5 marked as Exhibit 9?
6 A. Well, this one looks like it's been
7 faxed.
8 Q. Right. But other than the --
9 A. Other than that.
10 Q. Yeah, okay. Now, how long did your
11 meeting last with Wallace and Schloemer?
12 A. It wasn't an overly long meeting. I
13 would say between one and two hours.
14 Q. And what did you talk about?
15 A. Mostly they asked us a lot of questions
16 about the hierarchy at State Farm, what our
17 title -- our title, job duties, what we had talked
18 with Mr. Scruggs about, the report, what was
19 standard procedure, how was this different from
20 previous storms.
21 Q. Did that interview take place before the
22 grand jury subpoena in March of 2006?
23 A. It's my recollection that it did.
24 Q. How far in advance?
25 A. I don't know.

0382

1 Q. Did they talk to you about who should be
2 the recipient of that subpoena?
3 A. They might have.
4 Q. All right. Did you give them Rick
5 Moore's name?
6 A. I wouldn't have given Rick Moore as the
7 recipient.
8 Q. Whose name did you give them?
9 A. I'm not clarifying that I gave -- I
10 could have given them some names because they
11 asked me -- I told you about the flowchart and who
12 was in charge. I don't recall them specifically
13 asking me who -- a particular person to subpoena.
14 Q. Did you tell them the name of the cat
15 coordinator?
16 A. I did.
17 Q. And who was that?
18 A. There were co-cat coordinators, and it
19 was Rick Moore and Lecky King.
20 Q. Did you give them categories of
21 documents that you felt should be subpoenaed?
22 MR. TAYLOR:
23 Objection as to form. When you say "did
24 you give them," do you mean did she tell them?
25 MR. ROBIE:

0383

1 Q. Did you tell them?
2 A. Yes.
3 Q. Yes. What did you tell them?
4 A. I told them that the -- well, I told
5 them about the interoffice e-mails and the
6 engineer roster and that the files that were on
7 the engineer roster should be subpoenaed.
8 Q. Did you have a copy of the engineer
9 roster to give them that day?
10 A. I don't know if I gave it to them that
11 day.
12 Q. Well, had you maintained a copy after
13 you gave one to Mr. Scruggs?
14 A. Yes.
15 Q. So you had an extra copy of that

16 document?

17 A. Yes. I had an electronic copy of that
18 document, yes.

19 Q. Where did you have the electronic copy?

20 A. On the computer.

21 Q. On your State Farm laptop?

22 A. Right.

23 Q. And did you take that laptop with you to
24 your meeting?

25 A. I don't recall taking it to the meeting.

0384

1 Q. Did you print it off of your laptop for
2 the attorney general?

3 A. At some point, I did, yes.

4 Q. Did you tell them you would do that?

5 A. I don't know if I thought of it
6 beforehand and brought it to them or if I told
7 them I would do it and did it after the fact. I
8 don't remember the sequence.

9 Q. Is there any doubt in your mind that
10 when you were talking to Ms. Schloemer and Burt
11 Wallace that you made it clear that you had
12 documents on your State Farm laptop that you could
13 give to them?

14 A. I made it clear that -- I probably did,
15 yes.

16 Q. Right. And did you -- did they ask you
17 to describe for them what kind of documents you
18 might have available through your computer?

19 A. It seems logical that that would have
20 been the conversation. I don't remember
21 specifically.

22 Q. Well, as you sit here today, is it more
23 likely than not that you would have had that
24 conversation with them?

25 A. Yeah. I don't dispute that. That seems

0385

1 very likely.

2 Q. Did you also tell them that you had
3 access to the CSRs and other material on the files
4 that were identified in the engineer roster?

5 A. I probably did.

6 Q. Did you tell them that you could go back
7 and upload that material and get it for them?

8 A. They never asked me to get them any
9 material like that.

10 Q. My question was: Did you volunteer to
11 do that?

12 A. I don't believe I did.

13 Q. Did they ever caution you to not
14 download material from State Farm's computers?

15 A. I don't believe they did.

16 Q. Did you tell them that you were planning
17 on copying additional materials from the State
18 Farm system?

19 A. Are you referring to the data dump
20 weekend or just in general?

21 Q. In general.

22 A. It was -- it was worded in such a way --
23 if we were talking about documents, it was worded
24 in such a way, I'm not going to go back to my
25 computer and print out this document. It would

0386

1 be, I can get you an engineer roster, or if you
2 need, you know, the list of the names in the
3 office, I can do that. I don't think there was a
4 distinction of where the documents were coming
5 from.

6 Q. Right. But there was a general
7 agreement between you and the attorney general's
8 office that you could get material for them?

9 A. I was willing to help them to get
10 material if they needed it.

11 Q. Right. And that would include going
12 back to your computer and accessing it and getting
13 information that way?

14 A. Yes.

15 Q. After this first meeting with the
16 attorney general's office, when was the next time
17 you had contact with them?

18 A. Well, I talked to them a lot on the
19 phone.

20 Q. Who is "they"?

21 A. Burt.

22 Q. What is "a lot"?

23 A. Burt and I would talk every -- every
24 week or so. He'd have a question or something
25 that he needed to clarify, so we talked quite a

0387

1 bit.

2 Q. What kind of things did he need
3 clarification on?

4 A. He would ask -- he would call and ask me
5 a name and ask me if I knew them or did this
6 person work in this office. You know, just
7 generic-type questions like that.

8 Q. And how long did this approximately
9 once-a-week conversation continue with Burt
10 Wallace?

11 A. Burt and I -- I wouldn't say it was once
12 a week this entire time, but we remained in
13 frequent contact until after the grand jury in
14 January, I believe.

15 Q. January of '07?

16 A. It was this past year, yes.

17 Q. Did you let Mr. Wallace know at some
18 point that you were going to tell State Farm what
19 you were doing?

20 A. I don't think Mr. Wallace knew until
21 after the fact what I had done, that I was --
22 after I told State Farm what I had done.

23 Q. The grand jury subpoena was shown to you
24 by somebody at State Farm?

0388

25 A. Rick Moore told me about the grand jury

1 subpoena.

2 Q. He didn't show it to you?

3 A. No.

4 Q. Was he concerned about how his name had
5 been selected?

6 A. He was concerned that his was the only
7 name that had been selected.

8 Q. And did you tell him how his name had
9 been selected?

10 A. No.

11 Q. Did you tell him that you had been

12 meeting with the attorney general's office?
13 A. No.
14 Q. Other than the first meeting you talked
15 to me about with Courtney Schloemer, did you meet
16 with her again?
17 A. Yes.
18 Q. When?
19 A. It seems like that I had two meetings
20 with Courtney, and I can't remember -- I can't --
21 I've never been to her office.
22 Q. Well, one of them was at the Hampton
23 Inn?
24 A. One of them was at the Hampton Inn, and
25 I don't know if maybe I met with her in Jackson
0389
1 off site somewhere or if she came back down to my
2 town. I just don't remember. It seems like we
3 had two meetings in person before I saw her at the
4 grand jury.
5 Q. All right. When was the second
6 in-person meeting?
7 A. I don't know.
8 Q. Was it before you left State Farm?
9 A. I think it was after.
10 Q. Were you already working for \$150,000 a
11 year for SKG?
12 A. I believe I was.
13 Q. And how long had you been working for
14 the Scruggs Group before you met with
15 Ms. Schloemer for the second time?
16 A. I don't recall.
17 Q. What was the occasion of that meeting?
18 A. I don't know the exact occasion. It was
19 just apparently she had some more questions for me
20 to answer.
21 Q. And can you think of those questions for
22 me?
23 A. No. Those had to do with her
24 investigation.
25 Q. You can't think of any of them?
0390
1 A. She had a lot of questions about the
2 process.
3 Q. What does that mean?
4 A. The process of a catastrophe, what
5 happens, how it normally gets set up, the way that
6 we did the engineer reports, if it was different
7 from the way we've done it in the past, who made
8 what decisions. Just a lot of procedural things.
9 And then the question became more specific the
10 second meeting as far as what was this person's
11 role, do you know this person.
12 Q. Were there particular people that they
13 suggested to you might be the focus of their
14 investigation?
15 A. They didn't share a lot of information
16 with me. They would just ask me if I knew who
17 someone was. I didn't know who they would be
18 calling as witnesses or anything.
19 Q. At some point did you come to understand
20 that there were people that they were focusing on
21 as part of their investigation?
22 A. For some reason, yes. It seems that

23 there were a couple of people they were focusing
24 on.

25 Q. Who were they?

0391

1 A. Lecky King and Lisa Wachter.

2 Q. Did you think that was fair?

3 MR. BACKSTROM:

4 Object to the form.

5 A. In what sense?

6 MR. ROBIE:

7 Q. Well, you worked with them, you knew
8 them, you'd known them for some time. Do you
9 think that they were the fair recipients of a
10 criminal investigation?

11 A. I think they were -- I'm sorry.

12 MR. BACKSTROM:

13 Object to the form.

14 MR. TAYLOR:

15 You can answer.

16 THE WITNESS:

17 I think they were the appropriate two
18 people to ask to know exactly what was going on.

19 MR. ROBIE:

20 Q. Well, that's -- my question is, really:
21 Do you think that they were fairly -- people who
22 you believe had committed a crime?

23 MR. BACKSTROM:

24 Same objection.

25 A. Yes.

0392

1 MR. ROBIE:

2 Q. And what crime did they commit?

3 A. Having the engineer reports altered.

4 Q. All right. Did you commit any crimes?

5 A. No.

6 Q. You didn't believe you had committed any
7 crimes?

8 A. No.

9 Q. Did you tell Ms. Schloemer or anybody
10 from the attorney general's office about the
11 confidentiality agreements you had signed both
12 with Renfroe and State Farm?

13 A. At some point those agreements came up,
14 but I don't remember discussing that when we were
15 originally meeting with them.

16 Q. At any point in time, did you furnish
17 your State Farm laptop to any lawyer?

18 A. Yes.

19 Q. Who?

20 A. Tony DeWitt.

21 Q. Who's Tony DeWitt?

22 A. He's my attorney.

23 Q. What firm?

24 A. I don't know the name of the firm.

25 Q. You don't know the name?

0393

1 MR. TAYLOR:

2 If you look at the Qui Tam complaint,
3 you'll see it.

4 MR. ROBIE:

5 Okay.

6 A. He's my Qui Tam lawyer.

7 MR. ROBIE:

8 Q. He's still your lawyer?
9 A. Yes.
10 Q. And when did you give Tony DeWitt your
11 laptop?
12 A. In April.
13 Q. Did you also give him your password?
14 A. I don't remember.
15 Q. Well, it wouldn't do much good to have
16 the laptop without the password, would it?
17 A. Well, I was sitting right next to him.
18 Q. All right. Did you boot it up for him?
19 A. I don't remember.
20 Q. What were you searching for?
21 A. I'm not -- I'm not sure of the exact --
22 that we had a list. There were some documents
23 that we were talking about. We were talking --
24 I'm not sure which documents he retrieved. I let
25 him in the computer, and I can't speak after that.

0394

1 Q. Where did this take place?
2 A. It took place in Pascagoula.
3 Q. Did you print documents as a result of
4 that search?
5 A. No, sir.
6 Q. Did he read documents off your computer?
7 A. I'm assuming he did.
8 Q. Can you give me the date of this
9 incident?
10 A. I believe that this occurred in March.
11 Q. March of '06?
12 A. Yes, sir.
13 Q. Can you be more specific by day?
14 A. I can't.
15 Q. Would your calendar refresh your
16 recollection?
17 A. If I wrote it on there, it would have.
18 Q. Do you know whether you did?
19 A. I don't know.
20 Q. Didn't you normally write appointments
21 with your lawyers on your calendars?
22 A. I normally did.
23 Q. Did you -- is that a yes?
24 A. Yes.
25 Q. Did you go to his office?

0395

1 A. No.
2 Q. He came to you?
3 A. Yes.
4 Q. He came to your house?
5 A. No. We met in a trailer.
6 Q. Pardon me?
7 A. We met at a trailer.
8 Q. Okay. Who else was there?
9 A. Tony DeWitt. There were two meetings in
10 this trailer, and I'm going to get confused as to
11 who was at which meeting.
12 Q. Well, do your best.
13 A. Okay. Tony DeWitt, Dick Scruggs, Zach
14 Scruggs, Mary Winters, Chip --
15 Q. Chip who?
16 A. I don't remember Chip's last name.
17 Kerri, myself and my mother.
18 Q. Now, whose trailer was this?

19 A. I believe it was Dick's trailer.
20 Q. And where was it at?
21 A. It seems like it was in the -- in a
22 parking lot by the Longfellow house. I could be
23 wrong on that.
24 Q. How did you know to go there?
25 A. Dick set up the meeting.
0396
1 Q. He called you?
2 A. I don't know if he called me or if he
3 called my mother, but he set up the meeting.
4 Q. All right. You brought your laptop?
5 A. Yes, I did.
6 Q. Did he ask you to do that?
7 A. I don't think so.
8 Q. Did Kerri bring her laptop as well?
9 A. No.
10 Q. Did you have a Wi-Fi card?
11 A. A Wi-Fi card?
12 Q. Yeah, to get into the State Farm system.
13 A. Oh, the dial-up card?
14 Q. Right.
15 A. Yes.
16 Q. Okay. And did you furnish any documents
17 at that meeting?
18 A. I don't believe I furnished any
19 documents at that meeting, no.
20 Q. Why did you log into your computer at
21 that meeting?
22 A. Tony wanted --
23 MR. BACKSTROM:
24 Let me object to the extent that calls
25 for a mental impression of counsel and instruct
0397
1 you not to answer.
2 MR. ROBIE:
3 Q. Did he tell you why you should log into
4 the computer?
5 MR. BACKSTROM:
6 Same objection, same instruction.
7 MR. ROBIE:
8 Q. Did you have an understanding what it is
9 you were trying to accomplish by logging into that
10 computer with this crowd?
11 MR. BACKSTROM:
12 Same objection, same instruction.
13 MR. ROBIE:
14 Q. Once you logged in -- I assume you're
15 following your counsel's instruction?
16 A. Yes.
17 Q. Once you logged into the computer, what
18 records did you access?
19 MR. BACKSTROM:
20 Same objection, same instruction.
21 MR. ROBIE:
22 Q. You'll decline to answer?
23 A. Yes.
24 Q. Did you give them sort of a tour of what
25 was available on the State Farm system?
0398
1 MR. BACKSTROM:
2 Same objection, same instruction.
3 MR. ROBIE:

4 What is the basis for the objection? I
5 just want to make sure the record's clear.
6 MR. BACKSTROM:
7 Mental impression of counsel, work
8 product.
9 MR. ROBIE:
10 It's a work product privilege?
11 MR. BACKSTROM:
12 Work product, attorney-client privilege.
13 MR. ROBIE:
14 And that's true for all of this line of
15 questioning about the computer in Dick's trailer?
16 MR. BACKSTROM:
17 For all those I made it for.
18 MR. TAYLOR:
19 It sounds like lawyers meeting with
20 clients preparing for litigation.
21 MR. ROBIE:
22 I just want a record so that we can have
23 an intelligent conversation with Judge Walker.
24 That's all.
25 Q. How long did you operate this computer
0399
1 for this crowd?
2 MR. BACKSTROM:
3 Same objection, same instruction not to
4 answer.
5 MR. ROBIE:
6 Q. Did any of them actually take the laptop
7 and manipulate the keyboard?
8 MR. BACKSTROM:
9 Same objection, same instruction.
10 MR. ROBIE:
11 Q. Did you leave your laptop there?
12 MR. BACKSTROM:
13 Same objection, same instruction.
14 MR. HIBEY:
15 How is any of that work product
16 privilege? What does that particular question
17 disclose?
18 MR. TAYLOR:
19 You mean did she leave it there?
20 MR. HIBEY:
21 Yeah.
22 MR. BACKSTROM:
23 She must have left it there because
24 counsel had a conversation with her about it.
25 MR. HIBEY:
0400
1 No. You're testifying now.
2 MR. BACKSTROM:
3 You just asked for an explanation.
4 MR. TAYLOR:
5 Let me see if I can straighten this out.
6 MR. BACKSTROM:
7 Okay. You can answer that last
8 question.
9 MR. TAYLOR:
10 She can answer that last question.
11 MR. ROBIE:
12 Q. Did you leave your laptop there when you
13 left?
14 A. No.

15 Q. How long did the meeting last?
16 A. It seems like the meeting was several
17 hours.
18 Q. And was the laptop in operation during
19 the entire time?
20 A. No.
21 Q. No. How much of the several hours were
22 you using the laptop?
23 MR. BACKSTROM:
24 Same objection, attorney work product,
25 instruct you not to answer.

0401

1 MR. ROBIE:
2 Q. Did you access the CSR system?
3 MR. BACKSTROM:
4 Same objection, same instruction.
5 MR. ROBIE:
6 Q. Did you access Reflections?
7 MR. BACKSTROM:
8 Same objection, same instruction.
9 MR. ROBIE:
10 Q. Did you access any accounting system
11 that would identify tax payer ID numbers for
12 vendors?
13 MR. BACKSTROM:
14 Same objection, same instruction.
15 MR. ROBIE:
16 Q. Did you access the engineering roster?
17 MR. BACKSTROM:
18 Same objection, same instruction.
19 MR. ROBIE:
20 Q. Did you access any particular files for
21 SKG clients?
22 MR. BACKSTROM:
23 Same objection, same instruction.
24 MR. ROBIE:
25 Q. Did you access the McIntosh file?

0402

1 MR. BACKSTROM:
2 Same objection, same instruction.
3 MR. ROBIE:
4 Q. Why did you access the McIntosh file in
5 March of '06?
6 MR. BACKSTROM:
7 Same objection, same instruction.
8 MR. ROBIE:
9 Q. Well, outside of this meeting, did you
10 access the McIntosh file in March of '06?
11 A. I don't recall accessing the McIntosh
12 file outside of this meeting in March of '06.
13 Q. So to the extent that you might have
14 done that, it would have only been at that
15 meeting?
16 MR. BACKSTROM:
17 She didn't -- object to the
18 characterization.
19 MR. TAYLOR:
20 I think his objection and the
21 instruction would cover that question.
22 MR. ROBIE:
23 Q. Do you deny that you accessed the
24 McIntosh file in March of '06?
25 MR. BACKSTROM:

0403

1 Objection, asked and answered.

2 MR. TAYLOR:

3 To the extent that the answer to that
4 question, Ms. Rigsby, would require you to
5 disclose anything which occurred at that meeting,
6 you should decline to answer the question.

7 A. Okay.

8 MR. ROBIE:

9 Q. Was any information obtained at that
10 meeting which was turned over to the attorney
11 general?

12 A. Not by me.

13 Q. Did this meeting that occurred in Dick's
14 trailer take place before or after the grand jury
15 subpoena was issued in Harrison County?

16 A. After.

17 Q. You would already have seen that
18 subpoena?

19 A. Rick Moore told me about the subpoena.

20 Q. How long after Rick Moore told you about
21 it was it that you went to this meeting in the
22 trailer?

23 A. It was within -- it was a short period
24 of time. I don't remember exactly.

25 Q. Within a week or two?

0404

1 A. Week or two.

2 Q. Had you already met with the United
3 States attorney by the time you met in the
4 trailer?

5 A. Yes.

6 Q. When did you first meet with someone
7 from the U.S. attorney's office?

8 MR. TAYLOR:

9 Mr. Robie, there is an ongoing criminal
10 investigation in this case. We have been asked by
11 the United States attorney not to discuss that
12 investigation, and we're going to respect that
13 request.

14 To the extent you want to challenge it,
15 if you do, then, you know, we should get the
16 department either on the line or involved in your
17 request so the department can take its own
18 position. I'm relaying.

19 MR. ROBIE:

20 I agree. Listen, I'm not here to
21 waste -- I have so little time that if I choose to
22 challenge it, I'll challenge it in the U.S.
23 District Court, not through a U.S. attorney, whom
24 I don't believe has the authority to make that
25 ruling. But for purposes of our record, can we

0405

1 stipulate that if I ask any questions about that
2 investigation, including context, information
3 provided and the like, you would instruct her not
4 to answer so I don't have to take time --

5 MR. TAYLOR:

6 I would, not because the United States
7 attorney has ordered us -- you're right, they
8 don't have the authority to order us. They have
9 requested.

10 MR. ROBIE:

11 Right.
12 MR. TAYLOR:
13 And we're going to respect that request
14 unless and until there is a change in it.
15 MR. ROBIE:
16 Right. And we'd just be wasting our
17 time --
18 MR. TAYLOR:
19 You'd be wasting your time, correct.
20 MR. ROBIE:
21 -- to make any more complex record.
22 MR. TAYLOR:
23 Simple or complex.
24 MR. ROBIE:
25 There we go. Fair enough. And I'll
0406
1 back off of it unless and until I get a court
2 order.
3 Q. Rick Moore had told you about the grand
4 jury subpoena. Can you tell me when he told you
5 about that?
6 MR. TAYLOR:
7 Asked and answered.
8 A. Does that mean I answer?
9 MR. TAYLOR:
10 That means you try again.
11 THE WITNESS:
12 We were at work. And I remember we were
13 going over to the CSO. I believe he told me about
14 it as soon as he knew about it.
15 MR. ROBIE:
16 Q. Well, the first grand jury subpoena was
17 issued March 16th, 2006, so you'd say pretty quick
18 after it was issued?
19 A. If he was the one that was named as a
20 witness, that was the one he told me about in
21 March.
22 Q. Because he was pretty surprised to get
23 it, wasn't he?
24 A. He was very surprised to get it.
25 Q. In fact, he'd never seen anything like
0407
1 it, had he?
2 A. He was -- I don't know if he'd ever seen
3 anything like it, but he was -- he was concerned.
4 Q. In all of your years of working in storm
5 activities, have you ever heard of anybody getting
6 a criminal grand jury subpoena for storm operation
7 work?
8 A. No. I don't guess I have.
9 Q. In fact, in your entire life, is this
10 the first time you'd ever heard of such a thing?
11 A. In catastrophe work?
12 Q. Yeah, or insurance work in any form.
13 A. It could be, yes.
14 Q. Did you know that the grand jury was
15 going to issue a subpoena, or that the attorney
16 general was going to issue a grand jury subpoena
17 after you talked to the attorney general's office?
18 A. No, I did not.
19 Q. During the week or -- every-week-or-so
20 conversati on with Burt Wallace, did he keep you
21 updated on what the attorney general's office was

22 doi ng?

23 A. No. It was more of a one-way street.

24 Q. At some point, were you uncomfortable
25 working in that claims operation furni shi ng

0408

1 information to the United States Government and
2 the attorney general and to Mr. Scruggs and to
3 Tony DeWitt?

4 A. Yes.

5 Q. At some point, you had a hard time
6 walking in there looking people in the face,
7 di dn' t you?

8 A. The only time I had a hard time walking
9 in the office was after -- now, what we did --
10 what we did was the right thing to do, so I di dn' t
11 have a hard time looking anybody in the face.

12 Q. So the answer to my question is no,
13 Mr. Robie, I di dn' t have a hard time looking them
14 in the face?

15 MR. TAYLOR:

16 Now, Mr. Robie, she's entitled to finish
17 her answer wi thout you argui ng wi th her.

18 A. I di d have a hard time, quite honestl y,
19 telli ng Dave Randel what I had done when I sat
20 down and talked to him.

21 MR. ROBI E:

22 Q. Because Dave's a good guy, i sn' t he?

23 A. I li ke Dave Randel .

24 Q. He's never done anythi ng wrong, as far
25 as you know; i sn' t that a fact?

0409

1 MR. BACKSTROM:

2 Object to the form.

3 A. Not exactl y.

4 MR. ROBI E:

5 Q. What' s he done wrong?

6 A. Well, he was the supervisor over thi s
7 storm that perpetrated thi s fraudulent activi ty,
8 so, yes, he absol utel y di d do somethi ng wrong.

9 MR. ROBI E:

10 We need to change tapes.

11 VIDEO TECHNI CIAN:

12 Off the record at 1:37 p.m.

13 (Off the record.)

14 VIDEO TECHNI CIAN:

15 On record at 1:47p.m.

16 MR. ROBI E:

17 Q. Di d you ever attempt to convince any
18 other person worki ng the Katrina cat to be a
19 whi stle blower?

20 A. No. Other than Kerri .

21 Q. Other than Kerri . Who i s Bob Simon?

22 A. Bob Simon i s -- he was a manager for
23 Worley. They're another i ndependent fi rm li ke
24 Renfroe. They were worki ng at the catastroph e.
25 He i s also married to my fi rst cousin.

0410

1 Q. Di d you have any conversati on wi th Bob
2 Simon where you urged him to assi st you i n findi ng
3 and copyi ng documents to be used agai nst State
4 Farm or any other i nsurance company?

5 A. Oh, no, no.

6 Q. Di d you attempt to convince anybody at

7 Nationwide to do that?
8 A. No.
9 Q. Did you talk to anybody at the State
10 Farm operation about assisting you other than your
11 sister?
12 A. No.
13 Q. Did you ever hear anybody refer to
14 somebody known as Joey's friend from Jumper Town?
15 A. No.
16 Q. That doesn't mean anything to you?
17 A. No.
18 Q. It doesn't mean anything to me either,
19 but it does to somebody, I guess.
20 A. Okay. I've never heard that.
21 Q. How did your sister come to get the
22 nickname Whistle Britches?
23 A. I don't know.
24 Q. Is this the first time you've heard of
25 that?
0411
1 A. Oh, I remember, kind of. I think
2 Whistle Britches, that started in Pensacola.
3 Q. And how did it start?
4 A. I think -- I'm not recalling the whole
5 story, so maybe you just better ask her tomorrow.
6 Q. Well, I'm asking for your best
7 recollection today.
8 A. I -- she had met Mark Drain in Texas,
9 and I think it had something to do with being
10 gassy.
11 Q. Okay.
12 A. Okay. And he called her Whistle
13 Britches.
14 Q. She and Mark Drain had been having an
15 affair for some time?
16 A. Not when he called her Whistle Britches,
17 no.
18 Q. When was that?
19 A. That was when we were working Hurricane
20 Ivan in Pensacola.
21 Q. What time period was that?
22 A. I don't know when Ivan hit. Kerri and I
23 arrived November -- because we had come from other
24 hurricanes in Florida. We came to Pensacola in
25 November of '04, and we were working there until
0412
1 Katrina hit. Mark Drain showed up, I believe,
2 when Hurricane Dennis hit, and I don't know when
3 that -- I can't remember what date that was.
4 Q. I'm just trying to figure out when your
5 sister and Mark Drain had an affair.
6 A. Oh, no. That was not until Katrina.
7 I'm sorry. I thought you was asking when Mark got
8 to Pensacola.
9 Q. Well, when did Mark Drain and your
10 sister have an affair?
11 A. That started in December of '05.
12 Q. And when did it end?
13 A. I guess when he left the storm to go
14 home, March or April.
15 Q. March or April?
16 A. Uh-huh.
17 Q. Was it before or after the grand jury

18 subpoena?

19 A. It was after, I believe.

20 Q. It was after you had already retained
21 Mr. Scruggs' office to represent you?

22 A. Yes.

23 Q. And after you had already met with the
24 attorney general's office?

25 A. It's hard to remember exactly because

0413

1 they were allowing staff to go home 30 days and
2 come back. And so he was gone 30 days, and I
3 don't remember if he came back in March or not.
4 So it was right in that time frame, but I don't --
5 I don't quite -- you'll just have to look at the
6 record and see when he was released from the storm
7 because he was supposed to come back, and he
8 didn't.

9 Q. Just so we have a clear record, we've
10 talked about this document, which has the sticky
11 note on the face of it, which we referred to as
12 Exhibit 9. I'm only concerned about the first
13 page of it which is what we've had testimony on.
14 And so we have a reference in this record, we'll
15 make it Exhibit A to this deposition. It's just
16 the face sheet.

17 And we'll give that to the court
18 reporter, and that way it will be attached and
19 everybody will know what we're talking about.
20 (Exhibit A was marked.)

21 MR. ROBIE:

22 Q. Who is Karen Huey?

23 A. I don't know Karen Huey.

24 Q. How about Ronnie Archer?

25 A. Ron Archer is -- he was a Renfroe

0414

1 adjuster.

2 Q. Did you work with him?

3 A. I did.

4 Q. Did Renfroe continue to pay you through
5 September 1?

6 A. Of what year?

7 Q. 2006.

8 MR. BACKSTROM:

9 Objection, asked and answered.

10 A. No.

11 MR. ROBIE:

12 Q. Adam Sammis, have you ever talked to
13 him?

14 A. That's not ringing a bell, no.

15 Q. Have you talked to Mike Moore or anyone
16 from the AG's office regarding the Renfroe
17 litigation in Alabama.

18 MR. TAYLOR:

19 Wait, wait, wait.

20 MR. ROBIE:

21 Regarding the Renfroe allegation in
22 Alabama.

23 MR. TAYLOR:

24 Yes, but you associate Mike Moore and
25 the Mississipi Attorney General's office.

0415

1 MR. ROBIE:

2 Yes, I do.

3 MR. TAYLOR:
4 Okay. The question is: Have you talked
5 to Mike Moore or anybody from the Mississippi
6 Attorney General's office about the Renfroe
7 litigation in Alabama?

8 A. Yes.

9 MR. ROBE:

10 Q. And when did you do that?

11 A. Gosh, I talked to Courtney several times
12 about it over the phone. I think Courtney came
13 over and actually appeared in Acker's courtroom.

14 Q. When did you first talk to Courtney
15 Schloemer about the Renfroe litigation?

16 A. Probably pretty soon upon meeting her.

17 Q. Which would have been --

18 A. March of --

19 Q. March of '06?

20 A. (Nodding head affirmatively.)

21 Q. Is that a yes?

22 A. Yes. I'm sorry.

23 Q. And what was your initial conversation
24 with Courtney about the Renfroe litigation?

25 A. I don't recall specifics.

0416

1 Q. Do you recall any conversation with
2 Courtney about the Renfroe litigation?

3 A. I might be getting my times -- I think
4 I'm getting confused when I said '06.

5 Q. Okay.

6 A. I don't think there was a Renfroe
7 litigation until September of '06.

8 Q. And did you talk to Courtney about it
9 then?

10 A. I have talked to Courtney about it, yes.
11 I don't know if it was our first meeting, but
12 we've talked on the phone about it several times.
13 And she's appeared in the court -- in Acker's
14 courtroom about the Renfroe case.

15 Q. Right. And what has she told you about
16 the Renfroe case?

17 A. I'm not sure she's told me anything.

18 Q. What information have you swapped about
19 it?

20 A. We've talked about the injunction. And
21 I think she was going over there to plead
22 something on my behalf. I'm not sure what it was.

23 Q. The data dump weekend --

24 A. Yes.

25 Q. -- who selected the location for that

0417

1 event?

2 A. I did.

3 Q. And what location was it?

4 A. My house.

5 Q. And how many laptops did you have going?

6 A. Two.

7 Q. You had one and Kerri had one?

8 A. Correct.

9 Q. You logged in with your password?

10 A. Yes.

11 Q. Then you turned your laptop over to your
12 friends to have them seek out information,
13 download it and print it, right?

14 A. It's a DOS program, so I'm not sure you
15 can download it. But, yes, we printed it. We
16 pulled it up on the screen and printed it.
17 Q. So you have to print it off the screen?
18 A. Right.
19 Q. There's no cache system on there?
20 A. I don't know what that means, but you
21 can't download that old DOS system.
22 Q. Okay. So how many hours total did you
23 spend mining State Farm's archives?
24 A. We started on Friday afternoon and
25 worked -- I think the system shut down at midnight

0418

1 and all day Saturday and --
2 Q. Starting when?
3 A. 8:00 in the morning, early. All day
4 Saturday and all day Sunday.
5 Q. Saturday until midnight again?
6 A. I can't remember the system. Probably
7 till midnight. I think it shut down at midnight.
8 And then Sunday.
9 Q. Again 8:00 till midnight, 8:00 a.m. till
10 midnight?
11 A. I don't remember on Sunday if it was
12 that long.
13 Q. So total, something in the 40, 50 hour
14 range?
15 A. I no longer can do math in my head, but
16 if that's what you calculated, I'll go with it.
17 Q. Well, I'm not good at it either, but I'm
18 trying to make a stab.
19 Had you notified -- who from the
20 attorney general's office came and picked those
21 documents up on Monday morning?
22 A. I had never met the person who picked
23 the documents up. It was someone from their --
24 apparently they have a Gulfport branch, maybe.
25 Q. How did they know to come and get them?

0419

1 A. I called Dick Scruggs Monday morning and
2 told him what we had done, and he contacted -- I
3 know he contacted the AG's office. I can't
4 remember if he contacted the U.S. attorney's
5 office or if I called Jenny Williams directly.
6 But both of them, the attorney general's office
7 and the U.S. attorney's office, sent a
8 representative over to my house -- I think they
9 have a local office -- to pick up the documents.
10 Q. What time did the AG pick them up?
11 A. I'm going to say around 10-ish.
12 Q. When did you copy the documents?
13 A. The documents were being copied and
14 printed simultaneously with groups.
15 Q. So some people were printing while
16 others were taking the documents to an off-site
17 facility to copy them?
18 A. Yes.
19 Q. And how many trips did you make to copy?
20 A. I never left the house.
21 Q. Who was making the trips to copy?
22 A. Michele and Carron.
23 Q. And how many trips did they make?
24 A. They -- I'm not aware completely. It

25 seems to me that Sunday, they copied all day.
0420
1 Kerri and I printed all day, and Heidi couriered
2 between the two. So we never stop printing. They
3 never stopped copying.
4 Q. And when you had all the documents
5 sitting there Monday morning, how many boxes of
6 documents were waiting for people to pick up?
7 A. Well, it was two boxes that were ream
8 size, and then an overflow, a little overflow.
9 And box is a strong word. Some of them, I
10 think -- one was in a little like plastic file
11 folder container and one of them was in a clear
12 shoe box you get from the container store, you
13 know, you put your boots in. So it was two big
14 boxes and a little overflow, and there was two
15 sets of those left on Monday morning.
16 Q. Two sets. One set for whom and one set
17 for whom?
18 A. One set for the attorney general and one
19 set for the U.S. attorney.
20 Q. And you still had an original set?
21 A. I didn't. It wasn't there at that time.
22 Q. Where was it?
23 A. Michele had it.
24 Q. She had it at the copying place?
25 A. She took it -- she took it home with her

0421
1 Sunday night.
2 Q. So all the copying was done Sunday
3 night?
4 A. Yes.
5 Q. And you knew that you were going to have
6 the U.S. attorney and AG pick it up the next
7 morning?
8 A. Well, I knew I was going to call, yes.
9 Q. Had you notified the attorney general's
10 office in advance that you'd be having documents
11 ready for them to pick up on Monday?
12 A. No.
13 Q. Did you have any discussion with anybody
14 from the AG's office about the data dump before
15 you accomplished it?
16 A. No. I didn't discuss that with anybody.
17 Q. Did you discuss with Kerri the fact that
18 she was using the McFarland exhibit as her road
19 map for downloading and printing information off
20 of the State Farm system?
21 A. No.
22 Q. Do you know that she did?
23 A. No.
24 Q. Do you know that she didn't?
25 A. No.

0422
1 Q. How did you pick out the information
2 that you were going to steal from State Farm's
3 computer?
4 MR. TAYLOR:
5 Object to the form.
6 MR. BACKSTROM:
7 Object to the form.
8 A. I used the engineer roster.
9 MR. ROBI E:

10 Q. And you just went right down --
11 A. Yes.
12 Q. -- in sequence? Is that what you told
13 your friends to do, too?
14 A. Well, it was split up between us, yes.
15 Q. Well, but only one person could work on
16 the computer at once; isn't that a fact?
17 A. Well, there was two computers.
18 Q. Right. They were in the same room or
19 different rooms?
20 A. Different rooms.
21 Q. And who was operating Kerri's computer?
22 A. We all took turns operating all the
23 computers.
24 Q. And did you have a different list that
25 was used on Kerri's computer?
0423
1 A. The engineer roster was kind of just
2 split in half at each computer.
3 Q. Have you ever seen the McFarland
4 exhibit?
5 A. I don't think I know what you're talking
6 about, no.
7 Q. The McFarland exhibit, as I refer to it,
8 is a list of plaintiffs in the McFarland case
9 which lists over 300 plaintiffs. Have you seen
10 that before?
11 A. I don't -- I don't know.
12 Q. Had anybody, anybody furnished you with
13 a --
14 A. McFarland exhibit?
15 Q. Exhibit A to the McFarland complaint.
16 Did anybody give you a list of policyholders by
17 name and ask you to upload or download or
18 otherwise get those documents out of State Farm's
19 system?
20 A. No.
21 Q. Do you know if they gave Kerri such a
22 list?
23 A. I don't know.
24 Q. To the extent that there is a deviation
25 from the engineering roster, how would you explain
0424
1 it?
2 A. So you're saying there's files that were
3 printed out that weren't directly from the
4 engineering roster?
5 Q. Yes.
6 A. Okay.
7 MR. TAYLOR:
8 Objection as to form. You're asking her
9 to assume that?
10 MR. ROBIE:
11 I'm asking her, yes, to assume that.
12 Q. And if I ask you to assume that to be
13 true, do you have an explanation for why that
14 would have occurred, how that could have occurred?
15 A. Well, one, it could have occurred if the
16 girls working with us typed in the wrong claim
17 number by accident. They would have printed
18 claims that weren't on the --
19 Q. Do you think it's conceivable that they
20 could have, by scope of their own imagination,

21 have typed in 100 McFarland claim numbers in order
22 --

23 A. No.

24 Q. -- without having that list?

25 A. No, obviously not.

0425

1 Q. Clearly they'd have to have that list to
2 do that, wouldn't they?

3 A. Yes. I'm still not quite sure what list
4 you're talking about, but -- the list I remember
5 using was the State Farm engineer roster list.

6 MR. ROBIE:

7 I have covered what I can without going
8 through the documents that have not been produced.
9 And Mr. Banahan has kindly agreed to help me with
10 clarifying the record on --

11 Okay. I can ask one more question.

12 MR. TAYLOR:

13 When you said the documents that have
14 not been produced, I take it you're not referring
15 to the documents that we did produce, but the
16 documents on the privilege log?

17 MR. ROBIE:

18 Well, for example, the financial
19 documents that you did produce consists of a 2005
20 tax return and no others. And a --

21 MR. TAYLOR:

22 That is explicit in the letter,
23 Mr. Robie, that --

24 MR. ROBIE:

25 I'm not here to argue with you. I'm

0426

1 just going to make my record.

2 MR. TAYLOR:

3 Yeah, but you're making an argument, and
4 we're not going to let it appear --

5 MR. ROBIE:

6 I'm not asking you to --

7 MR. TAYLOR:

8 I know you're not asking me to do
9 anything. I'm not asking you to do anything. But
10 we're not going to have misunderstandings about
11 what was done and what wasn't done.

12 MR. ROBIE:

13 Q. Are you and your sister still working at
14 the same frequency for SKG as you did in 2006?

15 A. No.

16 Q. A little less?

17 A. Yes.

18 Q. How much less?

19 A. Considerably less.

20 Q. Can you quantify that for me?

21 A. Can you be more specific?

22 Q. At what point in time did your
23 responsibilities or assignments fall off?

24 A. We never had a steady schedule. We're
25 available whenever someone needs us to do

0427

1 something. There's been less of that in recent
2 months than there was before when we had more
3 litigation going on.

4 Q. So once the mass case was settled and
5 you distributed the money, is it fair to say you

6 pretty much didn't have much to do for them?
7 A. Yes. It decreased dramatically after
8 that.
9 Q. Was your mother present at the meeting
10 at Dickie's trailer where you accessed State Farm
11 records on your laptop?
12 MR. TAYLOR:
13 Asked and answered. She did answer that
14 question, Mr. Robie, very directly and clearly.
15 MR. ROBIE:
16 Her mother?
17 MR. BACKSTROM:
18 Yes.
19 MR. ROBIE:
20 I don't remember that.
21 Q. Was she there?
22 A. Yes.
23 Q. Any other non-lawyer there?
24 A. My sister.
25 Q. That's it?

0428

1 A. That's it.
2 MR. ROBIE:
3 Okay.
4 MR. BANAHAN:
5 For the record, we want to recess and
6 reserve -- how much time do we have left of the
7 four hours that we were allotted?
8 VIDEO TECHNICIAN:
9 You have exactly one hour left.
10 MR. BANAHAN:
11 Okay. One hour to cover any issues that
12 may come up relative to Ms. Rigsby's computer
13 that's in Judge Walker's office now, anything that
14 may arise from that, as well as to address issues
15 related to the documents that are set out in the
16 privilege log, particularly those where an
17 objection was made based on a privilege associated
18 with the Qui Tam suit, as we think Judge Walker's
19 order is clear that that privilege was not
20 attached to any of those documents.
21 MR. TAYLOR:
22 But those are documents which have been
23 furnished to Judge Walker, and he has not ruled
24 one way or the other.
25 MR. BANAHAN:

0429

1 I understand. I just want to reserve
2 our right to examine Ms. Rigsby -- or Ms. Moran
3 about that, those documents. And they would be
4 the documents -- at least one document that
5 appears from Item Number 1 in the privilege log,
6 five pages of documents, and Number 2 on the
7 privilege log, six pages from Exhibit 3 to the
8 privilege log, and it appears 207 pages, Item 5 of
9 the privilege log.
10 In addition, to ask questions regarding
11 the calendar which Ms. Rigsby has indicated was
12 downloaded or printed from her computer before it
13 crashed and provided to counsel. We have not seen
14 that to date. That's not been produced. And if
15 it's part of this privilege log, I can't tell that
16 from the way that the documents are described in

17 bul k.

18 And specifically with regard to the Qui
19 Tam privilege that was asserted before, the Court
20 expressly held that SKG's taking on representation
21 of the Rigsbys hiring them as, quote, litigation
22 consultants, close quote, and filing the Qui Tam
23 lawsuit on their behalf should not and will not be
24 allowed to transform everything they learned and
25 the things they physically took from their

0430

1 employer into privileged information available
2 only to SKG and their attorney and/or present
3 employer.

4 And the Court went on to say, In
5 defending itself in the present action, State Farm
6 may fully explore the Rigsbys' knowledge of the
7 McIntosh case and pertinent documents gained
8 through their employment relationship with
9 Renfroe/State Farm.

10 To that extent, we would like to reserve
11 and have an opportunity to use the last hour to
12 cover those things, and we can do that after we
13 more fully develop the record with Judge Walker.

14 MR. TAYLOR:

15 Well, you have every opportunity now to
16 fully explore the McIntosh case. That's part of
17 what's been going on here. We don't need to argue
18 at this point, but I think that if you have
19 additional questions about the McIntosh case, they
20 should be posed now because if you want to -- if
21 you want to rejoin the deposition or retake her
22 later, it will have to be on the basis of -- as
23 far as I'm concerned, on the basis of some
24 specific understandings about subject matters.
25 And, you know, you've reserved your rights. We're

0431

1 not necessarily agreeing with your reservation of
2 rights. And when the time comes to discuss that,
3 I'm sure we can work it out.

4 MR. BANAHAN:

5 Okay. Give me one minute.

6 VIDEO TECHNICIAN:

7 Off record at 2:09 p.m.

8 (Off the record.)

9 VIDEO TECHNICIAN:

10 On record at 2:16 p.m.

11 EXAMINATION

12 BY MS. LIPSEY:

13 Q. Good afternoon, Ms. Rigsby. I'm
14 Christine Lipsey, and I don't believe we've ever
15 met before.

16 A. No, we haven't.

17 Q. I'm kind of new on the scene. I
18 represent E. A. Renfroe & Company, along with Mr.
19 Hibey and Mr. Twiford.

20 I'm going to ask you some questions
21 today, and I'm going to try to avoid going over
22 territory that you've already gone through this
23 morning and in the first part of your deposition
24 in this case. And then I know also that you've
25 given depositions in the Renfroe litigation and

0432

1 the Marion litigation.

2 A. Correct.
3 Q. So what I'm going to try to do is
4 shortcut some things by going through a time line
5 and seeing if you agree, disagree. And I put
6 together this time line by reviewing your previous
7 testimony.
8 A. Okay.
9 Q. So we'll go through that. But, first,
10 let me ask you if there's anything today that
11 would limit your ability to respond to questions?
12 I've seen you answer questions for the better part
13 of the day, and you seem fine. There's no
14 physical problems, no medication issues or
15 anything like that that would prohibit you from
16 understanding my questions and responding to my
17 questions?
18 A. No. I'm fine. Thank you.
19 Q. I figured. Okay. I know that you've
20 given depositions in the three lawsuits I just
21 mentioned, and I wondered if you had given any
22 other depositions in the past two years apart from
23 the one you gave in the Renfroe case, the earlier
24 one you gave in this case and in the Marion case?
25 A. I gave a deposition when I was still
0433
1 working for State Farm when State Farm was being
2 sued, but I don't know if that falls within the
3 two years. I think that was farther back.
4 Q. Okay. Okay. So no other other than the
5 three I just mentioned and the one you mentioned
6 perhaps a few years ago?
7 A. Correct.
8 Q. Okay. Did you review any documents
9 before coming to give your deposition today?
10 A. I did not.
11 Q. Okay. You didn't review any of your
12 previous depositions?
13 A. No, I did not.
14 Q. Okay. All right. Here is the time line
15 that I've assembled, and I'll just ask you to
16 confirm whether you think this is the case or not,
17 okay?
18 A. Okay.
19 Q. I gather that you first began your
20 employment with Renfroe in May of 1998?
21 A. Correct.
22 Q. Okay. And I don't know if we take
23 judicial notice of this or what exactly, but
24 Hurricane Katrina occurred on August 29th, 2005.
25 A. That is correct.
0434
1 Q. Okay. I wanted to know if you remember
2 when you were deployed to Hurricane Katrina to
3 adjust claims for Hurricane Katrina. I gather
4 that it's early September, but do you have a
5 precise date?
6 A. I do not. Kerri and I were both still
7 working Hurricane Ivan in Pensacola. We were
8 assigned there when Katrina hit. We left and we
9 went home for the hurricane to kind of batten down
10 the hatches. We went back to Pensacola after the
11 storm and were released.
12 So I can't remember the exact date, but

13 the first part of September is correct.
14 Q. Okay. And where did you report
15 initially?
16 A. Renfroe had rented a -- office space in
17 a strip center, and that's where we reported.
18 Q. All right. And that was in Ocean
19 Springs?
20 A. And that was in Ocean Springs, yes,
21 ma'am.
22 Q. Okay. I gather from some of your
23 previous testimony that early in September of
24 2005, there was some sort of initial meeting
25 around the time of the deployment, and Haag

0435
1 Engineering did a PowerPoint presentation. Do you
2 recall any testimony to that effect?

3 A. That's not exactly correct.
4 Q. Okay.
5 A. There was a PowerPoint presentation done
6 after I had moved to the Gulfport office which
7 was at the -- you know, the beginning of the
8 storm, but I was in Ocean Springs for at least a
9 week. And State Farm put on the PowerPoint
10 presentation, not Haag.

11 Q. Okay.
12 A. But it was from Haag's manual.
13 Q. Okay.
14 A. Okay.
15 Q. All right. I also gathered from your
16 previous testimony that you noted what you have
17 characterized as irregularities in State Farm's
18 handling of claims the second day you were at the
19 Gulfport office. And a date that you had given, I
20 believe in the Marion deposition, was before
21 September 10, 2005. Do you agree with that or do
22 you believe that --

23 A. Yeah. I feel comfortable with that.
24 Q. Okay. And, again, this is your word,
25 not my word, that this irregularity that you noted

0436
1 was that a Mr. Dave Randel had said that an
2 engineer would be assigned to every policyholder,
3 I think, who had a slab, I guess, essentially a
4 total loss?

5 A. Yeah, constructive total.
6 Q. And so that irregularity, as you said,
7 you noted that before September 10, 2005?
8 A. I remember it around in that time, yes.
9 Q. Okay. We've had discussion about this,
10 but let me just get you to confirm. The duplicate
11 report -- and let me make sure I understand what
12 you're talking about when you say duplicate report
13 as it relates to the McIntosh claim. Is that the
14 October 12 report?

15 A. The October 12 and then the October 20.
16 Q. Okay. Is there one particular one that
17 you call the duplicate or are they --
18 A. It's kind of like the twins. I call
19 them the duplicate, meaning pair, which is wrong
20 terminology, obviously.

21 Q. Okay. So duplicate might refer on some
22 occasions to the October 12 report, perhaps on
23 another occasion to the October 20th report?

24 A. It could, yes.

25 Q. Okay. And confirm for me when you

0437

1 remember your sister, Kerri, discussing this issue
2 with you. It was at the end of October 2005?

3 A. It was.

4 Q. Okay. Do you have any precise date in
5 mind?

6 A. I remember when David Haddock was
7 sending out the cancellation notices to the
8 engineer firms, those were date stamped
9 October 22nd through October 24th. Okay. And so
10 I knew about McIntosh before that --

11 Q. Okay.

12 A. -- because I collected those after I
13 found out about McIntosh.

14 Q. So that's how you date when your sister
15 told you about the McIntosh reports?

16 A. Yes.

17 Q. Okay. I believe there was testimony
18 earlier today that you first began copying
19 documents in October of 2005. And when I say
20 "copying documents," for example, the two McIntosh
21 reports that have been referred to.

22 A. Well, Kerri actually did those, but,
23 yes, I did as well start copying documents in
24 October.

25 Q. Okay. And when you say that you copied

0438

1 documents, did you physically copy the documents
2 or did you ask somebody to do that?

3 A. I physically did it.

4 Q. Okay. Earlier you described sort of
5 three time frames that I think you said an
6 attorney in some other litigation had set forth
7 about when things were copied. And I gathered
8 from that that there were some things copied in
9 October of 2005, and then maybe more things copied
10 between October of 2005 and June '06 when the data
11 dump occurred. So there were some interim things
12 copied. There was October 2005, then that interim
13 period, and then the data dump in June of 2006?

14 A. Right, that is correct.

15 Q. Okay. And would you say that documents
16 were copied intermittently between October 2005
17 and June 2006?

18 A. The majority of documents were copied
19 during the data dump, by far. That was the
20 largest number of documents. Most of the
21 documents were gathered in October. A few things
22 might have been copied in November, December,
23 January just intermittently, like you said. And
24 then after we met with Mr. Scruggs in February,
25 again, intermittently until the data dump in June,

0439

1 so that is correct.

2 Q. Okay. Thank you. Again, for our time
3 line purposes, I wanted to ask you about when the
4 Gulfport office shut down and merged with the
5 Biloxi office.

6 A. That was in February.

7 Q. Of '06?

8 A. Of '06.

9 Q. Okay. I've referred to the Gulfport
10 office. And I gather from previous testimony that
11 that's the office that handled flood claims and
12 combination claims, where there might have been a
13 flood claim and a wind claim?

14 A. Yes, ma'am.

15 Q. Okay. And then the Biloxi office was
16 the wind office?

17 A. Wind office.

18 Q. And I have learned that that would mean
19 a homeowners claim. If it were wind coverage, it
20 would implicate a policyholder's homeowners
21 coverage as opposed to a flood claim?

22 A. Yes, ma'am.

23 Q. Okay. Do you have any idea why those
24 offices were divided that way?

25 A. I really don't.

0440

1 Q. Okay. You testified earlier that you
2 first met with Mr. Scruggs, Richard Scruggs, in
3 February of 2006?

4 A. Yes.

5 Q. Okay. There was some earlier testimony
6 about more than one retention. You said earlier
7 today that you retained Mr. Scruggs to represent
8 you in February of 2006?

9 A. Yes.

10 Q. Because you had this information, you
11 didn't know what to do with it, so you retained
12 him to help you with that?

13 A. Yes, ma'am.

14 Q. And I gathered from previous testimony
15 that there was another retention of Mr. Scruggs in
16 April of 2006?

17 A. That's correct.

18 Q. That involved a contingency fee
19 agreement?

20 A. That is correct.

21 Q. Okay. And then under that contingency
22 fee agreement, Mr. Scruggs was to receive
23 40 percent of whatever recovery there may be from
24 that representation?

25 A. That is correct.

0441

1 Q. Okay. And we've -- you talked today
2 about when you met with folks from the U.S.
3 attorney's office, when you met with folks from
4 the attorney general's office. I won't go through
5 that again.

6 Q. Okay. The data dump, you confirmed that
7 that was the first weekend in June and started on
8 Friday and finished on Sunday?

9 A. Yes.

10 Q. And so we would be talking about June
11 2nd, 3rd and 4th?

12 A. I'm agreeing with you. I don't have --

13 Q. I checked my calendar yesterday morning.

14 A. Okay.

15 Q. And you've also testified that on the
16 Monday after the data dump, that would be June 5,
17 2006, you gave a set of documents to the FBI and
18 then a set of documents to the U.S. attorney?

19 A. That is correct.

20 Q. Okay. I gathered from previous
21 testimony that there was a third set of documents?

22 A. Yes.

23 Q. And that third set of documents was
24 retained by Michele Lee?

25 A. Yes.

0442

1 Q. And -- until August of 2006?

2 A. I'm not -- it seems it was late summer.

3 And August was a best guess at that time. I don't
4 dispute that, but it was late summer. I think she
5 had the documents in her possession a couple of
6 months.

7 Q. Okay. And those documents were given --
8 the documents that had been retained by Ms. Lee
9 were given to Mr. Scruggs; is that right?

10 A. Yes.

11 Q. All right. And were you there when the
12 documents were delivered to Mr. Scruggs, or how
13 did that occur?

14 A. I picked up the documents from Michele's
15 house and brought them here.

16 Q. Okay. And you brought them to this
17 office in Moss Point?

18 A. This office here.

19 Q. Where we are today, okay. On Monday,
20 June 5th, 2006, you told Dave Randel about what
21 you and Kerri had done in terms of the data dump
22 and copying documents and giving a set of
23 documents to the U.S. attorney and a set to the
24 Mississippi AG?

25 A. Yeah. We basically -- we came in and

0443

1 sat down with Dave Randel and we told him that we
2 believed that State Farm had been involved in some
3 criminal and fraudulent activity and that we had
4 copied documents and we had turned them over to
5 the U.S. attorney and the attorney general. And
6 he asked us if we could tell him what we had
7 copied, and we said no. And he asked us when we
8 done this, and we said we -- we couldn't tell him.
9 And that was basically -- and he said, well, I'm
10 going to have to think about this.

11 So, yes, that occurred on Monday, late
12 morning because the documents had already been
13 picked up by the attorney general and U.S.
14 attorney.

15 Q. Okay. Now, what did you do after
16 Monday, the 5th? I know you had a vacation
17 scheduled for June 10 through 18. So what did you
18 do from the time you talked to Mr. Randel till the
19 time you went on vacation? Did you continue to
20 work?

21 A. Well, Tuesday, he called -- Dave Randel
22 called Kerri and I in for a meeting.

23 Q. Tuesday, June 6th?

24 A. Yes, ma'am.

25 Q. Okay.

0444

1 A. And he asked us to meet at the CSO,
2 which is the permanent State Farm office just down
3 the road from the cat office. And he sat down
4 with Kerri and I and he said, you know, I'm glad

5 you brought this to our attention. I have some
6 lawyers I want you to meet with. And we told him
7 that we -- our counsel advised us not to talk to
8 them, but he brought the lawyers in the room
9 anyway. And the lawyers started to question us.
10 And we, again, advised them we were represented by
11 counsel. And they asked who, and we told them.
12 And they said, no, who is your personal counsel,
13 and we said, Dick Scruggs. And they said, this
14 meeting is over.

15 Q. Okay.

16 A. So we all left.

17 Q. Did you go back to work after that
18 meeting?

19 A. I called in sick until my vacation, and
20 then I came back into work June 20th --

21 Q. Okay.

22 A. -- when my vacation was over.

23 Q. And June 20 was your last day of work
24 for State Farm, June 20, 2006?

25 A. I'm remembering 20. It could be 19. It

0445

1 could be 21. I'm remembering right around the
2 20th, yes, that was my last day.

3 Q. So on Monday, June 5th, you went in and
4 you told Dave Randel what had occurred. The next
5 day, there was this meeting that began with some
6 attorneys and Dave Randel and so on. Then you did
7 not return to work. You called in sick and then
8 went on vacation?

9 A. We might have returned that Tuesday
10 after the lawyers' meeting. We returned to work
11 that day.

12 Q. Okay.

13 A. And then I called in sick on Wednesday
14 until my vacation.

15 Q. Okay. And then after your vacation, you
16 went back to -- now, where did you go back, to the
17 Biloxi office?

18 A. Right. We had merged, and my desk was
19 at the Biloxi office. So I came back after my
20 vacation and just went to my desk and started to
21 work. I believe I was there a couple hours.

22 Q. And that is the day that you and
23 Mr. Deganhart -- is that how you pronounce his
24 name?

25 A. Yes.

0446

1 Q. Mr. Deganhart had a discussion?

2 A. Yes.

3 Q. Okay. And was that the last day that
4 you served as an adjuster for State Farm?

5 A. Well, yes. Dave Randel had called Don
6 Goodin with Renfroe and told him that Kerri and I
7 were not allowed back in the building.

8 Q. And do you know when that call occurred?

9 A. I believe it was that day because Don
10 Goodin called me and asked me why we weren't
11 allowed back in the building.

12 Q. Okay. I gather from previous testimony
13 that you were employed as a consultant by the
14 Scruggs Katrina Group effective July 2006?

15 A. Yes.

16 Q. Okay. And you remain so employed today?
17 A. Yes.
18 Q. Okay. There were some media interviews
19 that you talked about previously. And I saw one
20 interview that was referred to was with the
21 Mississippi Sun Herald, I believe, a newspaper.
22 A. Okay.
23 Q. Are you familiar with that?
24 A. I get the Sun Herald.
25 Q. Okay. Do you remember giving them an

0447

1 interview?
2 A. I do, last -- in August of '06.
3 Q. In August of '06?
4 A. I gave them an interview.
5 Q. Okay. And that is the only interview
6 you've ever given to them?
7 A. Yes. That's the only one I remember
8 giving them.
9 Q. Okay. And you also gave an interview to
10 the Associated Press?
11 A. Yes.
12 Q. And do you remember when that was?
13 A. Yes. It was right at the same -- same
14 time as Anita Lee's interview, within a day.
15 Q. I'm sorry?
16 A. Within a day or so of Anita Lee, the Sun
17 Herald interview.
18 Q. Oh, okay.
19 A. I'm sorry.
20 Q. Anita Lee was the reporter?
21 A. Anita Lee was the Sun Herald, yes.
22 Q. Okay.
23 A. It happened three days -- I interviewed
24 with Brian Ross. The next day, I believe Michael
25 with AP, and the next day, Anita with the Sun

0448

1 Herald. It was back to back.
2 Q. Okay. And Brian Ross was the reporter
3 for 20/20?
4 A. Yes, ma'am.
5 Q. Okay. Now, you had testified earlier
6 that you had the Brian Ross interview about 10
7 days before the 20/20 episode aired. And I
8 believe the episode was on August 25th.
9 A. 25th.
10 Q. Right. And so 10 days before would be
11 about August 15th?
12 A. Right.
13 Q. And that's still your recollection, that
14 you would have given the interview about 10 days
15 before the show aired?
16 A. 20/20, I know was about 10 days before
17 the show aired. Now, the AP and the Sun Herald,
18 those might have been -- when I said "back to
19 back," actually a day or two before the show aired
20 instead of being interviewed right behind that. I
21 need to change that. I misspoke.
22 Q. Okay. Any other interviews that you
23 remember?
24 A. There was an interview with Glamour
25 magazine.

0449

1 Q. When was that?
2 A. It came out in the June '07 issue.
3 Q. This year?
4 A. Yes, ma'am.
5 Q. Okay. And was that interview a part of
6 a larger article or was it exclusively on
7 Hurricane Katrina?
8 A. No. It was -- every June, they do a
9 seven female heroes article, and we were one of
10 the seven, or whatever, female heroes they picked.
11 Q. And do you remember about when that
12 interview would have taken place?
13 A. It seems like it was not too far ahead
14 of the article. I think it was April, maybe.
15 Q. April 12?
16 A. April, May, something like that.
17 Q. Are there any other interviews that
18 you've given?
19 A. No, ma'am.
20 Q. Okay. So we have the Mississippi Sun
21 Herald, the Associated Press, Glamour magazine,
22 20/20?
23 A. Yes.
24 Q. Okay. Ms. Rigsby, do you know who
25 arranged the interview with the Mississippi Sun
0450 Herald?
1 A. I believe Dick Scruggs did.
2 Q. Okay. Did he call you or someone from
3 his office call you and say that somebody from the
4 Mississippi Sun Herald's going to be calling? How
5 did that work?
6 A. I don't remember if it was Dick that
7 called or Charlene, but one of the two would have
8 called and let us know that -- asked us if we
9 would have been, you know, available to do that
10 and set that up with us.
11 Q. And Charlene, I'm assuming, is with
12 Mr. Scruggs' office?
13 A. Charlene Bosarge, yes.
14 Q. Okay. And would the procedure have been
15 the same for the Associated Press interview?
16 A. Yes.
17 Q. Mr. Scruggs or someone with his office
18 would have checked with you about giving an
19 interview?
20 A. Yes.
21 Q. Okay. And did you meet with Mr. Scruggs
22 prior to giving either the Sun Herald or the
23 Associated Press interview?
24 A. Well, I've met them a lot before.
0451
1 Q. To specifically -- I'm sorry. To
2 specifically discuss what may come up in the
3 course of the interview with the reporters?
4 A. No. We didn't really have a -- I'm
5 trying to think if we had a prep session on that.
6 No. I think he was just kind of be
7 yourself and -- he's just very charming. You
8 know, be yourself, you're wonderful, be honest
9 with yourself.
10 Q. What about the 20/20 interview, did
11 Mr. Scruggs talk to you about that?

12 A. No. That -- it seemed to have been led
13 by Brian Ross. That was my -- I don't know if
14 they had talked previously, but there was no prep,
15 no getting ready for that. We sat down and he
16 just -- we had no idea what was going to be asked
17 at any of the interviews.

18 Q. Who set it up, though? Did Mr. Scruggs
19 or somebody with his office say that Brian Ross
20 from 20/20 is going to call you?

21 A. They said that Joe Rhee, the producer
22 from 20/20, was going to call us.

23 Q. Okay.

24 A. And Joe Rhee called and set it up.

25 Q. Okay. And that is what occurred?

0452

1 A. That is what occurred.

2 Q. Okay. And you don't remember whether
3 there was a prep session before the 20/20
4 interview?

5 A. No. That was the little pep talk he
6 gave us, the be yourself.

7 Q. Okay. Now, what about the Glamour
8 magazine interview, how did that come about?

9 A. Actually, they contacted my previous
10 attorneys, Greg Hawley and Kitty Brown, and tried
11 to contact me.

12 Q. Okay.

13 A. And Kerri, obviously.

14 Q. Okay. Now, if you would, help me out a
15 little bit here because I'm confused. There's so
16 many attorneys for so many parties. Tell me who
17 has represented you and in what capacity. And by
18 that, I mean, in what case or for what situation.
19 Greg Hawley is a name I've heard a couple times
20 now today.

21 A. Greg Hawley and Kitty Brown used to
22 represent me in the Renfroe case.

23 Q. And that is the Renfroe versus Rigsby
24 case in Alabama?

25 A. In Alabama.

0453

1 Q. Okay. They used to represent you in
2 that case?

3 A. Yes.

4 Q. But no more?

5 A. No more.

6 Q. Okay. So who currently represents you
7 in that case?

8 A. Zuckerman Spaeder.

9 Q. Okay. And then are there any other
10 attorneys that have represented you in the Renfroe
11 litigation?

12 A. Oh, yes. Battle & Winn, is that --

13 MR. TAYLOR:

14 Battle, Fleenor.

15 THE WITNESS:

16 Battle, Fleenor.

17 MS. LIPSEY:

18 Q. Where are they?

19 A. They're located in Birmingham.

20 Q. Okay. Do they still represent you?

21 A. Yes, they do.

22 Q. So you've got, I guess, two sets of

23 lawyers, co-counsel, representing you in the
24 Renfroe Alabama litigation?
25 A. Yes.

0454
1 Q. Okay. Any others?
2 A. No.
3 Q. Okay. Now, you're being represented
4 obviously today in this deposition.
5 A. Yes, I am.
6 Q. Okay. And tell me who you're being
7 represented by. I think I know, but why don't you
8 tell me.
9 A. I think I'm -- Zuckerman Spaeder.
10 Q. Okay. Do you have any other lawyers
11 that are representing you in this litigation for
12 purposes of your deposition? I know you're not a
13 party in this litigation.
14 A. Not that I'm aware of.
15 Q. Okay. Now, what other lawyers do you
16 have?
17 A. My Qui Tam lawyers.
18 Q. Okay. And the Qui Tam, we've talked
19 about that a little bit today, but that is an
20 action that was filed in April of 2007?
21 A. I think it was filed in April of '06.
22 Q. '06?
23 A. '06.
24 Q. Okay. April of '06?
25 A. I believe I'm right, April of '06.

0455
1 Q. Okay. We'll both have to check. Okay.
2 And in that suit, you and your sister are
3 plaintiffs?
4 MR. TAYLOR:
5 Well, she's not a lawyer, so -- we don't
6 want to quibble with you.
7 MS. LIPSEY:
8 Okay.
9 Q. But as far as you know, you are a party
10 in that litigation?
11 A. Yes.
12 Q. Your name is involved somehow in that
13 litigation?
14 A. Yes.
15 Q. Okay. Who are your Qui Tam lawyers?
16 A. Tony DeWitt.
17 Q. Now, where is he from?
18 A. Missouri. And Mary Winters. I have
19 several lawyers up there that I don't know.
20 Q. Okay. Is Mary Winters from Missouri as
21 well?
22 A. Yes.
23 Q. Okay. So she practices with Mr. DeWitt?
24 A. Yes.
25 Q. Okay.

0456
1 A. And then -- Chip would die. I don't
2 remember Chip's last name. Chip is another
3 lawyer.
4 Q. Does Chip practice with Tony and Mary?
5 A. He does.
6 Q. Okay. How did you come to retain Tony,
7 Mary and Chip?

8 A. Dick introduced me to them.
9 Q. Okay. So that introduction was by
10 Mr. Scruggs?
11 A. Mr. Scruggs, yes.
12 Q. Okay. Do you have a retainer agreement
13 with them or any sort of agreement with your Qui
14 Tam lawyers?
15 MR. BACKSTROM:
16 Object to the form, asked and answered.
17 A. Yes. There's an agreement.
18 MS. LIPSEY:
19 Q. A contingency fee agreement?
20 A. Yes.
21 Q. All right. Is this the same contingency
22 fee agreement that we talked about earlier that
23 you entered into in April 2006 with Mr. Scruggs?
24 A. Yes, it is.
25 Q. That's the same agreement?
0457
1 A. Yes. He's one of the lawyers in that as
2 well.
3 Q. Okay. So Mr. Scruggs is also one of
4 your Qui Tam lawyers?
5 A. Yes. That's my understanding.
6 Q. Okay. And Tony DeWitt, Mary Winters and
7 Chip, fill in the blank, all in the same firm?
8 A. Those three are all the same firm. And
9 then Tony said there's another firm that's working
10 with them over there, but I don't know who they
11 are.
12 Q. Okay. So there's another firm?
13 A. That's my understanding.
14 Q. And you think in Missouri or you're not
15 sure?
16 A. I don't think it's in Missouri.
17 Q. Okay. And you don't have any idea who
18 that is?
19 A. I have no idea.
20 Q. Okay. Any other lawyers?
21 A. I don't think so. I think I've covered
22 all my lawyers.
23 Q. Okay. Now, we had talked earlier that
24 you did retain Mr. Scruggs in February to deal
25 with some of the concerns that you and Kerri had.
0458
1 A. Correct.
2 Q. We talked about that?
3 A. Right.
4 Q. Okay. But apart from these four things
5 we've talked about, the retention in February of
6 2006, Mr. Scruggs --
7 A. Right.
8 Q. -- the Renfroe litigation --
9 A. Okay.
10 Q. -- where you had a former law firm, and
11 now you have two other firms representing you?
12 A. I do, yes.
13 Q. We have this McIntosh litigation where,
14 as a witness, you have representation?
15 A. I do.
16 Q. And then we have the Qui Tam matter
17 where Mr. Scruggs is one of your lawyers, Tony
18 DeWitt, Mary Winters, Chip, fill in the blank, and

19 then there's a third firm?

20 A. I think so.

21 Q. Okay.

22 A. I think Tony referred to the -- and it's
23 not just Dick. It's the Scruggs -- not the
24 Katrina Group, I don't believe. I think it's -- I
25 don't know.

0459

1 Q. It's either the Scruggs Law Firm or --

2 A. Yes. It's not just Dick Scruggs. It's
3 the Scruggs Law Firm is what I mean.

4 Q. Okay. That's it?

5 A. That's it. I think that's it.

6 Q. Okay. With respect to the payment of
7 legal fees, I understand that the Qui Tam action
8 is a contingency fee matter. And as I understand
9 contingency fees is that any attorneys' fees would
10 come out of the recovery. So I'm not so much
11 concerned with that. But do you know, apart from
12 that contingency fee, whether there are any legal
13 bills being generated and paid that relate to the
14 Qui Tam matter?

15 A. It's my understanding there are not.

16 Q. There are not any legal bills being
17 generated. And you haven't seen any legal bills
18 that pertain to the Qui Tam?

19 A. No, I have not.

20 Q. Okay.

21 A. It's my understanding that's strictly
22 contingency.

23 Q. Now, what about expenses that might be
24 generated in the Qui Tam matter, you know, like --
25 and when I say "expenses," I mean, travel costs

0460

1 for lawyers, deposition costs, court costs, that
2 sort of thing. Do you know who might be paying
3 those?

4 A. I don't. I mean, we haven't really
5 started anything in the Qui Tam. The discovery's
6 on --

7 Q. But you haven't seen any bills --

8 A. I haven't seen anything.

9 Q. -- for expenses?

10 A. No, I have not.

11 Q. Now, you referred to earlier today that
12 there had been bills, I think, generated in this
13 matter, in the McIntosh matter, for your
14 representation that you didn't open, that Kerri
15 opened them. Is that the McIntosh matter that you
16 were referring to?

17 A. I was -- I was just referring -- no. I
18 was actually referring to the Renfroe matter.

19 Q. Okay. So in the Renfroe matter, we
20 talked earlier about bills being generated, that
21 you really didn't look at them. Kerri looked at
22 them. But you knew that those bills were not
23 being paid by you, but were being paid by either
24 Mr. Scruggs or the Scruggs Katrina Group?

25 A. Scruggs Katrina Group is my

0461

1 understanding, yes.

2 Q. Okay. So you've never paid any legal
3 bills pertaining to your representation in the

4 Renfroe matter?
5 A. That is correct.
6 Q. No matter who the law firm is?
7 A. That is correct.
8 Q. Okay. And McIntosh, you're being
9 represented for purposes of your deposition in the
10 McIntosh matter. Are you paying any legal bills
11 generated as a result of that representation?
12 A. Not to my knowledge.
13 Q. Okay. Do you know if there are any
14 legal bills that have been generated?
15 A. For McIntosh?
16 Q. Right, for McIntosh.
17 A. I don't know --
18 Q. You just don't know?
19 A. -- about McIntosh. I mean, I've been a
20 witness twice in this case. I just don't know the
21 answer to that.
22 Q. But you do know that you haven't paid
23 for any representation --
24 A. I do know that.
25 Q. -- in connection with giving your
0462
1 deposi ti on?
2 A. Yes, ma'am.
3 Q. Okay. And do you know if your sister,
4 Kerri, has paid for any representation having to
5 do with giving depositions in the McIntosh case?
6 A. I don't believe so, but you'd have to
7 confirm with her.
8 Q. Okay. We've talked about the Qui Tam
9 matter. The original representation by
10 Mr. Scruggs or possibly the Scruggs Katrina Group
11 in February 2006, when you said you retained
12 Mr. Scruggs, have you paid any bills with respect
13 to that representation?
14 A. No.
15 Q. Okay. Do you know if anybody has paid
16 any bills with respect to that representation?
17 A. I do not.
18 Q. Okay. All right. Back to my time line.
19 I digressed.
20 VIDEO TECHNICIAN:
21 Off record at 2:50 p.m.
22 (Off the record.)
23 VIDEO TECHNICIAN:
24 On record at 3:07 p.m.
25 MS. LIPSEY:
0463
1 Q. All right. Ms. Rigsby, with respect to
2 the interviews we were talking about earlier, you
3 had indicated that you gave three interviews in
4 August of 2006, and then there was the Glamour
5 interview that occurred in April or May of 2007?
6 A. That's correct.
7 Q. Did you talk with the Mississippi
8 Attorney General or the U.S. attorney folks that
9 you were dealing with before giving the interviews
10 in August of 2006?
11 MR. TAYLOR:
12 You mean about the interviews?
13 MS. LIPSEY:
14 Yes.

15 A. About the interviews?
16 MS. LIPSEY:
17 Q. Yeah. The fact that you were going to
18 give the interviews.
19 A. No. I don't think we did. I don't
20 believe -- I did not. I did not.
21 Q. Okay. So as far as you know, neither
22 the Mississippi Attorney General nor the U.S.
23 attorney knew that you were giving the interviews?
24 A. I don't know if they knew or not. I did
25 not tell them.

0464
1 Q. Okay. In the course of these interviews
2 that occurred in August with the Mississippi Sun
3 Herald, the Associated Press and 20/20, did you
4 tell them that you were aware that investigations
5 were being conducted, or you thought that
6 investigations were being conducted by the U.S.
7 attorney and the Mississippi Attorney General?
8 A. I think I -- I remember saying that I
9 don't remember if I told them in context we
10 reported that to Dave Randel or that we had talked
11 to him, but I knew at that time investigations
12 were going on, yes.
13 Q. Did you tell the interviewers that --
14 A. If they asked, I did. I don't remember
15 the -- I haven't seen the 20/20 since the day it
16 aired.
17 Q. Okay. And you just don't remember
18 whether you told either Mississippi Sun Herald,
19 Associated Press or 20/20 that there were
20 investigations, or at least you thought there were
21 investigations ongoing?
22 A. I just don't recall. If they asked, I'm
23 sure I did. I don't recall.
24 Q. Okay. Ms. Rigsby, why, if you know, did
25 these interviews occur in August of 2006?

0465
1 A. I don't know why about the timing, what
2 was significant about the timing.
3 Q. So you did not necessarily pick August
4 of 2006 to start giving interviews; it wasn't a
5 decision on your part?
6 A. That's correct.
7 Q. So this was a decision that was -- or
8 something that was driven by the people that
9 wanted to obtain your interviews?
10 A. I can't speculate where it was driven
11 from.
12 Q. Okay. But I think you did say earlier
13 that Mr. Scruggs was a contact person on these
14 interviews?
15 A. I don't know if he contacted them or
16 they contacted him, yes.
17 Q. Okay. With respect to the attorneys'
18 fees that we talked about earlier, there being
19 paid by someone other than yourself, did you
20 declare the payment of those attorney fees as
21 income on your 2006 tax return?
22 A. I haven't filed my 2006 tax return. I'm
23 late, I know.
24 Q. Well, I think you should have by October
25 --

0466

1 A. I know. I'm late every year.
2 Q. Okay. That must be the extension of all
3 extensions, huh?
4 A. Yes.
5 Q. Okay. And do you plan on such a
6 declarati on for 2006?
7 A. I don't -- I don't do my own taxes. I
8 guess I will just talk to my accountant like I
9 always do and she will tell me what to do.
10 Q. So you just don't know yet?
11 A. I don't know, yes.
12 Q. Okay. Back to our time line. We've
13 established that the 20/20 episode aired on
14 August 24th. Also, I gathered from reading
15 previous depositions that you called Jana Renfroe
16 prior to August 24, 2006?
17 A. I believe it was the 25th. But, yes, I
18 called Jana. I think the interview aired on a
19 Friday, and I believe I called her earlier that
20 week. I could be a few days off.
21 Q. All right. Now, we'll talk a little bit
22 more about this later, but until you placed that
23 call, you hadn't talked with either Jana Renfroe
24 or Gene Renfroe about any of your concerns or your
25 cooperation with the U.S. attorney or the

0467

1 Missi ssi ppi AG or the Scruggs Katrina Group? You
2 hadn't had any of those discussions with the
3 Renfroes?
4 A. No. I had been advised not to talk to
5 anybody. Well, actually, it started when I told
6 Dave Randel what we had done. He had explicitly
7 asked that we not talk to Renfroe or anybody about
8 it as well, so --
9 Q. When you talked to Dave Randel on
10 Monday, June 5, 2006?
11 A. Yes. He asked us not to mention it as
12 well.
13 Q. Okay.
14 A. So, no, we had not mentioned it.
15 Q. But you did attempt to call Jana Renfroe
16 perhaps a week before the 20/20 episode --
17 A. Was going to air, yes.
18 Q. -- was going to air? And what was the
19 substance of that conversation?
20 A. It was very brief. I think I might have
21 called her on her cell phone. I was trying to get
22 her or Gene. I think I probably caught her off
23 guard. I knew that I hadn't been able to tell
24 them what was going on and I knew everybody was
25 about to know. And I called her to ask her if she

0468

1 had anything, you know, that she wanted to
2 discuss. I was just going to kind of discuss the
3 si tuati on with her so she wasn't taken by surprise
4 when 20/20 came on the air, kind of explain to her
5 what the si tuati on was.
6 Q. But did you have an opportuni ty to get
7 into a very i nvolved di scussi on?
8 A. She said she wasn't prepared to talk
9 right now. And actually I was going against
10 everybody's wishes by calling her. And she said

11 she would call me back.

12 And I got a message from Gene Renfroe
13 calling me wanting me to come up to Birmingham and
14 meet with a group of them. Well, I was simply
15 unwilling to do that. I was already kind of
16 breaking the rules calling her to let her know as
17 a courtesy. I certainly wasn't going to drive up
18 to Birmingham and sit around with I don't know
19 whom and tell the story. So, yes, we didn't get
20 to continue the conversation.

21 Q. This call from Mr. Renfroe occurred
22 before 20/20 aired?

23 A. It was a voicemail. I never spoke to
24 him. I think it did.

25 Q. Okay.

0469

1 A. I never called back. I didn't know.
2 Like I said, I was not supposed to call. I was
3 told not to. All the attorney general people were
4 talking about listening devices and all this
5 stuff, and I wasn't prepared to have a
6 conversation that I had not started over the phone
7 with somebody.

8 Q. Okay. With respect to you had just said
9 that you weren't prepared to have a conversation
10 that you hadn't initiated because you had been
11 given some advice by the Mississippi Attorney
12 General, and what was that about?

13 A. No. I guess I didn't make myself clear.
14 Yes, when this whole thing started, investigators
15 from the attorney general's office, they were very
16 cautious. I don't know if they were ex-police
17 officers, but I was always getting warnings, you
18 know, cars following you, extra security at the
19 house, you know, don't go anywhere alone. So they
20 were giving me all sorts of warnings, watch for
21 the house being bugged, this type of thing.

22 So based on previous warnings I was
23 getting, when Gene Renfroe called me, I was not
24 prepared to answer the phone and have a
25 conversation with him because I didn't know if I

0470

1 was being tape recorded or what. I was willing to
2 talk to Jana when I called her directly on the
3 cell phone.

4 Q. Right.

5 A. So I did not return Gene's call and I
6 did not go up there and meet with them.

7 Q. So based on some of the warnings you had
8 given by some of the law enforcement folks, you
9 thought it was possible that call would be
10 recorded --

11 A. Right.

12 Q. -- and you didn't want to have that
13 conversation under those circumstances?

14 A. Yes.

15 Q. Did you ever have an occasion where you
16 had a conversation with Gene or Jana Renfroe or
17 anybody else affiliated with Renfroe where you
18 thought that the conversation was being recorded?

19 A. No.

20 Q. Okay. So apart from these warnings from
21 the law enforcement folks, you didn't have any

22 reason to believe that a conversation would be
23 recorded by Gene Renfroe?

24 A. Well, we had never run into this
25 situation before either.

0471

1 Q. But then, of course, Mr. Renfroe really
2 didn't know what the situation was, did he, in
3 August 2006?

4 MR. BACKSTROM:

5 Objecti on, specul ati on.

6 A. I guess. I guess he didn't.

7 MS. LIPSEY:

8 Q. You hadn't had any conversations with
9 Mr. Renfroe about --

10 A. I had not had any conversati on wi th
11 Renfroe. I had spoken with Don Goodwin on several
12 occasions and I explained to him that my attorneys
13 had advised that I not discuss the matter. Of
14 course, at that point -- this was a couple months
15 after I left State Farm. I did not know what
16 State Farm and Renfroe had discussed, so I didn't
17 know what they knew or didn't know.

18 Q. And you left State Farm in June of 2005?

19 A. '06.

20 Q. '06, okay. Let me just go ahead and ask
21 you this now: You said that you thought that you
22 had caught Jana Renfroe off guard. You called her
23 on her cell and she said that she wasn't prepared
24 to have the discussi on. Did she give you any more
25 information than that as to why she couldn't have

0472

1 a long discussi on with you at that particul ar
2 time?

3 A. All I remember was I think she just said
4 I'm not prepared to discuss this now, something
5 along --

6 Q. So you don't know --

7 A. I'm kind of paraphrasing. That's not
8 exactly. But it was, I'm not going to have this
9 conversati on right now. I don't know if she was
10 busy or -- but she said she wasn't prepared to
11 have the conversati on right then.

12 Q. So you don't know whether she was in her
13 front yard, for example, or --

14 A. I have no idea where she was.

15 Q. Okay. Now, I'm just going to fast
16 forward a little bit for purposes of our time
17 line. We talked some about the Renfroe versus
18 Rigsby litigation, and there was a hearing, a
19 preliminary injuncti on hearing, and there was an
20 injuncti on issued in that case. And I think
21 you're aware of that?

22 A. Yes.

23 Q. All right. And that would have occurred
24 in December of 2006?

25 A. Of '06, yes.

0473

1 Q. December 8?

2 A. Eight.

3 Q. Of 2006. Okay. So you are familiar
4 with that date. And then there was a contempt
5 hearing that occurred that related to that same
6 injuncti on, and that occurred in March of 2007.

7 A. Okay.
8 Q. Do you remember that?
9 A. I don't remember the date, but I
10 remember the hearing.
11 Q. Okay.
12 A. Was that the hearing I testified at?
13 Q. I believe that's correct.
14 A. Then I remember that.
15 Q. Okay. And you think that's around March
16 of 2007?
17 A. I thought it was January, but it could
18 be March.
19 Q. Well, you may be right. I don't know.
20 A. I don't know.
21 Q. Okay. And the Qui Tam suit, we had
22 talked a little bit earlier about when that was
23 filed. And you said that you thought it was April
24 of 2006?
25 A. '06.
0474
1 Q. And you think that's the case rather
2 than April of 2007?
3 A. Yes.
4 Q. Okay. I just want to talk briefly about
5 a couple of these things, and then we'll come back
6 to them. You've already testified that you were
7 employed by Renfroe in 1998 as an adjuster?
8 A. Yes.
9 Q. Specifically adjusting in catastrophe
10 situations, like hurricanes, tornados, wind
11 storms, that sort of thing?
12 A. That's correct, yes.
13 Q. And this document has already been
14 marked as an exhibit, but just for ease -- and the
15 marking is from another lawsuit. I believe this
16 Employment Agreement was Exhibit 3 to the first
17 part of your deposition.
18 A. The first McIntosh?
19 Q. Yes, the McIntosh deposition. And that
20 exhibit number that you see on there is from
21 another matter.
22 A. Okay.
23 Q. But I just wanted you to take a look at
24 this and identify your signature on it, the
25 Employment Agreement, November 16, 2004.
0475
1 A. Okay. The front page says August 13th.
2 I've never noticed that.
3 Q. You know why I think that is, I think
4 that you -- if you turn to the last page, it looks
5 like you executed it on August 13, 2004.
6 A. I got you.
7 Q. And that Gene Renfroe signed it
8 November 16, 2004.
9 A. Okay. That's exactly right.
10 Q. Okay. And this would be the last
11 Employment Agreement that you had with Renfroe,
12 right?
13 A. That's what I believe, yes.
14 Q. Okay. And you can hang on to that.
15 We'll come back to this in a second.
16 And, again, that's already attached to
17 your deposition as Exhibit 3. And then attached

18 as Exhibit 2, notwithstanding the exhibit sticker
19 on there --

20 A. Okay.

21 Q. -- is the Code of Conduct, the Renfroe
22 Code of Conduct. And you're familiar with that
23 document?

24 A. I am.

25 Q. Because I believe you identified it

0476

1 earlier in your deposition. And turning to the
2 last page, I know you've already identified that
3 as your signature.

4 A. It is.

5 Q. And the date, October 4, 2004. And this
6 would have been the Code of Conduct that would
7 have been in effect at the time of Katrina and
8 immediately after Katrina, as far as you know?

9 A. Yes. It's the last one I signed.

10 Q. That's the last one you signed. That's
11 a better way of saying it.

12 With respect to the Employment
13 Agreement, there has been some previous discussion
14 about confidential information and obligations
15 that you had under your Renfroe Employment
16 Agreement. And I believe maybe there was some
17 obligations you had with State Farm as well with
18 respect to confidentiality.

19 A. Okay.

20 Q. And you did understand that under the
21 Employment Agreement, that you did have an
22 obligation to protect Renfroe's confidential
23 information as well as its clients and their
24 customers' records as well; is that not correct?

25 A. Yes.

0477

1 Q. Okay.

2 A. I believe it said somewhere I had an
3 undivided loyalty to Renfroe, the client and the
4 policyholder.

5 Q. Yes. And we may as well go ahead and go
6 to there in the Code of Conduct. You're exactly
7 right, in the first paragraph, it states that,
8 that Renfroe expects employees to conduct the
9 business of Renfroe in an ethical and legal manner
10 and to recognize that in all their transactions
11 and at all times, they have a duty of undivided
12 loyalty to Renfroe, our clients and their
13 customers. And you understood that requirement in
14 the Code of Conduct?

15 MR. TAYLOR:

16 Object ion.

17 MS. LIPSEY:

18 Q. I believe you can answer it. You
19 understood what that meant?

20 A. Yes.

21 MR. TAYLOR:

22 Well, go ahead. You can answer the
23 question.

24 THE WITNESS:

25 Well, I think it's kind of ambiguous.

0478

1 It's undivided loyalty between three entities, and
2 I picked the policyholder.

3 MS. LIPSEY:
4 Q. So you're saying that your
5 interpretation is that you could pick one of the
6 three and that it was not necessarily a combined
7 or an undivided loyalty that the employee owed to
8 Renfroe, Renfroe's clients and the customers of
9 those clients?
10 MR. TAYLOR:
11 Objection on the grounds that there is a
12 legal dispute in the Renfroe case, as you know,
13 about what this language means. And whether or
14 not Renfroe violated that will be decided by a
15 judge or jury. If you're asking her her view
16 about it, you're entitled to do that. But we're
17 objecting on the grounds that she's not a lawyer.
18 MS. LIPSEY:
19 And I'm certainly not asking for any
20 sort of legal conclusion. What prompted my
21 question was Ms. Rigsby saying that she picked the
22 policyholder. And that suggested to me that she
23 had one view of the language that maybe other
24 folks don't have the same view of.
25 MR. TAYLOR:

0479

1 They might.
2 MS. LIPSEY:
3 Q. So, Ms. Rigsby, what is your view of the
4 language?
5 A. Well, I don't -- it says that you have
6 an undivided loyalty between three entities.
7 Q. And so what did you take that to mean?
8 A. Well --
9 MR. BACKSTROM:
10 Objection, asked and answered. You can
11 answer.
12 THE WITNESS:
13 In hindsight, it just -- in this
14 situation, it was impossible to have an undivided
15 loyalty between these three entities.
16 MS. LIPSEY:
17 Q. At the time you signed this agreement,
18 what was your view?
19 A. At the time I signed this agreement, I
20 wasn't -- it never occurred to me that I would
21 have uncovered criminal or fraudulent activity.
22 So I didn't put it in that context when I
23 originally signed the agreement.
24 Q. So at the time you signed the agreement,
25 you did have an appreciation that undivided

0480

1 loyalty was to, as I think you said, the three
2 entities, to Renfroe, Renfroe's clients and the
3 customers of the clients?
4 A. Right, yes, when I originally signed it,
5 absolutely.
6 Q. Okay. And then your view changed
7 somewhere along the way?
8 A. Well, I never signed an agreement to
9 cover up fraud.
10 Q. Along those lines, let me go down to the
11 third paragraph. And we will talk about this a
12 little bit more, but you do see the language --
13 A. Are we on the code or the employment?

14 Q. We're on the code.
15 A. And tell me, again. The third
16 paragraph?
17 Q. The third paragraph, the third sentence,
18 If you have questions about a particular situation
19 or believe others are not adhering to the code,
20 the law or policies, contact Gene or Jana Renfroe.
21 A. Yes.
22 Q. And you had used the word, I think, a
23 fraud or something along those lines. And so
24 wouldn't you believe that if you suspected a
25 fraud, that would be one of those situations where

0481
1 you would have a question and would need to
2 contact Gene or Jana Renfroe, right?
3 A. I think at some situations, it would be
4 appropriate to contact Gene or Jana. But in this
5 situation, we viewed Gene or Jana Renfroe as an
6 extension of State Farm.
7 Q. Okay. But nonetheless, the code does
8 tell the employee that if there's a question about
9 a particular situation or belief that others are
10 not adhering to the code, the law or policies,
11 that Gene or Jana Renfroe should be contacted?

12 A. It does say that.
13 Q. Okay. And it goes on to say, Each of us
14 must be willing to raise ethical and legal
15 concerns and no one will be penalized for
16 reporting in good faith a suspected violation or
17 questioning of company practice.
18 So that would certainly suggest that if
19 one suspected a fraud, that one was supposed to
20 act on that.

21 A. And I did act on it, but I didn't report
22 it to Gene or Jana because we felt like they were
23 an extension of State Farm.

24 Q. Why did you -- or why have you used the
25 word you didn't act on it because you viewed Gene
0482
1 and Jana Renfroe as being an extension of State
2 Farm? What does that mean?

3 A. Well, I know they're two separate
4 entities, but their primary income comes from
5 State Farm. And, you know, I've never seen the
6 numbers or anything. I would venture to guess,
7 though, over 80 percent of their income is from
8 State Farm Insurance.

9 And I know of cases in the past with
10 previous adjusters who have gone up against State
11 Farm, Renfroe has done an investigation, found the
12 adjuster innocent of wrongdoing and still allowed
13 State Farm to remove that adjuster from a
14 particular storm. They're not going to stand up
15 to State Farm. They haven't in the past.

16 Q. I have a couple of questions. You used
17 the -- 80 percent, where do you get that
18 80 percent from?

19 A. I said I'm speculating.
20 Q. And why would you pick that number?
21 A. Because based on the seven or eight
22 years that I've been there, I've worked more than
23 that percentage with State Farm instead of with
24 Nationwide and USAA. And so since I worked more

25 than 80 percent with State Farm, I'm assuming that
0483

1 more than 80 of their -- 80 percent of their
2 business is with State Farm.

3 Q. So that's just supposition on your part?

4 A. That's supposition on my part. I have
5 no -- nothing to back that up.

6 Q. And, again, we're going to get to this a
7 little bit more in detail, but I can't leave it
8 alone. You said that you -- I'm not going to get
9 your words exactly right, but that you -- you just
10 did not believe that Renfroe would be able to
11 stand up to State Farm; is that the term you used?

12 A. Yes.

13 Q. Is there anything that Gene or Jana
14 Renfroe or anyone associated with Renfroe ever did
15 that would suggest to you that they would not
16 stand up to State Farm?

17 A. Yes.

18 Q. And what is that?

19 A. Well, first of all, there's an agreement
20 that State Farm renews them. And State Farm has
21 just dropped Crawford a few years ago, so it's not
22 a shoe-in that they're going to have a contract
23 with State Farm.

24 There was an adjuster that was accused
25 of stealing in a policyholder's home, Rich

0484
1 Jel tema.

2 Q. Now, wait. This adjuster was with whom?

3 A. Renfroe.

4 Q. Okay. And what's his name again?

5 A. Rich Jel tema. And the policyholder
6 accused him of stealing money, and State Farm
7 terminated him. And Jana said that they
8 investigated the allegations, and they determined
9 that Rich Jel tema was innocent. However, they
10 didn't go to bat for him and let him go back to
11 that storm. He just -- they found him innocent,
12 yet he was still fired from the storm. So that
13 doesn't sound to me like they would stand up to
14 State Farm. They want to not rock the boat with
15 them.

16 Q. Now, let me ask you a couple of
17 questions. He was fired from the storm. What
18 storm was he fired from?

19 A. I'm not sure.

20 Q. Do you remember about when this was?

21 A. I'm sure Jana can tell you.

22 Q. Was he -- did Renfroe fire him?

23 A. State Farm did.

24 Q. Okay. But Renfroe didn't fire him?

25 A. No. State Farm fired him. Renfroe did

0485
1 an investigation.

2 Q. Okay.

3 A. They determined he was not guilty of
4 stealing. Renfroe continued to work Rich Jel tema.

5 Q. Okay. So Renfroe continued to work him?

6 A. Yes, absolutely. But they did not stand
7 up to State Farm. State Farm fired him from that
8 site.

9 Q. Well, not to digress too much, but State

10 Farm is the customer, and I don't guess they have
11 to have everybody that Renfroe sends to them,
12 right?

13 A. Well, you were asking me did they ever
14 do anything that makes me believe they wouldn't
15 stand up to State Farm, and they didn't in this
16 case. The adjuster, they said, according to their
17 investigation, was found innocent, yet they let
18 State Farm fire him from that storm.

19 Q. Okay. You said that "they," suggesting
20 that Renfroe let State Farm fire him. I mean,
21 there's really no issue of let. I mean, State
22 Farm can say, we don't want you working the storm,
23 right?

24 MR. TAYLOR:
25 Objecti on. Thi s i s becomi ng

0486

1 argumentative now.

2 MS. LIPSEY:

3 Well, I don't believe it's
4 argumentative.

5 Q. Let me ask it this way: They let State
6 Farm fire him; how is it that Renfroe could
7 prevent State Farm from saying who can or can't
8 work a storm?

9 A. Then how is it that Renfroe could
10 question State Farm's fraudulent activity if they
11 can't question who can and can't work the storm?
12 That's my point. They don't have any power to do
13 anything about it.

14 Q. Renfroe, as I understand it, has an
15 agreement with State Farm that they'll provide
16 adjusters. And there are, I'm certain,
17 obligations, and State Farm is a customer?

18 A. That's correct.

19 Q. And it would seem that State Farm could
20 say, we're not satisfied with a particular
21 adjuster?

22 A. They can. That's absolutely true.

23 Q. And when that occurs, State Farm can
24 say, we don't want that adjuster working a storm?

25 A. Absolutel y. Absolutel y.

0487

1 Q. Okay. In this situation with

2 Mr. Jel tema --

3 A. Yes.

4 Q. -- State Farm said they didn't want him
5 working whatever storm it was, but Renfroe did not
6 fire him?

7 A. In this situation, he was accused of
8 stealing. State Farm fired him. Renfroe came
9 down and investigated. Renfroe determined he was
10 not guilty, but he was still fired. That's my
11 example.

12 Q. Is it your opinion that Renfroe could
13 force State Farm to allow Mr. Jel tema to work the
14 storm?

15 A. No. My opinion is that Renfroe has no
16 influence at all with State Farm. And they're not
17 entitled to do an investigation, that going to
18 Renfroe with this information would have done no
19 good because they don't have any clout or power
20 with State Farm.

21 Q. Is there anything else, other than this
22 Mr. Jeltema example, that would suggest to you
23 that Renfroe was powerless with respect to State
24 Farm?

25 A. I mean, there were other little
0488 1 examples. I don't -- do you want to get into all
2 of them?

3 Q. Well, I mean, if you remember them,
4 yeah.

5 A. There was another adjuster -- and I'm
6 more vague on this one. The Rich Jeltema story
7 was told to me by Rich Jeltema, so it was a
8 firsthand story. The other story I heard was
9 secondhand. And it was a story about an adjuster
10 who, again, got fired from a job site at State
11 Farm based on an accusation from the roofing
12 contractor.

13 And apparently he rode up to Birmingham
14 to talk to Gene Renfroe about what he believed was
15 wrongful termination and he wanted to actually sue
16 State Farm. And, again, I'm getting this
17 secondhand. And that Gene convinced him he would
18 still find work for him if he didn't sue State
19 Farm. That was his biggest fear, just don't rock
20 the boat, don't sue State Farm.

21 So these two situations have made me
22 believe that Renfroe doesn't want to go up and
23 challenge State Farm.

24 Q. And do you know who the adjuster was?

25 A. Kelvin Carter.

0489 1 Q. Kelvin?

2 A. Kelvin Carter.

3 Q. That's K-e-l-v-i-n?

4 A. Yes.

5 Q. And who did you hear this from?

6 A. My ex-husband.

7 Q. That's Paul Moran?

8 A. That's correct.

9 Q. Okay. Are there any other examples?

10 A. No.

11 Q. Ms. Rigsby, if you need to look at the
12 Code of Conduct, it's in front of you. Is there
13 anything in this Code of Conduct that qualifies
14 when you should go to Gene or Jana Renfroe, that
15 is, if you think that they're powerless, you don't
16 have to go talk to them?

17 A. No.

18 MR. TAYLOR:

19 Objection. The document speaks for
20 itself. That's argumentative, Counselor.

21 MS. LIPSEY:

22 Q. Ms. Rigsby, you had testified earlier
23 that immediately prior to Katrina, I believe you
24 were working in Florida?

25 A. That's correct.

0490 1 Q. You were working on another storm, I
2 think?

3 A. Yes.

4 Q. And at some point, you came home to
5 batten down the hatches, I think?

6 A. Yes.
7 Q. Went back to Florida?
8 A. Yes, ma'am.
9 Q. And then you were called to work
10 Hurricane Katrina?
11 A. Yes.
12 Q. And you said that initially you started
13 out in Ocean Springs at Renfroe's office there?
14 A. That's where I remember starting out,
15 yes, ma'am.
16 Q. Okay. And how were things organized
17 when you got there, or what was the plan for
18 organization? And what I mean by that is where
19 you were ultimately going to go, how it was
20 decided you were going to go to the Gulfport
21 office, for example, and who you were going to
22 work with there?
23 A. I don't know who made those plans. I'm
24 assuming Joe LaFontaine assigned us because we
25 were all working out of the same office. And then
0491
1 we came in one day -- and it could have been -- I
2 know that State Farm was having a hard time
3 finding a location, and that might have been why
4 they split the offices, just for size.
5 We came in one day, and Joe just told me
6 that A, B and C will be going to Gulfport and the
7 rest will be reporting to Biloxi.
8 Q. Okay. And Joe LaFontaine is a Renfroe
9 employee?
10 A. He was the Renfroe lead manager, I
11 guess. He was over all the Renfroe managers of
12 that storm.
13 Q. Okay. And so Mr. LaFontaine made the
14 assignment?
15 A. He related to me. I don't know who made
16 -- he relayed to me that I would be going there.
17 Q. Okay. How many folks were assigned --
18 how many Renfroe adjusters were assigned to the
19 Gulfport office?
20 A. I don't remember the total.
21 Q. Okay. And we talked earlier about the
22 Gulfport office being the flood office and the
23 combination flood/wind office?
24 A. It was referred -- Gulfport was referred
25 to as the flood office, and Biloxi was referred to
0492
1 as the wind office, yes.
2 Q. Okay. Was one office larger than the
3 other? I mean, were there more adjusters in
4 Gulfport than in Biloxi or vice-versa?
5 A. I don't know the answer to that. I
6 never really went to the Biloxi office until the
7 two combined.
8 Q. Okay. Do you have any idea how many
9 people were working out of the Gulfport office?
10 A. At one time, I probably knew that. But,
11 no, I don't have a recollection right now. It was
12 a large office. It was an old shopping center,
13 and the State Farm staff and support staff were in
14 a big building. And we had six or seven portable
15 trailer units outside for independent firms and
16 training rooms. So it was a nice size group of

17 peopl e.

18 Q. We've used the term "office," but I
19 guess really it was multiple trailers; is that
20 what we're talking about?

21 A. Over in Gulfport, the -- everyone was in
22 a trailer to begin with because the main
23 building's roof was leaking. Then the State Farm
24 staff was moved into the main building, and the
25 independent staff and some of the trainers and

0493

1 maybe the lunch room stayed out into the portable
2 trailers, yes. So Renfroe had -- we had our own
3 trailer that management reported to every day and
4 the adjusters had workspace in.

5 Q. Okay. And I gather from what you're
6 saying that Renfroe was not the only firm that was
7 providing adjusters to State Farm?

8 A. That's correct.

9 Q. What other companies were provi ding
10 adjusters?

11 A. In our office, Pilot and Renfroe were
12 the -- and I think Worley might have had three or
13 four in the Gulfport office, but it was mostly
14 Pilot and Renfroe.

15 Q. Okay. And do you know about how many
16 Renfroe adjusters were there?

17 A. It seems like we had about -- I would
18 say at least 60, but I -- at one time, but I'm
19 just not sure anymore. I used to have the roster
20 in my head, but it's been a couple years now.

21 Q. And what about Pilot?

22 A. It seems like Pilot had at least an
23 equal number as we did.

24 Q. And about how many State Farm staff
25 members were there?

0494

1 A. They had -- they had kind of site
2 promoted a lot of the State Farm claims adjusters
3 to trainers, so they weren't carrying a file load.
4 So I have no idea how many of them were running
5 claims and how many of them were acting as
6 trainers. I really don't know the answer to that.

7 Q. But the State Farm people were in a
8 separate building?

9 A. Right. They were in a separate
10 building. We were in the -- across the parking
11 lot in the trailers.

12 Q. Okay. And Renfroe had a trailer that
13 its adjusters worked out of?

14 A. Yes.

15 Q. And Pilot had a trailer?

16 A. Pilot had a trailer.

17 Q. And Worley had a trailer?

18 A. I don't even know if Worley -- I think
19 Worley's trailer -- he might have. I'm not sure.
20 There was only about three or four Worley guys.
21 They might have -- it seems like they sat in there
22 with us sometimes or with Pilot or they could have
23 had their own. I don't recall.

24 Q. Who were your supervisors? And let me
25 ask you this first: Did your supervisors at

0495

1 Renfroe vary or did it change from -- were they

2 the same across the board or it just depended on
3 the storm? You may be supervised by one person in
4 one storm and supervised by another person in
5 another storm? How did that work?

6 A. It did vary by storm.

7 Q. Okay. And so who were you supervised by
8 in Katrina?

9 A. I was considered a manager as well as
10 Kerri at Katrina. And Joe LaFontaine was --
11 supervised Kerri and I and all the rest of the
12 managers.

13 Q. Okay. So if we're going sort of up the
14 ladder, Cori and Kerri, y'all were managers, then
15 Joe LaFontaine, and then who in terms of --

16 A. Don Goodin.

17 Q. Okay. And what was Don Goodin's
18 position?

19 A. I don't know his official title, if it's
20 like director of personnel. He's just kind of --
21 he's the boss of everything under Gene and Jana.

22 Q. Okay.

23 A. He gets to hear all the day-to-day
24 problems, I guess.

25 Q. And who was below you?

0496
1 A. It was more -- there were more managers
2 than just Kerri and I.

3 Q. Okay.

4 A. I can't list them all.

5 Q. Okay.

6 A. But there were five or six managers.
7 And then the adjusters were below us.

8 Q. Okay. And did you have certain
9 adjusters that were assigned to you?

10 A. We each had a team.

11 Q. Okay. And who was on your team?

12 A. I can remember a few, but I can't
13 remember them all anymore.

14 Q. And who do you remember?

15 A. I think I had Tammy Hardison, Bob
16 Beecher.

17 Q. Bob?

18 A. Beecher, Tim Williams, Denny Sykes. A
19 lot of these guys, I had never -- this was the
20 first time I had met them, at this storm. And
21 some of them left early. I'd really have to see a
22 roster to be able to help you out with that.

23 Q. Okay. Had you worked with Tammy before?

24 A. I have known Tammy personally, but I
25 don't think that we -- she trained with us at a

0497
1 storm in North Carolina. My sister, Kerri,
2 trained Tammy Hardison in North Carolina. But I
3 think that was the first storm that she was
4 actually an adjuster that we worked together.

5 Q. Okay. What about Bob Beecher, did you
6 say?

7 A. I think it was Beecher. Brett Beecher,
8 maybe. No, I never worked with him before.

9 Q. Okay. Tim Williams?

10 A. I had -- I didn't know him before. I
11 had seen him, but I didn't know. I didn't know
12 anybody on my team but Tammy.

13 Q. Oh, okay. You didn't know anybody?
14 A. I don't remember knowing anybody on my
15 team.
16 Q. Okay. Before you started working with
17 them in Katrina?
18 A. Yes.
19 Q. Okay.
20 A. If I saw the list, I might be wrong.
21 But right now, I don't remember anybody but Tammy.
22 Q. And I'm assuming that Kerri had her own
23 team?
24 A. Kerri had her own team.
25 Q. Okay. I gather from previous testimony

0498

1 that Cody Perry, who was one of the adjusters
2 involved in the McIntosh claim, was on Kerri's
3 team?
4 A. Yes. I believe Cody was on Kerri's
5 team, yes.
6 Q. Had you ever worked with Cody before?
7 A. No. I had never met Cody before.
8 Q. So you never met him at all?
9 A. Never met Cody Perry before.
10 Q. Okay. I know that you worked with State
11 Farm employees as well?
12 A. Yes.
13 Q. Who did you work with in Katrina? Who
14 would you have worked with that was a State Farm
15 employee?
16 A. With?
17 Q. Uh-huh.
18 A. Or for?
19 Q. Or for, I guess, is more accurate. And
20 I'm glad you brought that up. You were working
21 for certain State Farm employees?
22 A. Exactly. The way the State Farm
23 management was set up, there was a team manager
24 over each team. And the way we were organized,
25 the claims adjusters on my team, maybe three of

0499

1 them were under one manager with State Farm. So I
2 worked with three or four State Farm team managers
3 who were over my guys.
4 Q. Okay.
5 A. And then Rick Moore and Lecky King, who
6 were the co-cat coordinators, and then Dave Randel
7 was their supervisor.
8 Q. Okay. So let me get this straight. You
9 worked with three or four State Farm team
10 managers?
11 A. Yes.
12 Q. Who would those have been?
13 A. Gary Clatterbuck. They changed because
14 they would come in and out. Steve Burke, Gary
15 Clatterbuck, Ryan Murphy, Mark Drain. There's
16 another one, but I can't -- I can't bring his name
17 up.
18 Q. Okay. And then sort of upstream, for
19 lack of a better word, from the State Farm team
20 managers were, you said, co-coordinators?
21 A. Yes. They're normally team managers.
22 They're the same level as everybody else. But at
23 every catastrophe, a team manager gets named the

24 catastrophe coordinator, so they're put in charge.
25 But day to day, they're all of equal standing.

0500

1 Q. Okay.

2 A. And Lecky King and Ricky Moore were the
3 -- well, Rick Moore were the cat coordinators.

4 Q. Okay. So if I understand you, day to
5 day, Lecky King and Rick Moore would be sort of on
6 the same level as Steve Burke. But for purposes
7 of this storm and perhaps most storms, there's a
8 catastrophe coordinator or coordinators. And in
9 Katrina, Lecky King and Rick Moore were
10 catastrophe coordinators?

11 A. That's correct.

12 Q. Okay. And then if we're going further
13 upstream from Ms. King and Mr. Moore, who did we
14 have there?

15 A. Dave Randel. He's a section manager.

16 Q. Section manager, okay. And what
17 section?

18 A. Well, he's from Colorado. And he is not
19 normally over Mississippi, but it was my
20 understanding because of the previous year with
21 all the hurricanes that hit Florida, they were
22 moving section managers around. I don't know who
23 the real one is over in Mississippi, if it's
24 Charlie Arnold or somebody else. But he was -- he
25 was brought in to be the section manager. Like he

0501

1 was the section manager for Ivan in Florida. And
2 then when Katrina hit, they moved him over to be
3 the section manager for Katrina.

4 Q. Okay. So sometimes it can be
5 geographical, but in this situation --

6 A. In this situation, it was not.

7 Q. And then further upstream from
8 Mr. Randel?

9 A. I don't know any names further upstream.
10 I mean, as far as --

11 Q. Hierarchy?

12 A. Yes. I don't understand -- I don't know
13 that.

14 Q. In terms of authority, would you say
15 that a State Farm team manager, like
16 Mr. Clatterbuck or Mr. Burke, had more authority
17 than you, for example?

18 A. Yes.

19 Q. Are you aware of any situation where a
20 Renfroe employee would have more authority than a
21 State Farm employee?

22 A. Yes.

23 Q. And what would that situation be?

24 A. It would be like probably a favoritism
25 situation.

0502

1 Q. And explain that.

2 A. Say, if there was an independent
3 employee that was real close with Lecky King, he
4 could probably go behind the scenes and get her to
5 overrule a team manager.

6 Q. Do you know of a situation where that's
7 happened?

8 A. I can't think of a specific example.

9 Q. Did you have contact with Gene or Jana
10 Renfroe?

11 A. When?

12 Q. You know, over the course of your
13 employment from 1998 forward.

14 A. Generally, Kerri and I didn't call the
15 office very much. That wasn't our style. Some
16 people do. We did get to visit with Gene and Jana
17 once a year at the conference for most years. And
18 then occasionally at the end of a big storm, they
19 would come in and throw us a -- kind of an
20 appreciation dinner, and they would attend some of
21 those. Mostly Gene. But I usually saw Jana about
22 once a year at the conferences.

23 Q. Did you talk with Gene or Jana Renfroe
24 at other times other than at the conference or at
25 the end of a storm?

0503

1 A. If I did, it was very, very rarely. I
2 did not call them in the office very much and
3 bother them at all. That was not my way.

4 Q. And the office was Birmingham; is that
5 where the office was?

6 A. Yes.

7 Q. The conference that you had, when did
8 that usually occur?

9 A. It was usually in early spring every
10 year.

11 Q. Okay. And what happened at the
12 conferences?

13 A. Conferences -- well, opportunity for
14 everybody to get together. There would be
15 continuing ed classes that would be available to
16 us, flood certification, that sort of thing, and
17 then there was an awards banquet.

18 Q. Okay. Continuing ed, why did you have
19 to take continuing ed?

20 A. Well, every state is different. In my
21 case, in Mississippi, I have to have 12 hours
22 every year to renew my adjusting license.

23 Q. Okay. So you are licensed by the State
24 of Mississippi. And what is the nature of the
25 license? I mean, what does it allow you to do?

0504

1 A. Well, since I'm licensed in Mississippi,
2 when there's -- it's my understanding when a
3 catastrophe is declared, it allows me to get a
4 temporary license in a state that I'm not a
5 resident of to work a storm.

6 Q. But you are licensed in Mississippi?

7 A. I was licensed in Mississippi.

8 Q. And so when you're talking about getting
9 sort of a temporary license, that might be when
10 maybe you're deployed to Florida?

11 A. Exactly. I did have licenses -- I did
12 hold several non-resident licenses. I had a South
13 Carolina, Florida, Texas, Missouri, several that I
14 carried all year in addition to my Mississippi
15 license.

16 Q. Okay. You had to have 12 hours of
17 continuing legal ed to maintain your adjuster's
18 license in Mississippi?

19 A. It wasn't legal ed, but it was

20 continuing ed.

21 Q. I'm sorry. I always do that.

22 Continuing ed?

23 A. Yes.

24 Q. And what kind of courses would you have
25 to take?

0505

1 A. There was flexibility in that. You
2 could -- the state offered some courses.
3 Insurance companies came around and they would
4 sponsor courses at Holiday Inns. And the Renfroe
5 conference would normally have like Haag Engineer
6 come in and give a three-hour talk, and that was
7 worth three credits. You could do it on-line. So
8 there were different ways to get your continuing
9 education.

10 Q. Okay. Now, what sorts of things would
11 Haag Engineer do?

12 A. How to assess hail damage on roofs, wind
13 versus water. I'm trying to think of some of the
14 titles. Tile roofs, maybe, flat roofs. They did
15 a lot of continuing ed on roofs.

16 Q. Okay. And were there any other
17 organizations, you know, like Haag Engineering
18 that might offer some continuing education
19 courses?

20 A. At the conference?

21 Q. Right.

22 A. I don't remember anybody but Haag, but
23 I'm not saying there wasn't.

24 Q. Okay.

25 A. Now, Lecky King would come in and do our

0506

1 -- and this wasn't every year, but this was -- I
2 remember maybe two years in a row, if I'm
3 remembering correctly, the Beau Rivage, Austin.
4 She came in and did the NFIP certification for
5 those of us who had never been certified, and then
6 I think to renew the certification for those of us
7 who had. So I remember -- I think that was the
8 last two conferences, if I'm remembering
9 correctly, that Lecky came in and did the NFIP
10 certification.

11 Q. And NFIP is the National Flood Insurance
12 Program?

13 A. Yes, it is.

14 Q. And what was that presentation about? I
15 mean, what was discussed in the NFIP
16 certification?

17 A. She basically went through the three
18 policies, three different flood policies, and she
19 would show us pictures of flood damage on storms
20 that, you know, people in the company had been to.
21 You know, is this covered, is this not covered,
22 kind of quiz us, that sort of thing.

23 Q. And there was a test given?

24 A. It seems like the first time I went to
25 get flood certified, I had to take a test. But I

0507

1 don't remember a test just to renew it. I think
2 it was just you just sat through it once you --

3 Q. Okay.

4 A. -- signed in, signed out. I don't

5 remember a test that first year.

6 Q. Do you know if the Renfroe adjusters
7 that were working in the Gulfport office after
8 Katrina were NFIP certified?

9 A. I know that they were -- not all of
10 them, I don't think, were certified. I think
11 Lecky did end up certifying some of them, like an
12 emergency certification on site. I think she got
13 permission to do that.

14 Q. And do you know where she would have
15 gotten permission?

16 A. From NFIP, I'm sure.

17 Q. Okay.

18 A. And I don't know if they waived that,
19 I'm going to be honest with you, for Katrina.
20 Before, all storms, they were very strict on it.
21 I don't know if they waived that with Katrina
22 being the situation it was, if you had to be NFIP
23 certified or not.

24 Q. Because of the magnitude of the damage?

25 A. Right. And they changed a lot of other

0508

1 rules, too, on that storm as far as flood
2 requirements, so that could have been one of the
3 things they changed.

4 Q. And when you say "they," you're
5 referring to the NFIP program changed some
6 requirements?

7 A. Apparently they allowed -- yes, they
8 changed requirements that allowed us to shortcut
9 some of the flood -- the previous requirements
10 that made it so long to close a flood file so we
11 could expedite the closure of the flood claims.

12 Q. And, I guess, get money to --

13 A. To the policyholder quicker.

14 Q. -- the policyholders more quickly?

15 A. Yes.

16 Q. In addition to getting some of your
17 continuing education hours at the annual Renfroe
18 conference, did you do some on-line study? I
19 think you said that also --

20 A. Oh, yeah. There wasn't enough hours
21 offered. I could never get more than about six
22 hours scheduled in at the Renfroe, so a lot of the
23 times, I did on-line study. In the early days, I
24 used to drive up to Hattiesburg, and some retired
25 insurance guy did a class, and I'd sit through his

0509

1 class for a day and a half.

2 Q. And I would imagine that anybody else
3 that wanted to maintain their Mississippi license
4 would have to do some similar combination of
5 things, getting some hours at the Renfroe
6 conference if they're a Renfroe adjuster,
7 obviously, and then getting other hours in another
8 way?

9 A. Yes.

10 Q. Okay. Have you ever adjusted wind
11 claims?

12 A. Yes.

13 Q. And when have you adjusted wind claims?

14 A. In South Florida, Oklahoma, if you
15 consider a tornado wind, El Paso.

16 Q. And do you know approximately when in
17 Florida you did wind claims?
18 A. It was -- let's see. Oklahoma was '99,
19 so it was '99. It could have been around 2000.
20 It was the Irene -- Floyd and Irene time period.
21 Q. In El Paso?
22 A. El Paso, I don't have any recollection
23 what year that was.
24 Q. Okay. So you think that may be the last
25 time that you adjusted wind claims was around

0510

1 2000?
2 A. I managed in Isabel, I think, and that
3 was wind, and that was 2003, I think. And then I
4 we had -- I worked Charlie in '04 in Daytona,
5 which was wind, as a manager.
6 Q. Okay. And thank you for the distinction
7 because I don't think I was clear in my question.
8 You actually did adjusting in Florida, Oklahoma
9 and El Paso, you were actually adjusting, as
10 distinguished from Isabel, where you were a
11 manager?
12 A. Yes.
13 Q. And Charlie, Daytona, in 2004, when you
14 were a manager?
15 A. Yes. And Ivan.
16 Q. And Ivan. Now, Ivan would have been
17 2004?
18 A. Yes. As a manager.
19 Q. As a manager.
20 Am I getting close?

21 VIDEO TECHNICIAN:

22 You've got about two minutes.

23 MS. LIPSEY:

24 Okay.

25 Q. What are the differences between what

0511

1 you did as an adjuster versus what you did as a
2 manager?
3 A. As I manager, I trained people how to do
4 what I did when I was an adjuster. There's a lot
5 of training involved. There's a lot of -- lot of
6 office politics involved when you're a manager.
7 Adjusters, we, as a group, are a whiny
8 group of people, never happy. And so -- and it's
9 just one of those jobs, the policyholder never
10 seems to be happy with you and State Farm never
11 seems to be happy with you. So it's a hard job to
12 be an adjuster. And as a manager, you have to --
13 you know, there's a lot of politics in smoothing
14 that out and doing a lot of training.
15 Q. Okay. And on the training end of it,
16 you would actually teach, sort of on-the-job
17 training; is that what you mean?
18 A. Ride with the adjusters and show them
19 how to interact with policyholders, help them with
20 their paperwork, train them on their computer.
21 Q. When did you become a manager?
22 A. I think the first time was -- I think it
23 was Isabel. And I can't remember if that was '03
24 or not. That was in Virginia. It was '03, '04.
25 Q. All right.

0512

1 A. I think it was '03.
2 VIDEO TECHNICIAN:
3 Off record at 4:05 p.m.
4 (Off the record.)
5 VIDEO TECHNICIAN:
6 On record at 4:27 p.m.
7 MS. LIPSEY:
8 Q. Ms. Rigsby, it occurs to me that I
9 didn't give you the usual incantation about if you
10 don't understand any of my questions, let me know.
11 And I know we're kind of far into this for that
12 incantation, but if you don't understand any of my
13 questions, let me know.
14 A. Absolutely.
15 Q. I'll be glad to rephrase. Otherwise,
16 I'll assume we're on the same page.
17 A. Okay.
18 Q. Okay. I want to go back to a couple of
19 things you said earlier when we were talking about
20 the Code of Conduct and the decision not to tell
21 Gene or Jana Renfroe of your concerns about the
22 handling of claims post-Katrina. And you used the
23 word, we decided not to tell Gene or Jana. Who is
24 the "we"?
25 A. Kerri and I.
0513
1 Q. Okay. So it was you and Kerri that
2 decided not to tell Gene or Jana. Did y'all have
3 a discussion about that?
4 A. Eventually we had a discussion about it.
5 There were so many steps in finding the original
6 documents first in October, and, you know, there
7 was no action taken for months. We didn't know
8 what to do with it. And then by that time, we had
9 talked to an attorney, you know.
10 So actually by the time -- I don't
11 remember -- I think it was probably one of those
12 mutual -- Kerri and I have this little sister
13 thing going, and I think it was just one of those
14 mutual things. Somebody else might have asked us,
15 and we both had the same answer. I don't remember
16 having any detailed discussion about it prior to
17 meeting with Mr. Scruggs for the first time.
18 Q. In February of 2006?
19 A. Yeah. I don't.
20 Q. Do you remember if you had a discussion
21 with your mother or you and Kerri had a discussion
22 with your mother about whether it was appropriate
23 for you to talk to Gene or Jana about your
24 concerns?
25 A. I don't know -- you know, there's things
0514
1 you know now and you don't know when you knew
2 them. And I know that when we knew that -- the
3 weekend of the data dump, it was -- Kerri and I
4 had discussed the fact, well, at least Renfroe can
5 say we got two renegades, we didn't know anything
6 about it.
7 So, in essence, we felt like at that
8 weekend, by us having not told them for other
9 reasons, that they were protected, that they
10 hadn't condoned what we've done. You know, it's
11 like, well, we had no idea the girls were going to

12 go and do this, they had not discussed this with
13 us previously.

14 So it wasn't a malicious decision not to
15 tell Gene and Jana. One, that they could, like I
16 said, claim that we had gone off on our own; two,
17 we truly believed that there was nothing that they
18 could do about it. It's not that they wouldn't
19 want to help us. I mean, Jana is a very
20 compassionate person. Everybody likes Jana. And
21 I'm sure she -- I believe she believes she could
22 have investigated and done something. I just
23 don't think that's the case. I don't believe that
24 at all.

25 So it wasn't with malicious intent that
0515

1 we left them out of the loop. It wasn't a
2 conscious thought we're breaking an employment
3 contract. We saw the activity going on. We
4 deliberated and we agonized over what to do with
5 it, and we made what we feel is the right
6 decision. And I stand by that decision today.

7 Q. And you may have answered this question
8 possibly by what you just said, but what I wanted
9 to ask you was: One of the reasons, if there was
10 more than one, you didn't tell Gene or Jana
11 Renfroe about your concern, it was not because you
12 thought they were involved in any wrongdoing, was
13 it?

14 A. No. That wasn't an -- that did not
15 occur to us at the time, no, not at all.

16 Q. Ms. Rigsby, is that still your position
17 today, that you didn't think that Gene or Jana
18 Renfroe were involved in any wrongdoing?

19 A. I don't know to what extent with the --
20 I mean, Renfroe is suing us over documents that
21 aren't even theirs. To this extent, I don't know
22 what Renfroe and State Farm's relationship is
23 anymore.

24 At that time, I thought they were --
25 that Renfroe was not involved in anything that

0516
1 State Farm was doing. At this time, I don't -- I
2 don't know the answer to that.

3 Q. Apart from the example of the lawsuit
4 that you talked about, the -- and I'm assuming
5 you're talking about the suit that Renfroe
6 instituted against you and Kerri for the return of
7 the documents?

8 A. Yes.

9 Q. That's what you're talking about?

10 A. That's what I'm talking about.

11 MR. TAYLOR:

12 And for damages.

13 THE WITNESS:

14 And for damages.

15 MS. LIPSEY:

16 Q. Yeah. I didn't mean to summarize the
17 lawsuit because I don't have it in front of me.
18 But is there -- I mean, that -- right now, you say
19 that now you just don't know. Is there anything
20 else that causes you not to know what you felt
21 like you knew in 2005 and 2006?

22 A. I think a lot of it is just everything

23 that's going on with the lawsuit. One, the
24 reasoning behind the lawsuit, why it's so
25 important for Renfroe to spend their money that

0517

1 they say their spending out of their own pocket to
2 pursue documents that don't even belong to them.
3 I just can't even imagine what the motive would be
4 if it's not the fact that they're in bed with
5 State Farm and they're trying to get them back for
6 them. So if that's their motive, you know, I
7 don't know what the relationship is.

8 Q. We talked about yours and Kerri's sort
9 of unspoken decision, I guess, not to tell Jana or
10 Gene, and that was -- well, for sure around the
11 time of the data dump. I think you referred to
12 that?

13 A. Well, after we told -- yeah, after we
14 told Dave Randel, Dave Randel had asked us not to
15 mention it to Renfroe after the data dump. So
16 that was State Farm's request.

17 Q. Okay. Let me -- as I understand it,
18 we're going to conclude about 5:00 today, so I'm
19 just trying to figure out what's --

20 A. How you're going to wrap it up?

21 Q. Right. And what I can do in 30 minutes.

22 A. Take your time, absolutely.

23 Q. We talked a little bit earlier about
24 your talking with Don Goodin. And Don Goodin is
25 with Renfroe?

0518

1 A. Yes.

2 Q. And you spoke with him after the data
3 dump?

4 A. Yes, I did.

5 Q. Okay. And tell me when you spoke with
6 him and what the substance of that conversation
7 was.

8 A. It was on the -- on or about the
9 June 20th date that we had discussed previously
10 when Deganhart and I had our incident where he
11 chased me out of the office. That was the day
12 that Dave -- it was my understanding Dave Randel,
13 who was not at the Biloxi site when Deganhart and
14 I were there, called Renfroe. I don't know if
15 they called Don or Gene or Jana. But he called me
16 that same day or the next day, and he said, I hear
17 that you and Kerri aren't allowed to enter the
18 premises, what's going on. And I told him I
19 couldn't talk about it. I had been advised by
20 lawyers. And he said, well, I respect that. And
21 then he called Kerri and he asked her. And then
22 he called Paul. He called everybody we knew, you
23 know, trying to find out. And he continued --
24 bless his heart, he continued to try to be -- he
25 tried to maintain being supportive that we were in

0519

1 a predicament with, you know, what the heck's
2 going on here. So we had several conversations
3 like that.

4 Q. And in the conversations -- and these
5 occurred, I guess, in June?

6 A. Yes. They all occurred in June and
7 maybe -- I know -- maybe a few in -- he called

8 sporadically, and then he stopped calling.
9 Q. Okay. And every time he called, he was
10 trying to figure out what was going on?
11 A. Yes, he was.
12 Q. And so what he knew was is that Dave
13 Randel had called him, apparently? That's what
14 you think occurred?
15 A. I believe that somebody -- yes, Dave
16 Randel called, somebody.
17 Q. Somebody, okay. And Don Goodin was
18 informed that State Farm didn't -- tell me what
19 you thought.
20 A. That we were suspended with pay, but we
21 were not allowed to enter the premises.
22 Q. And Don wanted to know what that was
23 about?
24 A. He said he had never heard of that
25 before.

0520

1 Q. Being suspended with pay and not allowed
2 to enter the premises?
3 A. Yes.
4 Q. And so is that what occurred, as far as
5 you know; you continued to receive --
6 A. No.
7 Q. No?
8 A. Because simultaneously, after Deganhart
9 chased me out of the office and -- with security
10 and he took my files, he said I couldn't take
11 anymore. He said I couldn't take any materials
12 out of the office. And it was quite a scene,
13 quite the spectacle. It was in the parking lot,
14 security guards, a lot of squealing like a girl.
15 That wasn't me.
16 I called him back that evening and I
17 said, you know, you've obviously made it
18 impossible to work here. I'm resigning from, you
19 know, the storm. I told him I felt like I was
20 being treated in a retaliatory manner.
21 So simultaneously when I was having this
22 conversation with Deganhart, Don Goodin was
23 calling me, and he said, you've been suspended
24 with pay. And I said, no, I'm not going to work
25 this site anymore. I'm not going to accept money

0521

1 from State Farm if I'm not allowed in the
2 building, let him know I had already quit, but I
3 wouldn't accept that suspended with pay thing.
4 That was not an option.
5 Q. So as far as you were concerned, you had
6 quit?
7 A. I had quit. Now, as far as -- Kerri had
8 not at that point, but --
9 Q. And to your way of thinking, this means
10 that you have quit the storm?
11 A. I had quit the storm site.
12 Q. Working that project?
13 A. Yes.
14 Q. You still considered yourself a Renfroe
15 employee?
16 A. Yes, I did.
17 Q. Okay. Now, tell me this, if you have
18 quit the storm but you're still a Renfroe

19 employee, are you still receiving any compensation
20 from Renfroe?

21 A. No.

22 Q. Okay. Tell me about how you're
23 compensated.

24 A. You're only compensated when you're at
25 a -- working a cat site. When you don't work, you

0522
1 don't get paid. We're independent contractors, I
2 guess, is the best way to explain it.

3 Q. So do you know when the last time was
4 that you received compensation from Renfroe?

5 MR. BACKSTROM:

6 Objection, asked and answered.

7 MS. LIPSEY:

8 Oh, I'm sorry. I may have. I just
9 don't remember.

10 A. We had to do weekly time sheets. And I
11 know that I quit doing time sheets before the
12 weekend of the data dump.

13 MS. LIPSEY:

14 Q. You had to submit your time sheets in
15 order to get paid?

16 A. Yes. And I did not submit a sheet for
17 the day we came in and told Dave Randel what we
18 had done or the next day when the lawyers met with
19 us or the 20th when I got chased out of the
20 building. I didn't submit a time sheet for any of
21 those days.

22 Q. Okay. I think I can do this. As long
23 as we're talking about payment, do you know how
24 Renfroe billed for the adjusters that it provided
25 to State Farm?

0523

1 A. I think I do.

2 Q. Okay. Tell me what you think is the
3 situation.

4 A. Well, an adjuster bills on a file to
5 State Farm. State Farm signs off on the billing.
6 Renfroe keeps 35 percent of it and gives
7 65 percent of it to the adjuster. Is that what
8 you're asking me?

9 Q. Sort of, I think. I don't know enough
10 to know what I'm asking, to tell you the truth.
11 And that sometimes happens. But the adjuster
12 bills a file, and then I would think that Renfroe,
13 in turn, generates a bill to State Farm?

14 A. The adjuster -- Renfroe has billing
15 forms. When the adjuster turns in their file, the
16 billing form's attached to it. State Farm signs
17 off on it at that point. Once it's signed off on,
18 it's sent to Renfroe. Renfroe gives the employee,
19 I guess, 65 percent -- I think I'm right on
20 that -- and keeps 35 percent for themselves. Now,
21 management is paid in a different way.

22 Q. Okay. Tell me management.

23 A. Management is a daily rate. It's just a
24 time sheet when you're a manager that said, yes, I
25 worked or, no, I didn't.

0524

1 Q. How is that 65 percent that the employee
2 receives, how is that arrived at? I mean, what is
3 the billing based on?

4 A. Well, it's based on the damage.
5 Q. Okay. Let's talk about that.
6 A. Okay. So if you go to a hail storm and
7 you show up, you bill \$150 to State Farm. If
8 there's interior damage, you get to bill another
9 \$100, you know, on the billing. So the billing
10 depends on the damage.

11 In the Katrina situation, because the
12 deviation was so severe, the billing was -- it
13 moved up to more of a percent level on some of
14 them. And then there's flood billing, which is
15 always a percentage of the dollar amount of the
16 claim.

17 So you have a component fee schedule,
18 which means there's inside damage, outside damage,
19 roof damage. This is under the wind claim. And
20 then once the damage reaches a certain dollar
21 amount, I think it's \$10,000, you bill on a
22 percentage basis. And flood is -- I don't know if
23 it's a percentage or a sliding scale, but it tells
24 you, zero to this is this much. Does that make
25 sense?

0525

1 Q. Okay. I think so, but let me make sure
2 I understand. On a wind claim, there's a
3 component fee schedule?

4 A. Yes.

5 Q. And by "component fee schedule," you
6 mean the damage is broken down into certain
7 aspects or categories of damage?

8 A. That's correct.

9 Q. And then there is a dollar amount
10 calculated for each component?

11 A. Yes. And the components would be --
12 show up for an inspection, you get \$150. If
13 there's inside damage, you get another \$100. If
14 there's framing damage, you get another \$75. If
15 there's personal property, you bill another \$100.

16 Q. So that's preset? I mean --

17 A. That's preset. That's the component
18 billing that I'm talking about.

19 Q. Okay. And then that goes up to a
20 certain dollar amount. You can get up to this
21 dollar amount on all the claims?

22 A. The claim can get up to this dollar
23 amount. And once the claim damage reaches a total
24 dollar amount, you go to a percentage.

25 Q. Okay. And that is how an adjuster is
0526 paid on a wind claim?

1 A. Exactly.

2 Q. Okay. And is that typical of every
3 catastrophe? I mean, that's typically how the
4 billing works?

5 A. Yes, ma'am.

6 Q. If you have a wind claim, obviously?

7 A. Yes.

8 Q. Yeah. Now, flood billing, is that
9 different?

10 A. That is different.

11 Q. Okay. Tell me how that's different.

12 A. Flood billing -- and I don't remember if
13 -- I just remember looking at the chart. If the

15 damage is zero -- and I'm making up these numbers.
16 If the damage is zero to 5,000 to the house, you
17 get to bill 200. If it's 5,000 to 10,000, you
18 bill 300. So the dollar amount goes up based on
19 the dollar amount of damage. The payment the
20 adjuster receives increases by the dollar amount
21 of the damage.

22 Q. Okay. It's always been that way, as far
23 as you know?

24 A. As far as I -- yeah, as long as I've
25 been billing flood.

0527

1 Q. Okay. And that is dictated by the NFIP?

2 A. I would have to assume that.

3 Q. Okay.

4 A. Because they would have to reimburse the
5 insurance carrier.

6 Q. Right. And that's how flood billing
7 worked in Katrina, as far as you know?

8 A. Yes. Initially, yes.

9 Q. Now, you said "initially." Was there a
10 change?

11 A. Yes.

12 Q. Okay. Tell me about that.

13 A. I don't remember exactly when it
14 occurred, but at some point during the storm, I
15 think if I recall, the slab billing was if the
16 homeowner had a total loss and the loss was a slab
17 and they have full coverage under the flood
18 policy, which is 250- for the house and 100- for
19 content, and you're standing there looking at a
20 slab, you can do that in about 15 minutes and bill
21 \$7,222, I believe, the adjuster can. So those
22 were going pretty fast.

23 Somebody made the decision midway
24 through the storm -- I'm not sure at what point --
25 that the slab claims were going to be handled over

0528

1 the phone. And so they -- it went down to \$750
2 per claim at that point that the adjuster got to
3 bill for.

4 Q. And this change would have been, again,
5 dictated by the National Flood Program?

6 A. I'm assuming it would have to be. It
7 was relayed to us by Lecky King, who was the
8 liaison. She was kind of the flood gooroo, is
9 what we called her. So it was relayed to us by
10 Lecky King, but it would have to have been, in my
11 opinion, approved or initiated by the NFIP, I
12 would think. But I'm not -- you know, that's
13 above my pay grade.

14 Q. You know, we've talked a little bit
15 about a slab, and I think we agreed that that is
16 when a house is a total loss, there's nothing left
17 but the slab; is that what we're talking about?

18 A. Just the foundation, yes.

19 Q. Okay. And at some point, apparently
20 somebody with the National Flood Program said,
21 these things are going to be adjusted over the
22 phone and the adjuster will get a flat rate for
23 doing so?

24 A. Yes.

25 Q. Was that change a source of discussion?

0529

1 A. Oh, yes.
2 Q. Tell me about that.
3 A. Very active discussion on the adjusters'
4 part.
5 Q. Okay.
6 A. They were -- they were very upset.
7 Q. I think I know why they were upset, but
8 tell me why you think they were upset.
9 A. They were upset because they were losing
10 about six grand, a flood claim on their billing.
11 In addition, they weren't going out to the wind
12 claim anymore to evaluate it, so they weren't
13 getting the billing for the wind file either.
14 Q. Now, let's talk a little bit about that
15 because we haven't talked much about wind claims.
16 And we have established, though, that out of the
17 Gulfport office, there were flood claims adjusted,
18 or sometimes when folks had both flood insurance
19 and homeowners insurance, there was maybe a
20 combination, a flood and a wind, a flood claim and
21 a wind claim?
22 A. Their practice was to try to marry up
23 the two files so that if a homeowner had a flood
24 policy and a wind policy, one adjuster could deal
25 with that homeowner. So that was what they tried

0530

1 to do.
2 Q. Okay. And I've seen a reference to the
3 single adjuster program. Is that what that is?
4 A. I guess so.
5 Q. Okay. Now, you said that in addition to
6 their being some, I guess, consternation about the
7 flat fee billing change on the flood claim, that
8 the adjusters were not going out on wind claims
9 either. Why was that?
10 A. They were going to wait and -- for the
11 engineer reports to come in to tell us what the
12 wind damage was. If they went out to the slab,
13 they'd have to pay them the fee, the \$7,000 fee on
14 the flood claim. By making them do it over the
15 phone, they couldn't -- now they couldn't do a
16 site inspection, because if they did a site
17 inspection, they'd get the full price, the full
18 billing.
19 So doing it over the phone -- the
20 instruction was we'll handle the flood now over
21 the phone. You get \$750. We'll issue the flood
22 payment, and we'll let the engineer report
23 determine the wind damage.
24 Q. Okay. Now, tell me how that came to be,
25 that the engineer was going to determine the wind

0531

1 damage and that the adjuster wouldn't go out to
2 the house at all. Is that basically what you're
3 saying?
4 A. Whenever they changed that billing is
5 when it happened, yes.
6 Q. So that change occurred when the flood
7 billing was changed?
8 A. Yes.
9 Q. Now, we're assuming that that change,
10 the flood billing change, would have come down

11 from the National Flood Insurance Program since
12 it's their program?

13 A. We're assuming that.

14 Q. We're assuming that. Okay. Do you know
15 where the decision came from on not sending an
16 adjuster out on a wind claim and letting the
17 engineer determine the wind damage?

18 A. Dave Randel. I mean, I don't know if he
19 made the final -- if it came from above him, but
20 he was the one that disbursed the information.

21 Q. And what information did he disburse?

22 A. That we were changing. We could no
23 longer inspect the slabs. We had to do them over
24 the phone for \$750, and we would let the engineer
25 report determine the amount of the wind damage. I

0532

1 think that was right before they mass cancelled
2 all of the engineer reports.

3 Q. Okay. Now, I have seen in some of your
4 previous testimony a discussion about engineer
5 reports being ordered on slabs, sort of a
6 wholesale proposition. Is that what you're
7 talking about when you're saying Dave Randel
8 dispensed some information that said that they
9 were no longer going to inspect slabs, they were
10 going to do the flood adjustment over the phone
11 and engineers would handle the wind damage? Are
12 we talking about the same thing?

13 A. Well, there was -- when we're talking
14 about engineers, at the beginning of the storm,
15 Dave made the decision to do engineer reports on
16 slabs, cabanas and Popsicle sticks. We did that.
17 Then the decision was made for the 750, and we
18 were going to wait on the engineer report to come
19 in for the wind portion of it.

20 Also, there was a decision made in that
21 time frame to cancel all the engineers who had not
22 finished or made their reports on the slabs, just
23 cancel those that had been requested in the
24 beginning. So all the ones that he had just
25 blanket requested, then they blanket cancelled if

0533

1 it had not occurred yet or the report had not been
2 received.

3 Now, that's not to say there were not
4 engineer reports going on. You know, adjusters --
5 some of them needed help when there was a lot of
6 overlapping damage. So we still had engineers
7 working, but the -- he cancelled all the slabs and
8 Popsicle sticks.

9 Q. Now, I believe I remember from your
10 testimony somewhere that there was this -- what
11 you've characterized, I believe, as sort of a mass
12 cancellation that occurred October 22nd to
13 October 24th of 2005. But then after that point,
14 there were engineer reports that were ordered once
15 again?

16 A. If the -- at that point, yes. Well --
17 yes, if the adjuster needed assistance. That's
18 how we had always done it in the past. If the
19 adjuster goes out to the site and we have some
20 issue -- I had one personally one time where I
21 thought -- I was at a hail storm and it looked

22 like a ball-peen hammer instead of hail. So I
23 came back and ordered an engineer to verify that
24 because I couldn't make -- you know, they wanted a
25 professional to make that call. That was how it

0534

1 turned into Katrina. The adjuster would go out
2 there, and if they couldn't make the decision
3 themselves or needed some help, then the engineer
4 was called in. So we still had engineers coming
5 in.

6 Q. Okay. So there were still engineers
7 that were going out and doing evaluations?

8 A. Absolutely.

9 Q. Okay. When we got off on this
10 discussion, we were talking about how adjusters
11 were paid. And I believe that you did draw a
12 distinction between how adjusters were paid versus
13 how managers were paid, or am I --

14 A. Yes, ma'am, I did.

15 Q. Is that an implanted memory? You did
16 say that?

17 A. Yes, ma'am.

18 Q. Okay. And how were managers paid?

19 A. It was a daily rate.

20 Q. Daily rate?

21 A. Flat rate.

22 Q. And did that rate vary?

23 A. It did. Not during -- some storms, if
24 Renfroe said, we're going to provide management
25 because we think it's a good idea, it was less

0535

1 than if State Farm asked for management.

2 Q. Okay.

3 A. Because it was out of Renfroe's own
4 pocket, and they weren't being -- if they, you
5 know, sent a manager that was not requested just
6 because they felt one was needed, they were out of
7 pocket that money. They weren't reimbursed. So
8 we got less. If State Farm said, I want six
9 managers, then State Farm paid for six managers.

10 And it's my recollection -- and I could
11 be wrong because this happened a couple of
12 times -- I think it started off where Renfroe sent
13 us without us being requested, and then it was --
14 maybe that was the storm before, and then they
15 realized they needed us and the rate went up.

16 Q. So once State Farm, you mean, realized
17 that the managers were needed?

18 A. I think so. I might be remembering the
19 previous hurricane, but I think I remember that
20 correctly. And what it basically is is it's the
21 manager's rate less the 35 percent. So I think
22 when Renfroe does it, it's \$600 a day. And if
23 State Farm does it, it's like \$800 a day.

24 Q. Okay. But I guess the adjusters know
25 what the situation is, whether -- well, I guess it

0536

1 becomes apparent once you get your paycheck as to
2 whether the higher rate is something that would
3 suggest that State Farm wanted the management, the
4 lower rate would suggest that that was something
5 that Renfroe wanted, or were you told?

6 A. Well, I remember the first time I asked

7 -- I remember I was surprised because the first
8 time I went to a storm as the manager, I guess
9 they asked for them because I got paid this price.
10 And then the second time I agreed to be a manager
11 at a storm, I showed up and it was much less. I
12 wasn't smart enough to ask the question. I didn't
13 know. So it was kind of like one of those things.
14 I guess if you -- you know, after that, I asked,
15 are you sending me or is --

16 Q. Right.

17 A. So I'm sure most adjusters were smart
18 enough to ask each time. I didn't know that first
19 time.

20 Q. Well, let me ask you this: Let's say
21 you ask the question, and they say, well, it's
22 going to be the lower rate, and you say, well,
23 then I'm going to opt out of this one?

24 A. Yes. You're allowed to say yes or no.

25 Q. Okay.

0537

1 A. I've never -- I don't think I ever did.
2 I wanted to work Hurricane -- I wanted to work
3 claims during Katrina, actually. But Don Goodin
4 had said that they needed the help, and I was -- I
5 was willing to take the pay cut and help them out
6 on the management side.

7 It's hard to be new and not know because
8 we were thrown in, Kerri and I, our first storm.
9 It was a huge, huge storm, so I remember how hard
10 it is to be new when it's a big storm.

11 Q. So you understood how management could
12 benefit in a storm, how an adjuster could benefit
13 from management?

14 A. Oh, yeah. It's huge. It's huge.

15 Q. What was the first storm that you
16 worked?

17 A. It was a hail storm in Minnesota.

18 Q. And that would have been, what, 1999?

19 A. '98.

20 Q. '98.

21 A. It was in Minneapolis. It was huge.
22 And our manager never got out from behind his
23 desk, our Renfroe manager. So that's why Kerri
24 and I were -- we took our jobs very seriously as
25 managers because we didn't get a lot of help.

0538

1 Q. So you would go out into the field; is
2 that --

3 A. Yeah.

4 Q. You spent more time out in the field
5 than behind a desk?

6 A. We spend -- well, that and going to bat
7 for people. People have different styles, but so
8 many managers are scared to stand up to State
9 Farm. If the adjuster has a legitimate problem,
10 they just tell you to kind of shut up and suck it
11 up. And Kerri and I are very much adjuster
12 advocates. We had no problem going into State
13 Farm and confronting -- fighting for our people.
14 That's kind of, I think, one of the things we were
15 known for. I think you could ask anybody at State
16 Farm. They will tell you that we didn't have any
17 problems standing up for our people.

18 Q. Let me ask you this: Do you know
19 whether your mother -- and I understand her name
20 is Ms. Lobrano, right?
21 A. Yes, it is.
22 Q. -- has been paid or is being paid by the
23 Scruggs Law Firm or the Scruggs Katrina Group?
24 A. She was in the settlement that happened
25 in December, the group settlement that Scruggs

0539

1 Katrina Group had.
2 Q. That related to a claim on her house?
3 A. Yes.
4 Q. Okay. Do you know apart from that
5 whether she's been paid sort of on the order of
6 the way that you and Kerri are being paid as
7 consultants?
8 A. No, she has not.
9 Q. She's not. And so you're unaware of any
10 kind of compensation that the Scruggs Law Firm or
11 Scruggs Katrina Group would have paid your mother?
12 A. Right. There's been none.

13 VIDEO TECHNICIAN:

14 Off the record at 5:01 p.m.
15 (Off the record.)

16 VIDEO TECHNICIAN:

17 On record at 5:06 p.m.

18 MS. LIPSEY:

19 Q. Just a few more questions for today.
20 A. Okay.
21 Q. Ms. Rigsby, did you ever back up your
22 home computer?
23 A. No.
24 Q. Okay. Did you ever transfer data from
25 your State Farm computer to your home computer?

0540

1 A. I forwarded e-mails.
2 Q. Okay. Did you forward anything else,
3 any other data?
4 A. Well, the only thing I would -- I mean,
5 it would have to be attached in the e-mail.
6 Q. Okay.
7 A. Yeah. So there could have been a roster
8 or something that I --
9 Q. E-mails and any attachments?
10 A. Right.
11 Q. Okay. Anything else that you can think
12 of?
13 A. No.
14 Q. Okay. Did you forward any data from
15 your State Farm computer to any computer other
16 than your home computer?
17 A. I think I did.
18 Q. Okay. And what computer would that be?
19 A. I think I forwarded something to Zach
20 Scruggs.
21 Q. Okay. E-mail?
22 A. An e-mail.
23 Q. Okay. With any attachment?
24 A. I don't remember.
25 Q. Any other computers that you would have

0541

1 forwarded data to?
2 A. No. I don't believe so, no.

3 Q. Do you have a phone other than your cell
4 phone?
5 A. Yes.
6 Q. Okay. And what phone is that?
7 A. My home phone.
8 Q. Okay. Do you have more than one cell
9 phone?
10 A. No, I do not.
11 Q. Okay. You've always only used one cell
12 phone?
13 A. No. I've used more than one cell phone.
14 I currently have one cell phone.
15 Q. So there has been a period of time when
16 you had more than one cell phone that you were
17 using?
18 A. Yes.
19 Q. Okay. Let's talk about that. When did
20 you start using -- or for what period of time did
21 you use more than one cell phone?
22 A. February to August.
23 Q. February to August 2006?
24 A. Yes.
25 Q. Okay. And so for that period of time,
0542
1 you had two cell phones?
2 A. Yes, I did.
3 Q. Okay. And --
4 A. I didn't have two cell phones. I used
5 two cell phones. One of them wasn't mine.
6 Q. Okay. Who did the second one belong to?
7 A. I'm not sure who it belonged to.
8 Q. How did you get it?
9 A. Dick gave it to me.
10 Q. Dick Scruggs?
11 A. Dick Scruggs gave it to me.
12 Q. Okay. On what I'll call your original
13 cell phone, your cell phone --
14 A. Yes, ma'am.
15 Q. -- that's a cell phone that you still
16 have today?
17 A. It's the same number. I've dropped and
18 destroyed the phones, but, yes, it's the same
19 number.
20 Q. Yeah. Who is your cell phone carrier?
21 A. Cingular.
22 Q. Okay. And has Cingular been your
23 carrier for -- how long?
24 A. Probably six or seven years.
25 Q. Okay. And how long have you had the
0543
1 cell phone number you're currently using?
2 A. Years, at least. Probably since I
3 started with Renfro, but at least five years.
4 Q. Okay. And the cell phone -- the second
5 cell phone that you had use of for February to
6 August 2006, that was the only period of time you
7 ever used a second cell phone?
8 A. Sometimes State Farm issued us cell
9 phones early on. When we used to work, they would
10 issue us a work cell phone. But other than the
11 State Farm issued second cell phone, that's the
12 only other one I recall having two at once, yes.
13 Q. Okay. Do you know what the carrier was

14 for the cell phone that Mr. Scruggs gave to you?
15 A. I do not.
16 Q. Okay. Did you receive any billing on
17 that?
18 A. No.
19 Q. Okay. What happened to that cell phone?
20 A. I gave it to Charlene.
21 Q. And Charlene is with Mr. Scruggs'
22 office?
23 A. Yes.
24 Q. Okay. Do you have your billing records
25 on your original cell phone where Cingular is your
0544 carrier?
1 A. Do I keep them?
2 Q. Do you keep those billing records?
3 A. Well, you can get it on the computer. I
4 pay it on-line.
5 Q. Okay. So your billing is on-line?
6 A. My billing's on-line. I get a hard copy
7 as well.
8 Q. Oh, you do?
9 A. I do.
10 Q. And how long do you retain your hard
11 copies?
12 A. My filing system is not what it used to
13 be. Usually sometimes for a year if I'm going to
14 claim it for tax purposes. I used to do that with
15 Renfro. I don't claim the cell phone anymore, so
16 I don't keep the bills anymore.
17 Q. Did you claim the cell phone through --
18 well, let's see. You haven't done your taxes for
19 2006?
20 A. I haven't done that yet, but I haven't
21 kept any -- yes, I have not.
22 Q. Okay. Do you plan on claiming any cell
23 phone expense or business expense for 2006?
24 A. Yes, I do.
0545
1 Q. Okay. And what is your cell phone
2 number for your cell phone?
3 A. 228-324-4407.
4 Q. And what about for the phone that
5 Mr. Scruggs provided you?
6 A. I never knew that number.
7 Q. Oh, you didn't know that number?
8 A. (Nodding head negatively.)
9 Q. How was that phone used, for what
10 purpose?
11 A. I would call him or he would call me on
12 it.
13 Q. And that was the only way it was used?
14 Nobody else ever called you on that number?
15 A. Charlene, Zach. My mother used it to
16 call, but, yes, it wasn't used for my personal
17 use.
18 Q. Okay. And who did you -- did you call
19 anybody other than anyone associated with the
20 Scruggs Law Firm on that phone?
21 A. I don't have any recollection of doing
22 that.
23 Q. Okay. With respect to your State Farm
24 computer, you had a laptop, I believe you said?

25 A. Yes.
0546
1 Q. Did you download any information on that
2 computer to disks or tapes?
3 A. No.
4 Q. You did not?
5 A. I didn't even know you could do that.
6 Q. I'm not sure that you could. He asked
7 me to ask the question.
8 A. The old ones had floppies. No.
9 Q. Okay. What about on your -- you had a
10 home computer?
11 A. I had a home computer.
12 Q. Okay. Did you download any information
13 on that computer to any disks or tapes?
14 A. On my home computer?
15 Q. Right.
16 A. You're confusing me with tapes. What
17 are you talking about, a tape? How do you
18 download to a tape? I don't understand the
19 question.
20 Q. A disk or a floppy disk or a copy.
21 MR. TAYLOR:
22 A cassette.
23 THE WITNESS:
24 A cassette?
25 MR. TAYLOR:
0547
1 That's what a tape is.
2 MR. TWIFORD:
3 Eight track.
4 THE WITNESS:
5 Eight track, yeah. I did not because --
6 no, I did not. And I know that because I tried to
7 burn a CD and I didn't have a burner.
8 MS. LIPSEY:
9 Q. So you did try to burn a CD?
10 A. For my I-Tunes.
11 Q. On your home computer?
12 A. Yes. And I didn't have a burner.
13 Q. Okay.
14 A. I can't make a CD.
15 Q. So no disk, you don't think, any tape,
16 no copy?
17 A. I know there's no tape.
18 Q. No tape.
19 A. That's clear.
20 Q. Okay.
21 A. And the only time I ever tried to use my
22 -- to make a disk was off my I-tunes, and it
23 didn't burn. So I didn't have that capability,
24 apparently.
25 Q. So you concluded you didn't have that
0548
1 capability?
2 A. Yes, ma'am.
3 MS. LIPSEY:
4 All right. We are going to adjourn for
5 now and then we'll deal with -- when we come back,
6 we'll deal with that later.
7 MR. TAYLOR:
8 Okay.
9 VIDEO TECHNICIAN:

Off the record at 5:15 p.m.

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0549

CERTIFICATE OF COURT REPORTER

I, F. DUSTY BURDINE, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the testimony of the witness, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision, to the best of my skill and ability.

I further certify that I placed the witness under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the _____ day of _____, 2007.

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F. Dusty Burdine, CSR #1171
My Commission Expires 4/20/09

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0550

ERRATA SHEET

I, _____, do solemnly swear that I have read the foregoing _____ pages of the testimony given by me at the time and place hereinbefore set forth, with the following corrections:

Page:	Line:	Correction:	Reason for Change:

10
11
12
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Witness Signature

18 Sworn to and subscribed
19 by me, this _____ day of
20 _____, A. D. , 2007.

21 _____
22 Notary Public, State of Mississippi,
23 County of _____.

24 My Commission Expires:
25 _____