

1 IN THE CIRCUIT COURT OF MOBILE COUNTY ALABAMA

2

3 JOHN AND LOIS THORNTON)
 4)
 5 Plaintiffs,)
 6)
 7 VS.) NO. CV-06-900071-SHS
 8)
 9)
 10)
 11 STATE FARM FIRE AND)
 12 CASUALTY COMPANY, ET AL)
 13)
 14 Defendants.)

9 AND

10

11 KENNETH MORRIS, ET AL)
 12)
 13 Plaintiffs,)
 14)
 15 VS.) NO. CV-06-900007-RHS
 16)
 17)
 18 GEORGE JONES, ET AL)
 19)
 20 Defendants.)

16 DEPOSITION
 17 OF
 18 DANA LEE
 19
 20 JULY 18, 2008

21 ALPHA REPORTING CORPORATION
 22 205 East Main Street
 23 Jackson, Tennessee 38301
 731-424-9995
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Page 2

1 The deposition of Dana Lee is taken on this,
 2 the 18th day of July, 2008, on behalf of the
 3 Defendant, pursuant to notice and consent of counsel,
 4 beginning at approximately 8:45 a.m. in the offices of
 5 Butler Snow.
 6 This deposition is taken pursuant to the
 7 terms and provisions of the Alabama Rules of Civil
 8 Procedure.
 9 All forms and formalities are waived and objections
 10 alone as to matters of competency, irrelevancy, and
 11 immateriality of the testimony are reserved to be
 12 presented and disposed of at or before the hearing.
 13 The signature of the witness is not waived.
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Page 3

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Page 4

1 I N D E X
 2 EXAMINATION INDEX
 3 DANA LEE Page
 4 BY MR. BEERS 5
 5 BY MR. FAFATAS 88
 6 BY MR. INGE 90
 7
 8 EXHIBIT INDEX
 9 Exhibit
 10 1 State Farm Document 87
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23 COURT REPORTER'S CERTIFICATE 272

Page 5

1 DANA LEE,
 2 having been first duly sworn, was examined
 3 and testified as follows:
 4 EXAMINATION
 5 BY MR. BEERS:
 6 Q. Would you state your full name,
 7 please, ma'am?
 8 A. Dana Carroll Lee.
 9 Q. Ms. Lee, for the record my name is
 10 Michael Beers. We've met. And I represent
 11 State Farm Fire and Casualty Company along
 12 with Ryan Luna here. And we represent them
 13 in two cases that you've been subpoenaed to
 14 testify here today. Kenneth and Barbara
 15 Morris versus State Farm and George Jones,
 16 it's filed in the Circuit Court of Mobile
 17 County, Alabama. And also, John and Lois
 18 Thornton versus State Farm Fire and Casualty
 19 and Don Hargrove, also filed in the Circuit
 20 Court of Mobile County.
 21 And you are here pursuant to
 22 the subpoena that you received regarding
 23 these deposition notices; is that correct?

1 A. Yes.
 2 Q. Okay. Can you tell us where you
 3 currently reside?
 4 A. 1760 North Parkway --
 5 MR. INGE: You need to slow
 6 down. Okay?
 7 A. Memphis, Tennessee.
 8 MR. INGE: We're from Mobile.
 9 A. Well, I'm from Mississippi so, you
 10 know --
 11 MR. INGE: 1760 where?
 12 THE WITNESS: 1760 North
 13 Parkway.
 14 MR. INGE: Okay.
 15 BY MR. BEERS:
 16 Q. Is that here in Memphis?
 17 A. In Memphis.
 18 Q. How long have you resided at that
 19 address?
 20 A. Four years.
 21 Q. Four years. Okay. How long have
 22 you resided in Memphis?
 23 A. Eighteen years.

1 Q. Eighteen years. Okay. Are you
 2 currently employed?
 3 A. Yes.
 4 Q. Tell me where you're currently
 5 employed, please, ma'am.
 6 A. ServiceMaster.
 7 Q. And what type of company is
 8 ServiceMaster?
 9 A. ServiceMaster provides consumer
 10 services to individuals. They're the parent
 11 company for Terminix, TruGreen Chemlawn,
 12 TruGreen LawnCare, American Home Shield,
 13 AmeriSpec.
 14 Q. How long have you been so employed?
 15 A. A little over a year.
 16 Q. Okay. And can you tell me what
 17 your position is with ServiceMaster?
 18 A. I'm the manager of treasury
 19 operations.
 20 MR. INGE: You really need to
 21 slow down. Manager of what operations?
 22 THE WITNESS: Manager of
 23 treasury operations.

1 MR. INGE: Treasury?
 2 THE WITNESS: Yes, treasury.
 3 BY MR. BEERS:
 4 Q. What are your responsibilities and
 5 duties in that position, please, ma'am?
 6 A. I'm responsible for the banking
 7 relationships for the -- all the cash flow
 8 functions related to ServiceMaster and all
 9 the related subsidiaries.
 10 Q. Okay. Is that your only place of
 11 employment as we sit here today?
 12 A. Yes.
 13 Q. Okay. For the past year?
 14 A. Right.
 15 Q. Okay. And have you always served
 16 in the position you just identified?
 17 A. Since I've been there this year --
 18 Q. Yes, ma'am.
 19 A. -- yes.
 20 Q. Had you ever worked with them
 21 before?
 22 A. Yes.
 23 Q. Okay. When had you last worked

1 with them prior to --
 2 A. I worked for ServiceMaster from
 3 June of 2000 until like October of 2004.
 4 Q. Okay. What position did you serve
 5 with them during that period of time?
 6 A. It was a similar position. I was
 7 the manager of treasury services.
 8 Q. Okay.
 9 A. I had a little bit of different
 10 capacity.
 11 Q. Okay. After you left them in 2004
 12 what was your source of employment?
 13 A. I went to work for E.A. Renfro.
 14 Q. Okay. In what capacity did you go
 15 to work for E.A. Renfro?
 16 A. I was an adjustor's assistant
 17 working with Tammy Hardison.
 18 Q. Okay. E.A. Renfro is an
 19 independent adjusting company; is that
 20 correct?
 21 A. Correct.
 22 Q. Okay. Had you ever worked with
 23 them before?

1 A. I had not.
 2 Q. Okay. And you were an adjustor's
 3 assistant?
 4 A. That's right.
 5 Q. Okay. Tell me what that position
 6 called for you to be responsible for or what
 7 you did as an adjustor assistant.
 8 A. I would assist Tammy in various
 9 things, but mainly on contacting the
 10 insureds, scheduling appointments, assisting
 11 on site, we did the scope of the property,
 12 assist with all the administrative
 13 responsibilities that went along with
 14 working a claim, paperwork, lot of the
 15 contacts, things like that.
 16 Q. And you were an adjustor's
 17 assistant for Tammy Hardison; is that
 18 correct?
 19 A. Uh-huh (positive response).
 20 Q. Did you serve as an adjustor
 21 assistant for any other independent
 22 adjustor?
 23 A. No.

1 Q. And I assume that Ms. Hardison was
 2 an adjustor for E.A. Renfro?
 3 A. That's correct.
 4 Q. She was an independent adjustor for
 5 E.A. Renfro?
 6 A. Right.
 7 Q. Okay. And basically what type of
 8 adjusting would Ms. Hardison do to which you
 9 assisted? Would it be catastrophe-type
 10 adjusting?
 11 A. That's right.
 12 Q. Okay. And did you work as an
 13 assistant for Ms. Hardison on various
 14 catastrophes that she would be called out on
 15 on behalf --
 16 A. Yes.
 17 Q. -- of E.A. Renfro?
 18 A. Yes.
 19 Q. Okay. You served in this position
 20 for -- from 2004 to when?
 21 A. Until sometime in March of 2006.
 22 Q. Okay. As an independent
 23 adjustor -- Ms. Hardison as an independent

1 adjustor, did she adjust claims for any
 2 particular company over and above other
 3 companies? Was she assigned a particular
 4 insurance company by E.A. Renfro to adjust
 5 claims on, if you know?
 6 A. Mainly for State Farm, but I
 7 believe she did also do some work -- some --
 8 one storm for another company. I can't
 9 think of who it was.
 10 Q. Okay. When she worked for another
 11 company as an independent adjustor through
 12 E.A. Renfro, were you her assistant?
 13 A. Uh-huh (positive response). Yes.
 14 Q. Okay. Do you recall the name of
 15 that company?
 16 A. I can't remember. It was one of
 17 the first storms that we worked.
 18 Q. Okay.
 19 A. I want to say it -- it was a very
 20 small company and I can't remember the name
 21 of it.
 22 Q. Okay. Well, let's go through the
 23 various catastrophes that you served as an

1 assistant to Ms. Hardison and worked. You
 2 said you started in 2004?
 3 A. Uh-huh (positive response).
 4 Q. Okay. Was Ms. Hardison at that
 5 time a certified adjustor through Renfro?
 6 A. Yes.
 7 Q. Okay. Did she -- was she able to
 8 and did she adjust both flood claims as well
 9 as fire -- homeowners' claims, if you know?
 10 A. Yes.
 11 Q. Okay. Do you recall what
 12 catastrophe you first were called out on as
 13 her assistant?
 14 A. I believe it was Charley.
 15 Q. Charley? Okay. And where were you
 16 deployed so to speak or where did you work
 17 these claims?
 18 A. We were in Maitland, Florida.
 19 Q. Okay.
 20 A. Which is Orlando.
 21 Q. Okay. And with regards to
 22 Hurricane Charley do you recall the type of
 23 claims that you and Ms. Hardison had to

1 adjust for E.A. Renfro?
 2 A. You mean like were they homeowners
 3 or --
 4 Q. Homeowners, flood, or --
 5 A. Homeowners --
 6 Q. What time of losses they were?
 7 Were they wind losses or...
 8 A. Wind.
 9 Q. Wind? Okay. And is it your
 10 testimony that you believe that initially on
 11 Charley you -- Ms. Hardison was adjusting
 12 claims for another company other than State
 13 Farm?
 14 A. At the beginning.
 15 Q. At the beginning?
 16 A. Of course, if you recall that year
 17 it was Charley, Frances, Jeanne --
 18 Q. Quite a few.
 19 A. So after a while she switched over
 20 and was working through the State Farm
 21 Maitland office.
 22 Q. Okay.
 23 A. And we were working claims for all

1 of those hurricanes.
 2 Q. Do you know whether she had worked
 3 for claims for State Farm prior to that
 4 before?
 5 A. She had not.
 6 Q. She had not?
 7 A. That I recall.
 8 Q. As an adjustor?
 9 A. (Witness nods to negative.)
 10 Q. Did Ms. Hardison to your knowledge
 11 ever serve as an assistant like you served
 12 her?
 13 A. Yes.
 14 Q. Okay. Just if you know, do you
 15 know who she served as an assistant for,
 16 what adjustor?
 17 A. She worked with Kerri Rigsby and
 18 Rachel Fisher.
 19 Q. Okay. And were they both
 20 independent adjustors for Renfro as well?
 21 A. Yes.
 22 Q. Okay. Do you know the type of
 23 claims or what insurance company Kerri

1 Rigsby and Rachel Fisher, who they adjusted
 2 for through Renfro?
 3 A. Mainly State Farm.
 4 Q. Okay. So you first were deployed
 5 to Maitland, Florida on Hurricane Charley,
 6 you and Ms. Hardison, and you were working
 7 her -- as her assistant for an insurance
 8 company you can't recall. And then you
 9 moved over to State Farm?
 10 A. Uh-huh (positive response).
 11 Q. Okay. And did you adjust similar
 12 type claims, homeowner claims --
 13 A. Yes.
 14 Q. -- suffering wind damage?
 15 A. That's right.
 16 Q. Okay. After Hurricane Charley what
 17 claims -- what catastrophe did you next
 18 work, if you recall?
 19 A. Frances and Jeanne.
 20 Q. Okay.
 21 A. In that same area.
 22 Q. Same area of Florida?
 23 A. Uh-huh (positive response).

1 Q. Okay. Again for State Farm?
 2 A. That's right.
 3 Q. Similar type claims?
 4 A. Right.
 5 Q. Okay. And that took you through
 6 what period of time, if you recall?
 7 A. Let me think about it for a
 8 second. I want to say April or May into
 9 '05.
 10 Q. Okay.
 11 A. Something like that.
 12 Q. Okay. Did you ever change
 13 locations other than operating out of the
 14 Maitland area, if you recall?
 15 A. Not that I recall.
 16 Q. Okay. During that period of time
 17 which you served as an assistant for
 18 Ms. Hardison during these three
 19 catastrophes, did you become familiar with
 20 the -- the -- and were a part of receiving
 21 the instructions from State Farm as to how
 22 to adjust the claims and how to treat the
 23 policyholders?

1 A. I was present for some of those
2 meetings.
3 Q. Okay. And what was the general
4 philosophy you understood from the
5 representations and instructions you
6 overheard or were present for as to the
7 treatment of the policyholders and how to
8 adjust these claims?
9 A. We were told to adjust the claims
10 as if they were our own, if it was your own
11 property. Treat the insured how you would
12 want to be treated. Treat them fairly, you
13 know, but, of course, go according to the
14 policy.
15 Q. Right. And did you observe -- and
16 did you and Ms. Hardison adjust those claims
17 pursuant to that instruction --
18 A. Yes.
19 Q. -- and philosophy?
20 A. Yes.
21 Q. Okay. Did you observe other
22 independent adjustors as well as staff
23 adjustors for State Farm adjusting claims on

1 these sites --
2 A. Yes.
3 Q. -- as well? Okay. Did you observe
4 any of these adjustors or other independent
5 adjustors adjusting them any different than
6 the way you and Ms. Hardison adjusted?
7 A. No.
8 Q. As far as the philosophy and the
9 treatment of the policyholders?
10 A. No.
11 Q. Okay. In any of these catastrophes
12 were Kerri Rigsby or her sister Cori Moran
13 working these catastrophes as well, if you
14 know?
15 A. In Maitland, no.
16 Q. No? Okay. How do you know Kerri
17 Rigsby and Cori Moran?
18 A. I know Kerri, she was my former
19 next door neighbor.
20 Q. Okay.
21 A. She lived here in Memphis.
22 Q. Okay. How long ago was that?
23 A. I met her in December of '95.

1 Q. Okay. After the three catastrophes
2 you and Ms. Hardison worked in the Maitland
3 office, what was the next catastrophe that
4 you recall working?
5 A. I don't remember if we went --
6 MR. INGE: Can I interrupt
7 you. Lakeland?
8 THE WITNESS: Maitland,
9 M-A-I-T-L-A-N-D.
10 MR. INGE: I thought I just
11 heard it wrong. Okay. Thank you.
12 A. I can't remember if in '05 if we
13 were deployed to go somewhere else or if we
14 went home for a short period. But it seems
15 like we went somewhere in between Florida
16 and going back to Florida. I can't remember
17 if we went to Atlanta or not. But the next
18 storm that I recall was in -- around July of
19 '05 and that was Dennis.
20 BY MR. BEERS:
21 Q. Hurricane Dennis?
22 A. In Pensacola.
23 Q. Okay. You were stationed in

1 Pensacola, you and Ms. Hardison?
2 A. Uh-huh (positive response).
3 Q. Were you still serving as her
4 assistant?
5 A. Right.
6 Q. Okay. In serving as an assistant
7 are you in the process of training to become
8 an independent adjustor yourself?
9 A. Yes.
10 Q. Certified adjustor yourself?
11 A. Yes.
12 Q. And have you, during your course of
13 employment as an assistant adjustor or
14 assistant to an adjustor, have you become
15 certified through your training and
16 experience --
17 A. Yes.
18 Q. -- in any way?
19 A. Yes.
20 Q. Who have you been certified by?
21 A. State Farm. The end of '05, I want
22 to say in November of '05 I took the
23 Estimatics and Wind and Hail test and got my

1 certification.
 2 Q. Okay. Have you received any -- not
 3 only the State Farm certification but the
 4 IBL (sic) certification as well?
 5 A. Right.
 6 Q. Okay.
 7 A. Yes.
 8 Q. Okay. And what does that mean, IBL
 9 (sic)?
 10 A. Well, the IDL?
 11 Q. IDL, I'm sorry.
 12 A. That's a -- it's really a video
 13 program that I believe that State Farm has
 14 put together that we're all required to
 15 watch, and gives instructions on how to
 16 handle certain things and what is expected
 17 of an adjustor and so on and so forth.
 18 Q. Okay. And do you also receive that
 19 type of instruction that you experience as
 20 far as the -- how to treat policyholders and
 21 how to adjust claims according to the
 22 policy?
 23 A. Yes.

1 Q. Okay. How long did you and
 2 Ms. Hardison -- were stationed in Pensacola
 3 working the Hurricane Dennis, if you recall?
 4 A. I don't remember exactly. We got
 5 there sometime in July, early July, and then
 6 we were there until Katrina.
 7 Q. Okay. Now, during Hurricane
 8 Katrina did Ms. Hardison have to also adjust
 9 flood claims as well as homeowners' wind
 10 claims?
 11 A. Yes.
 12 Q. Okay. And so she is flood
 13 certified; is that correct?
 14 A. I believe so.
 15 Q. Okay. If you know?
 16 A. I'm not sure.
 17 Q. Okay. But she was assigned --
 18 A. Right.
 19 Q. -- flood claims? Would you -- do
 20 you recall which company y'all adjusted
 21 claims for during Hurricane Dennis?
 22 A. State Farm.
 23 Q. State Farm? Okay. So

1 Ms. Hardison, to the best of your knowledge,
 2 adjusted not only homeowners' claims but
 3 also flood claims through State Farm as a
 4 WYO for the flood program?
 5 A. Yes. Not during Dennis, but during
 6 Katrina.
 7 Q. Oh, I'm sorry. I thought -- so you
 8 did not adjust any flood claims in Dennis?
 9 A. Not that I recall.
 10 Q. Okay. Okay. While working in
 11 Pensacola and also working Hurricane Dennis,
 12 did you notice or observe whether or not
 13 Kerri Rigsby or Cori Moran were working in
 14 that area for catastrophes?
 15 A. Yes, we were all working in the
 16 same office in Pensacola.
 17 Q. Okay. And were they working State
 18 Farm claims as well?
 19 A. Yes.
 20 Q. Okay. Do you recall what positions
 21 they served for Renfro as adjustors, if you
 22 know?
 23 A. At that time they were both

1 managers, I believe. And it seems like Cori
 2 was Tammy's manager when we first got there
 3 and -- but Kerri was working mediation.
 4 Q. Okay.
 5 A. Cori could have been switched to
 6 mediation too, I just -- I can't remember
 7 for sure. But they were -- I think they
 8 were both working mediation at that time.
 9 Q. Okay. But at some point in time
 10 you believe Cori served as a manager for
 11 Ms. Hardison?
 12 A. I think Cori did. I think so,
 13 yeah.
 14 Q. Okay. Now, that would be a manager
 15 for Renfro --
 16 A. Right.
 17 Q. -- is that correct? That would not
 18 be a manager for State Farm?
 19 A. Right.
 20 Q. And if I understand it, and you
 21 correct me if I'm wrong, an independent
 22 adjustor would kind of have a two-way
 23 management connection, one be a manager with

Page 26

1 Renfro, the independent company you worked
2 for, and also one with the insurance
3 company, i.e., State Farm?
4 A. That's correct.
5 Q. Okay. And the manager with State
6 Farm would -- would supervise the actual
7 claim adjusting; is that correct?
8 A. That's correct.
9 Q. And the Renfro manager would be
10 more administrative?
11 A. That's right.
12 Q. Okay. I just want to make sure I
13 understood it. Do you recall who the State
14 Farm manager was for you and Tammy during
15 Hurricane Dennis or did that change? Does
16 that change?
17 A. This changes a lot.
18 Q. Okay.
19 A. I want to say -- I can't
20 remember -- it could have been somebody
21 before him, but Mark Drain was her manager
22 at the end, I believe.
23 Q. We're still on Dennis now. Was he

Page 27

1 a manager for Dennis?
2 A. Uh-huh (positive response). He was
3 there too.
4 Q. Okay. Again, at any time through
5 these various catastrophes we've talked
6 about up through Dennis, did you -- I'll ask
7 you whether or not you observed any
8 misconduct by any State Farm employee or
9 manager as far as the treatment of
10 policyholders or the instructions given to
11 the adjustors?
12 MR. INGE: Object to the form.
13 Go ahead.
14 A. I'm not sure what the question was
15 now.
16 BY MR. BEERS:
17 Q. Okay. Up through these various
18 catastrophes that we've talked about up
19 through Dennis, my question is simply this,
20 you talked about what you've observed as
21 State Farm's instructions and philosophy.
22 Did you ever observe any of the managers for
23 State Farm or other employees of State Farm

Page 28

1 not follow that type --
2 A. No.
3 Q. -- of philosophy?
4 A. No.
5 MR. INGE: Can we go off the
6 record for just a minute?
7 (WHEREUPON, THERE WAS A
8 DISCUSSION OFF THE RECORD AND THE
9 PROCEEDINGS CONTINUED AS FOLLOWS:)
10 BY MR. BEERS:
11 Q. During these -- during the
12 catastrophes we spoke about up to this
13 point --
14 MR. INGE: One other thing, I'm
15 sorry.
16 (WHEREUPON, THERE WAS A
17 DISCUSSION OFF THE RECORD AND THE
18 PROCEEDINGS CONTINUED AS FOLLOWS:)
19 BY MR. BEERS:
20 Q. Back to my question. Let's start
21 again. During these catastrophes up through
22 Dennis, did you ever see or -- see
23 instructions or was Tammy ever asked to

Page 29

1 engage an engineer for what I call an
2 improper purpose, and that is to try to
3 manipulate a conclusion as to a cause of
4 loss to avoid payment of a claim?
5 A. No.
6 MR. INGE: Object to the form.
7 Go ahead.
8 A. No.
9 BY MR. BEERS:
10 Q. Okay. Did you ever observe any
11 State Farm employee or manager through their
12 own action or instruction improperly shred
13 documents that were pertaining to a claim?
14 MR. INGE: Object to the form.
15 Go ahead.
16 A. No.
17 BY MR. BEERS:
18 Q. Okay. Now, the shredding of
19 documents was a routine practice in
20 adjusting claims; is that correct?
21 A. That's correct.
22 Q. Okay. What was the purpose for the
23 shredding of these documents if you had to

1 shred a document?
 2 A. To protect the privacy of the
 3 insureds.
 4 Q. Okay. It was not to hide any
 5 particular fact or document from a claim
 6 file; is that correct?
 7 A. Absolutely not.
 8 MR. INGE: Object to the form.
 9 BY MR. BEERS:
 10 Q. Okay. Well, let's -- when were you
 11 last in Pensacola working Hurricane Dennis
 12 with Ms. Hardison and State Farm through
 13 Renfro?
 14 A. First week of September '05.
 15 Q. Okay. So you were still assigned
 16 Hurricane Dennis and working Hurricane
 17 Dennis when Katrina hit the Gulf Coast on
 18 August the 29th of 2005; is that correct?
 19 A. That's correct.
 20 Q. Okay. When were you and
 21 Ms. Hardison deployed to Katrina to work
 22 Katrina?
 23 A. At some point during the first week

1 of September she was told, you know, you
 2 need to wrap up your Dennis claims, and
 3 you're going to be reassigned to Gulfport.
 4 Q. Okay. Let me ask you this: When
 5 you and Ms. Hardison would be on a
 6 catastrophe site whether it be Dennis or
 7 Katrina or whatever, and Cori and Kerri were
 8 also on those catastrophe sites working
 9 claims, would you and Tammy socialize with
 10 Cori and Kerri, as well as being coworkers?
 11 A. Sure.
 12 Q. Okay. Because you -- like you
 13 said, you knew Kerri from years back?
 14 A. Uh-huh (positive response).
 15 Q. Okay. And you had gotten to know
 16 her sister as well?
 17 A. That's right.
 18 Q. Okay. When you were working
 19 Hurricane Dennis and Hurricane Katrina was
 20 coming ashore, do you recall where you and
 21 Tammy were when Hurricane Katrina came
 22 ashore?
 23 A. We decided to evacuate Pensacola

1 and go to Ocean Springs to Kerri's house
 2 instead of trying to wait out the storm in
 3 our RVs. We thought it would be safer to be
 4 in a brick home.
 5 Q. Okay.
 6 A. Even though it was closer the
 7 storm.
 8 Q. So y'all moved right into the
 9 storm?
 10 A. That's right.
 11 Q. Okay. So is it my understanding
 12 from your testimony, you and Ms. Hardison,
 13 as well as Cori and Kerri were at Kerri's
 14 house when Katrina came ashore?
 15 A. Cori was not. Cori was at her own
 16 home.
 17 Q. Okay.
 18 A. And it was myself, Tammy, Rachel
 19 Fisher --
 20 Q. Okay.
 21 A. -- and Bill and Pat Lobrano.
 22 Q. Okay.
 23 MR. INGE: And where was

1 Kerri's house?
 2 THE WITNESS: In Ocean Springs,
 3 Mississippi.
 4 BY MR. BEERS:
 5 Q. Okay. And who are Bill and Pat
 6 Lobrano?
 7 A. Pat Lobrano is Kerri's mother.
 8 Q. Okay. And I believe she is
 9 remarried to --
 10 A. Bill Lobrano.
 11 Q. And he's a doctor?
 12 A. That's correct.
 13 Q. Okay. So y'all were at Kerri's
 14 house in Ocean Springs?
 15 A. That's right.
 16 Q. Okay. Do you recall anything about
 17 that day that the hurricane came in? What
 18 did you observe as far as the hurricane?
 19 What were y'all doing?
 20 A. Well, we were a little surprised
 21 that, you know, we were able to -- we all
 22 had a lot of dogs. And we would take the
 23 dogs out and walk them during the storm and

1 look around and kept watching, and we were
2 just surprised that the -- it didn't seem
3 that bad. It wasn't that windy. It wasn't
4 that bad. I mean, we had some branches fall
5 and, you know, things like that, but we just
6 didn't think it was that -- we were
7 surprised. It was mild, we thought.

8 Q. Were you secluded to the inside of
9 the home during the hurricane?

10 A. No, we sat on the back porch a good
11 bit. It's a covered porch, but we sat out
12 there because it was raining, of course.

13 But we sat on the porch.

14 Q. And watched it come ashore?

15 A. Uh-huh (positive response).

16 Q. Were any comments made between you
17 and Tammy and Kerri with regards to the
18 severity of the storm as it came ashore?

19 A. Yeah. It's kind of odd, but if
20 you're an adjustor you're hoping for damage
21 kind of. So we were watching the neighbor's
22 roofs to see if any tabs were blown off of
23 their -- you know, any shingles were blown

1 off and we saw just a few and we were kind
2 of disappointed.

3 Q. Okay. Of course, later on y'all
4 went in closer to the coast; is that
5 correct, and saw more of the destruction of
6 the water?

7 A. Right.

8 Q. Okay. Well, let's -- tell me
9 this: Basically you were immediately, so to
10 speak, assigned to work -- to deployed to
11 Katrina from Dennis; is that correct?

12 A. Within a few days, yeah.

13 Q. Okay. From the few days from y'all
14 being out there on that porch as it came
15 ashore; is that correct?

16 A. That's correct.

17 Q. Okay. How long did you stay in --
18 were you deployed to Mississippi --

19 A. That's correct.

20 Q. -- as opposed to any other
21 location?

22 A. Right, Gulfport.

23 Q. Gulfport? So you worked the

1 Gulfport office --

2 A. Right.

3 Q. -- as opposed to the Biloxi
4 office? I believe there was two main
5 locations.

6 A. Well...

7 Q. If you recall.

8 A. Maybe we were in the Biloxi
9 office. We were in both, I think. Worked
10 out of both.

11 Q. Okay. And did Cori and Kerri also
12 work out of the offices you worked at?

13 A. Yes.

14 Q. Okay. And I believe, and you
15 correct me if I'm wrong, that initially
16 everyone started in Biloxi, but then a
17 Gulfport office was opened up and flood and
18 homeowners' claims were working out -- were
19 worked out of the Gulfport office?

20 A. Right.

21 Q. And that's where y'all moved?

22 A. Right. We had to -- they added
23 trailers outside and we worked out of those.

1 Q. And you worked closely in the same
2 area as Cori and Kerri?

3 A. That's right.

4 Q. Okay. How long were you and Tammy
5 deployed to Mississippi working Katrina?
6 You started in the very first of September
7 of 2005. Give me a time line as to when
8 y'all --

9 A. Around the end of March of '06.

10 Q. End of March of '06, to the best of
11 your memory?

12 A. Uh-huh (positive response).

13 Q. Okay. And you worked basically the
14 same area during that period of time?

15 A. That's right.

16 Q. Okay. During that period of time
17 did you continue to not only work closely
18 with and in the same area as Cori and Kerri,
19 but also socialize with Cori and Kerri
20 during that period of time?

21 A. Yes.

22 Q. Okay. After you left in March or
23 around March of 2006, where did you and

1 Ms. Hardison go?
 2 A. Went home, came to Memphis briefly,
 3 and then I believe we went to Atlanta for
 4 about a month.
 5 Q. Working another claim?
 6 A. Right.
 7 Q. Catastrophe?
 8 A. Right. It was a tornado. And
 9 then -- and then back to Memphis --
 10 Q. Okay.
 11 A. -- after that.
 12 Q. Tell me to the best of your memory,
 13 Ms. Lee, when you or Tammy or both of you to
 14 your knowledge have last spoken with or
 15 socialized or talked with the sisters.
 16 MR. INGE: Object to the form.
 17 BY MR. BEERS:
 18 Q. And I say the sisters, I mean Cori
 19 or Kerri.
 20 MR. INGE: Object to the form.
 21 Go ahead.
 22 A. Last time I saw or spoke to Kerri
 23 was the end of May of '06.

1 BY MR. BEERS:
 2 Q. Okay. And what was the that about?
 3 A. We had wrapped up our storm in
 4 Atlanta and went to the beach, went to
 5 Pensacola. And she drove over one afternoon
 6 from Ocean Springs.
 7 Q. Okay. Did you ever hear from Cori
 8 after May of 2006?
 9 A. Yes. She called me, and I can't
 10 remember the date exactly, but right before
 11 the 20/20 that they were on aired. She
 12 called me right before that to tell me that
 13 they were going to be on 20/20.
 14 Q. Tell me what if anything you
 15 remember about her -- what she told you
 16 that -- on that telephone -- was it a
 17 telephone call?
 18 A. Yes, it was a telephone call. She
 19 just called and said, you know, just wanted
 20 to let you know, didn't want you to be
 21 shocked, you know, because I know you
 22 probably -- that I watched that show, and I
 23 know you'll see it. And, you know, we're

1 going to be on the show.
 2 And she started -- she wanted
 3 to go into all about what they were going --
 4 what the whole thing -- the whole show was
 5 going to be about. And I told her I didn't
 6 want to know. I didn't want to know what
 7 they had been doing. I didn't want to know
 8 what she had been testifying -- what trial
 9 she had been testifying at. I didn't want
 10 to know anything about it.
 11 Q. You had heard -- by then you had
 12 heard that they were proclaimed as a whistle
 13 blower; is that correct?
 14 A. No, I didn't know.
 15 Q. You did not know?
 16 A. Huh-uh (negative response).
 17 Q. Okay. Well tell me, did you watch
 18 the 20/20 broadcast?
 19 A. Yes.
 20 Q. And did you watch and hear the
 21 representations made by Cori and Kerri as
 22 well as the allegations made by them in that
 23 broadcast?

1 A. Yes.
 2 Q. What was your initial reaction and
 3 response?
 4 A. I thought it was ridiculous and
 5 that they had made up the whole thing.
 6 Q. Okay. And is that based upon your
 7 experiences and observations and your
 8 contact with them through the months that
 9 you worked Katrina?
 10 A. Right.
 11 Q. Okay. Did you ever have any
 12 further contact with either Cori or Kerri
 13 after the 20/20 broadcast, if you recall?
 14 A. I never spoke to them directly.
 15 When we ended the phone call when she called
 16 me about the 20/20 show I was not happy
 17 about that at all. And so how the phone
 18 call ended is she, well, I'm sorry that you
 19 feel that way. I'm sorry that you're mad at
 20 me. And I said, you know, I'm not mad at
 21 you, I'm just very disappointed in you. And
 22 I don't ever want to talk to you again, so
 23 don't call me again. And click, we hung up.

1 And so she called me and left
2 me a voice mail in October of that year.
3 Tammy and I had gone to a storm in the
4 Chicago area, and she tried to -- I guess
5 she had heard that we were deployed, and she
6 tried to get in touch with me and I didn't
7 call her back.

8 Q. Okay. And again, just -- you were
9 disappointed in her because it was your
10 belief that it was not true that --

11 A. That's correct.

12 Q. -- accusations and the
13 representations made?

14 A. That's correct.

15 Q. And that again is based upon your
16 being there and experiencing and observing
17 the conduct of State Farm and its employees?

18 A. Right. And I said before that I
19 didn't know that they were the whistle
20 blowers. I did know that, but I didn't
21 realize it was to that extent to go on
22 national television.

23 Q. Okay.

1 A. I did know that they had been --
2 that they had been the moles.

3 Q. Yeah. After you and Tammy were
4 with Kerri and Dr. and Ms. Lobrano when the
5 storm came through and at Kerri's house in
6 Ocean Springs, did you after that have an
7 opportunity to observe the loss suffered by
8 Dr. and Ms. Lobrano to their home?

9 A. Yes.

10 Q. Okay. Tell me about that when you
11 first observed it and who was with you when
12 you observed it.

13 A. We went out to their house the same
14 day on the 29th.

15 Q. We being the same group --

16 A. Same group --

17 Q. -- that was at the house?

18 A. -- Tammy, Kerri, Rachel and Pat and
19 Doc. And you couldn't drive to their
20 property because -- because of all the
21 debris. And so we had to -- and then we
22 couldn't get to it -- you couldn't drive
23 close enough to even walk to it because of

1 all the water. So we had to wait until the
2 water receded. So then we drove up. We had
3 to, you know, climb through this jungle to
4 get to it. Walk over a house. And then we
5 had to wade through the water to get to
6 their property. And, you know, the whole
7 first floor was just -- it was like a
8 cabana. And then the second -- I guess,
9 third floor was still standing on top.

10 Q. Okay. So they suffered quite a bit
11 of damage?

12 A. Yes.

13 Q. Okay. And were any comments -- did
14 Cori ever come to the scene as well, or --
15 you said she was --

16 A. She did later. She couldn't get
17 out of her house that day because she was
18 trapped by water.

19 Q. Okay. Were any comments made by
20 either Cori or Kerri in your presence to the
21 Lobranos about the type of loss they
22 suffered?

23 A. Yes. At that particular day when

1 we first went out there it was -- you know,
2 Kerri was -- made the comment about it being
3 flood damage and that -- you know, that --
4 you don't understand that homeowners doesn't
5 pay for this flood, you know, flood damage.
6 So she talked to her mom about that a little
7 bit, but then on -- later I remember Cori
8 talking to her mom and talking about it to
9 me later that her mom had only bought -- she
10 bought the maximum coverage, the 250, but
11 she didn't buy any contents coverage and how
12 stupid that was. And that she had told her
13 mother, you know, you're an intelligent
14 woman, why wouldn't you have bought all --
15 you know, the maximum that you could have
16 bought and so...

17 Q. Did do you recall Cori making any
18 comments in your presence or to you about
19 whether or not her mother was -- had any
20 coverage under the homeowner's policy for
21 the loss that she observed?

22 A. Well, yeah, I mean, Kerri and Cori
23 both made comments about that because they

1 obviously knew that -- and then I heard them
2 tell her, you know, that it's not going to
3 be covered under that. You may have some
4 wind damage to the roof or something like
5 that that will be covered, but for all her
6 lower levels that were destroyed, you know,
7 they, you know, were explaining to her that
8 that's not covered.

9 Q. Okay. Were you aware at that
10 time -- well, let me -- how did Mrs. Lobrano
11 and Dr. Lobrano take that news and also take
12 the destruction of their house? What did
13 you observe, if anything, initially?

14 MR. INGE: Object to the form.
15 Go ahead.

16 A. Well, I mean, they were devastated,
17 obviously.

18 BY MR. BEERS:

19 Q. Right. Okay. Were you aware at
20 that time of Mrs. Lobrano's past
21 relationship, if any, with Dickie Scruggs?

22 A. Yes, I knew they had gone to school
23 together and that she had known him from way

1 back when.

2 Q. Okay. After you and Tammy finished
3 up your work in Dennis and were deployed
4 over to Katrina where did you -- where did
5 y'all live?

6 A. Well, we moved our RV from
7 Pensacola to a campground right outside
8 Ocean Springs.

9 Q. Okay.

10 A. And we stayed there for a while.

11 Q. Okay. Did anyone -- where was
12 Kerri living at that time when she started
13 working Katrina?

14 A. At her house.

15 Q. At her house?

16 A. In Ocean Springs.

17 Q. Okay. Did anyone live there with
18 her at the time, if you knew?

19 A. Rachel Fisher.

20 Q. Rachel Fisher, that other
21 independent adjuster that you had spoken
22 about?

23 A. Right.

1 Q. Okay. Did that living arrangement
2 change at any point in time to your
3 knowledge as far as Rachel living there?

4 A. Yes. When -- Kerri also had an
5 RV. And her -- she had her RV parked right
6 next door to ours, and Pat and Doc moved
7 into the RV beside us right after the storm.

8 Q. Okay. Did Rachel continue to live
9 with Kerri?

10 A. Yeah, and then they switched.
11 Rachel moved into the camper and Pat and Doc
12 moved in with Kerri about two -- two or
13 three weeks later.

14 Q. Okay. Once y'all got stationed and
15 I believe you've stated that you assisted
16 Tammy working both homeowners' and flood
17 claims for State Farm --

18 A. That's right.

19 Q. -- or for State Farm through
20 Renfro; is that correct?

21 A. Uh-huh (positive response).

22 Q. Okay. Did Ms. Lobrano have
23 insurance with State Farm, to your

1 knowledge?

2 A. Yes.

3 Q. Okay. Did you ever observe the
4 sisters -- again, Cori and Kerri when I say
5 sisters -- try to get involved or get
6 involved in their mother's claim?

7 A. Yeah. I think they wanted to try
8 to manipulate who the claim was assigned
9 to --

10 Q. Okay.

11 A. -- which adjuster.

12 Q. Do you know whether or not that's
13 frowned upon from the instructions you've
14 received from State Farm?

15 A. Yes, absolutely.

16 Q. Okay. Do you know any other
17 efforts made by them to get involved in
18 their mother's claim?

19 A. Well, I know that once the claim
20 was assigned it was assigned to someone that
21 they knew. And Kerri talked to him. And I
22 don't know what was said between them, but
23 during that conversation she revealed to him

1 what, well, by the way, that's my mother's
 2 claim and so, you know, I think she was
 3 trying to influence him to, you know.
 4 Q. Did she ever try to get you or
 5 Tammy involved in that at that time?
 6 A. No.
 7 Q. Okay.
 8 A. He asked to be -- as soon as he
 9 understood that that was his -- her mother's
 10 claim he asked to be removed from that and
 11 it was reassigned.
 12 Q. Okay. What was Cori's reaction to
 13 that, if any?
 14 A. She was upset that Gary had told
 15 them.
 16 Q. Okay.
 17 A. Because I don't believe the State
 18 Farm management knew and he didn't know.
 19 And then when it was -- everyone was made
 20 aware, it was assigned away from someone
 21 that they might know or could influence.
 22 Q. Okay. At any time did you ever
 23 observe or -- Kerri or Cori trying to access

1 various claim files that they were not
 2 involved in or working?
 3 A. Like on line or...
 4 Q. Yeah. Yes.
 5 A. Not really. I mean, I know that
 6 they tried to go into their mother's claim
 7 and it had been locked, so they couldn't go
 8 into that.
 9 Q. Okay. Did they ever ask you or
 10 Tammy to access files to which they had no
 11 business being in?
 12 A. Yeah. I mean, Kerri did. I mean,
 13 she would ask -- she wanted to look at
 14 certain files and wanted copies of things
 15 and...
 16 Q. Okay. Were you ever shown any
 17 documents from a file by Kerri or Cori to
 18 which she made comments about that file?
 19 A. Yes, by Kerri.
 20 Q. Okay. Approximately when was
 21 that? And what was it about, if you recall?
 22 A. I want to say it was in January of
 23 '06, sometime around that time. I can't be

1 very specific, but -- I believe -- I want to
 2 say we were at her house and she had brought
 3 the claim file home with her.
 4 Q. So you were off the site location
 5 of State Farm --
 6 A. That's correct.
 7 Q. -- is that correct? Okay. And you
 8 believe you were at Kerri's house --
 9 A. Right.
 10 Q. -- as opposed to your RV or --
 11 A. Or Cori's.
 12 Q. -- or Cori's?
 13 A. Uh-huh (positive response).
 14 Q. Okay. And what, if anything, did
 15 she show you, and what, if anything, did she
 16 say?
 17 A. She showed me a claim file. And I
 18 believe it was an engineer report that was
 19 in the file that had a sticky note on it
 20 that said something to the effect of, you
 21 know, put in file, do not -- or do not
 22 discuss, put in file, do not pay. Or
 23 something like that.

1 Q. Okay. And why was she showing
 2 that? Did she represent to you why she was
 3 showing it to you?
 4 A. She didn't really say. She just
 5 said, well, what do you think about that?
 6 And I said, not much. I mean, what do you
 7 -- what is it? You know. And she said,
 8 well, what do you think about the note? And
 9 I looked -- flipped it over and looked at
 10 the underside and I said, well, I don't know
 11 who wrote it. They didn't sign it. There
 12 is no initials, you know. I said, but I
 13 don't think that's unusual for a sticky note
 14 like that to be in the file.
 15 Q. Okay. And did she make any comment
 16 after your response as to who wrote the note
 17 or what it was about or what her problems
 18 were with it?
 19 A. Well, she was saying that she
 20 thought Lecky wrote it.
 21 Q. Okay.
 22 A. And I said, well, I don't know what
 23 Lecky -- I don't know if she did or not. I

1 said, she didn't sign it. I said, but again
 2 I didn't think it was unusual -- I didn't
 3 think that that looked unethical or like
 4 somebody -- fraudulent, somebody was trying
 5 to hide anything or do anything unusual.

6 Q. Did you get the impression that's
 7 what she was showing it to you for --

8 A. Yes.

9 Q. -- that she thought it was --

10 A. Yes.

11 Q. -- improper?

12 A. And I said, well, for all I know
 13 you wrote the note and stuck it on there.

14 Q. Okay.

15 A. And she said, well, why would you
 16 say that? And I said, because it's just a
 17 sticky note.

18 Q. Yeah. And you say you lifted up
 19 the sticky note. So it was not a Xerox
 20 copy?

21 A. Huh-uh (negative response).

22 Q. I mean, it was the original sticky?

23 A. It was the note, yeah.

1 Q. Okay. And you lifted it up to look
 2 for --

3 A. I was just seeing if there was
 4 anything on the other side.

5 Q. Okay. And do you recall the color
 6 of the sticky note?

7 A. It was yellow.

8 Q. Yeah. Okay. And you say it was on
 9 top of an engineering report?

10 A. I believe so, yeah.

11 Q. Okay. Were you familiar with that
 12 claim or were you involved in that claim in
 13 any way?

14 A. No, not at all.

15 Q. Okay. Do you know if she was?

16 A. I don't know.

17 Q. Okay. Did she make any other
 18 comments about that report, that sticky
 19 note, or what she thought was wrong about
 20 it?

21 A. Well, she was just saying don't you
 22 think that's unusual? Don't you think that,
 23 you know, that looks suspicious? And I

1 said, well, no, because there is many
 2 situations why you wouldn't want to discuss
 3 something with an insured until you have
 4 worked the entire claim and you have the
 5 full picture. You don't want to go off with
 6 half answers to the insured that -- so
 7 that's not unusual to say do not discuss.

8 Q. Okay. During this period of time
 9 you say you believe it was after the first
 10 of the year in '06, so y'all had been there
 11 since September of '05, that she showed you
 12 this sticky note and this report in her --
 13 in her house or...

14 A. House.

15 Q. House? Okay. Was Tammy there as
 16 well?

17 A. She was there.

18 Q. Okay.

19 A. But I don't know that she paid
 20 attention to what we were talking about or
 21 not.

22 Q. Okay. Was Cori there, if you
 23 recall?

1 A. I don't recall.

2 Q. Okay. After that period of time,
 3 did you observe Kerri or Cori or both, you
 4 know, looking into or being -- attempting to
 5 be critical of State Farm of any -- in any
 6 fashion?

7 A. Well, yeah. I mean, from time to
 8 time.

9 Q. Okay. And did you become aware at
 10 any time of their involvement with
 11 Mr. Scruggs?

12 A. Yeah, but that was more like in
 13 March.

14 Q. Okay. Okay. After -- well, after
 15 she showed you the sticky note and you made
 16 comment that you didn't see anything wrong
 17 with it, did she attempt to show you any
 18 other files or attempt to get y'all to
 19 access any other files, if you know?

20 A. I don't recall her showing me any
 21 other files.

22 Q. Okay. Do you recall her ever
 23 showing you any other evidence to which she

1 thought was misconduct?
 2 A. No.
 3 Q. Okay. When did you first become
 4 aware and how did you first become aware of
 5 her connection, if any, to Mr. Scruggs?
 6 A. Well, of course, I knew that they
 7 knew him, or that Pat knew Dickie, and
 8 that -- and she had mentioned and talked
 9 about going to meet with him. And I thought
 10 it was, you know, to retain him as her
 11 attorney for her claim.
 12 Q. Pat did?
 13 A. Right.
 14 Q. When did she first talk about
 15 Mr. -- Pat Lobrano talk about Scruggs in
 16 your presence?
 17 A. Sometime after the first of the
 18 year, I guess, is when I remember --
 19 Q. Her talking about him?
 20 A. -- talking about him, yeah.
 21 Q. Okay. But you thought it was just
 22 on her claim, her house claim?
 23 A. Right, I just assumed that. She

1 wasn't specific, you know.
 2 Q. Okay. Well, what comments, if any,
 3 were made by Cori or Kerri about the
 4 Scruggs' relationship or their relationship?
 5 A. Well, sometime in March they --
 6 Kerri and Cori told me and Tammy that they
 7 had met with him at Cori's house.
 8 Q. Okay. And for what reason?
 9 A. Well, they weren't clear as to what
 10 they were meeting with him about. Again, we
 11 assumed, you know, it was about Pat's claim
 12 and -- but then they had started -- Cori was
 13 explaining that they were going to provide
 14 him documents on claims for people that he
 15 was representing, and that that's what he
 16 was wanting them to do. And Kerri seemed on
 17 board with it but Cori was absolutely not on
 18 board, and said that she -- you know, it was
 19 Pat and Kerri and Cori and Dickie meeting
 20 there in the living room. And Cori got up
 21 and ran down the hall and went in her
 22 bedroom and didn't want to talk to him about
 23 it and didn't want to discuss it. And --

1 but I think that they talked her into it.
 2 Q. After that did Cori -- after they
 3 disclosed that to you, did Cori and Kerri
 4 attempt to get you and Tammy to come on
 5 board, so to speak, and work with
 6 Mr. Scruggs and them?
 7 A. Kerri did, more so than Cori.
 8 Q. Okay. How was that?
 9 A. Well, Kerri would -- first of all,
 10 she started asking for -- she wanted copies
 11 of any engineering reports that Tammy had
 12 that pertained to any of her claims
 13 and things like that.
 14 Q. And how did Tammy respond to that?
 15 Did she let her have them?
 16 A. No. She said, you know, you don't
 17 have any need for that. You know, you don't
 18 need these copies. You're not working these
 19 files, you know. Of course, Kerri is the
 20 manager. I guess if she wanted to take them
 21 she could have taken them. But she told her
 22 no. And then Kerri told Tammy that she had
 23 given her name to Jim Hood.

1 Q. The attorney general?
 2 A. Right. And Tammy was like, what in
 3 the world, why would you -- you know, I have
 4 no information for him. I don't want to
 5 talk to him, you know. Why would you give
 6 my name and number to him? And she said,
 7 well, you know what's going on. You can
 8 tell him all about it. And Tammy was like,
 9 I don't know what you're talk about. There
 10 isn't anything going on that I'm aware of.
 11 Q. What did Kerri or Cori say about
 12 what they thought was going on or what they
 13 were positioning was going on?
 14 A. She was never specific. She would
 15 just say, you know there has got to be
 16 something going on. She'd say it like that.
 17 There's got to be, you know there is. But
 18 she would never -- and Tammy was like, well,
 19 what? I've not observed anything. I have
 20 not heard anything. I've not seen
 21 anything. I don't know what you're talking
 22 about. There is nothing unethical, there's
 23 not any -- no wrongdoing that I'm aware of.

1 And so we were both very upset
2 that she had tried to drag Tammy into it.

3 Q. Okay. And you say they tried to
4 set you up to meet with Attorney General
5 Hood?

6 A. (Witness nods in positive).

7 Q. What was his connection to
8 Mr. Scruggs and Cori and Kerri, if you
9 know?

10 A. Well, according to Cori and Kerri,
11 that Scruggs had gotten Hood involved. And
12 that Hood was really, really excited about
13 the whole prospect of the whole lawsuit, and
14 that Dickie had said he had to tell Hood
15 just to calm down about it, just calm down.
16 That he was going to -- he was too
17 overzealous about the whole situation.

18 Q. Did they ever make any comments as
19 to, you know, why they were doing this, Cori
20 and Kerri, why they were doing it? Did they
21 make any comments about whether or not they
22 were going to get any rewards from it or --

23 A. They never would say.

1 Q. -- fame and fortunate?

2 A. I would ask Cori, I said, I know
3 you wouldn't risk your job, I said, because
4 that's what is going to happen. If you
5 provide him with that documents and you're
6 found out, you're going to lose your job,
7 you're going to lose your career. So why
8 would you risk it? I know there has got to
9 be some kind of reward in this for you, some
10 kind of something. And she never would
11 answer.

12 Q. In their efforts to get you and
13 Tammy to participate, did they ever tell you
14 what you would receive as a reward of fame
15 or --

16 A. We would be heroes. That's what
17 they would say. You'll be heroes. We are
18 going to get a book deal. We're going to
19 make a movie. You know, we're going to be
20 famous.

21 Q. Okay. Did they ever show you
22 anything they had received from Mr. Scruggs
23 during this? Or did you overhear them

1 talking about --

2 A. Well, by the time we found out and
3 they were feeding us all this information,
4 they had these cell phones that he had given
5 them so they could have these untraceable
6 conversations, I suppose, with him. That
7 they had -- Cori and Kerri both had cell
8 phone that he had given them.

9 Q. Okay. Was Ms. Lobrano involved or
10 know about all of this as well, if you know?

11 A. Yeah. Oh, yeah, she was -- she was
12 aware.

13 Q. Okay. Do you recall any efforts
14 made by Cori or Kerri to get you and Tammy
15 to access the Anna Vela file?

16 A. Oh, yeah, she was --

17 MR. INGE: I didn't hear.

18 MR. BEERS: Anna Vela.

19 A. She was very curious about the Anna
20 Vela file.

21 BY MR. BEERS:

22 Q. And what, if anything, do you know
23 why or for what reason?

1 A. Kerri said that -- I can't remember
2 exactly, Tammy may have more clarification.
3 But she was saying that that file, according
4 to -- that Lecky King had said not to pay
5 that file, not to pay that homeowner's
6 claim. And Tammy had been assigned the
7 claim by State Farm through Mark Drain, her
8 manager, and had been told to pay full
9 limits under the homeowner's policy. And so
10 Tammy was like, I don't know what you're
11 talking about, you know. I was given this
12 file by State Farm to pay it.

13 And so she wanted copies of
14 everything in the file. She wanted copies
15 of the engineer report, so on and so forth.

16 Q. And again did Tammy refuse?

17 A. Yes.

18 Q. Okay. And this all was occurring
19 before you and Tammy were deployed out,
20 sometime around March, I believe?

21 A. Right, it was --

22 Q. All --

23 A. All this happened within -- we --

1 all this knowledge, you know, about what
 2 they were trying to do came about right at
 3 the end of March.
 4 Q. Okay. Let's go back to the fall
 5 when you were first there, and I think
 6 you -- we have talked about Dr. and
 7 Mrs. Lobrano's loss and how devastated they
 8 were. At any time after --
 9 MR. INGE: Hold on just a
 10 minute. Did you turn up the heat?
 11 (WHEREUPON, THERE WAS A
 12 DISCUSSION OFF THE RECORD AND THE
 13 PROCEEDINGS CONTINUED AS FOLLOWS:)
 14 BY MR. BEERS:
 15 Q. Ms. Lee, I'm taking you back to the
 16 fall of '05. And you have already given
 17 testimony with regards to your observations
 18 of the Lobrano loss, the comments and
 19 admonishments made by Cori and Kerri to
 20 Mrs. Lobrano and Dr. Lobrano about the type
 21 of coverage or the type of loss they
 22 suffered, and your observations as to how
 23 upsetting and devastated the Lobranos were.

1 I'll ask you whether or not at any time
 2 after those initial observations of their
 3 being upset and devastated did you ever
 4 observe their attitudes change with regards
 5 to this loss and what they were doing about
 6 it?
 7 A. Yes. Two or three weeks I'll say
 8 after the storm they -- Pat especially just
 9 had an about-face.
 10 Q. Prior to that what was --
 11 A. She was -- initially she was -- she
 12 was just devastated, I mean. I think she
 13 probably spent a few days in bed because she
 14 was just depressed. I mean, it was
 15 horrible. And didn't know if they were
 16 going to rebuild or not, you know, kind of
 17 just -- didn't know what they were going to
 18 do.
 19 And then two to three weeks
 20 later it's like everything was great. We're
 21 going to rebuild. Started having
 22 contractors come over, looking at the
 23 property. Didn't seem like they were

1 worried about the financing of it. Just
 2 everything changed.
 3 Q. Okay. During -- while you were at
 4 Katrina, Kerri had a home and lived in the
 5 home --
 6 A. Uh-huh (positive response).
 7 Q. -- in Ocean Springs?
 8 A. Right.
 9 Q. Do you recall when she sold that
 10 home? Or do you recall the sale of that
 11 house --
 12 A. Yes.
 13 Q. -- taking place?
 14 A. Actually, I'm not sure exactly when
 15 it closed. At the end of December of '05 or
 16 sometime in January of '06, I'm not sure,
 17 but --
 18 Q. Yeah.
 19 A. -- she had to be out by the end of
 20 February, I believe, of '06.
 21 Q. Okay. Did she ever make any
 22 comments about the sale of the house and
 23 what happened and how it occurred?

1 A. Well, she didn't even have the
 2 house on the market and the next thing I
 3 knew, you know, she had a contract on it.
 4 She said she sold it to a doctor for -- like
 5 she paid like 300 for it and he bought it
 6 for like 600.
 7 Q. Okay. But she didn't even have it
 8 on the market?
 9 A. Didn't even have it on the market.
 10 Q. Okay. During the fall and up
 11 through the end of the 2005 Christmas
 12 season, do you recall in your socializing
 13 with Cori and Kerri a trip that they made to
 14 Dallas?
 15 A. Yes. Kerri and Cori said they were
 16 going shopping, they were going to take a
 17 weekend trip to Dallas to go shopping.
 18 Q. Okay. Was there anything unusual
 19 about that?
 20 A. Not really. I mean, that wasn't
 21 unusual for them to go shopping. It was
 22 just what was odd is that they didn't ask --
 23 Kerri didn't ask me to -- and Tammy to take

1 care of her dogs.
 2 Q. What --
 3 A. She had two dogs at the time and
 4 they were like her children. And she
 5 would -- always said that she would never
 6 let her mother, Pat, watch her dogs because
 7 she didn't take care of them the way she
 8 wanted her to take care of them. But that
 9 weekend she -- I said, don't you need me to
 10 take care of your dogs and come over to the
 11 house and take care of them or have them
 12 come with me? No, no, Pat's -- my mom's got
 13 them. She's going to take care of them. So
 14 I thought that was odd.
 15 Q. And what was the purpose of the
 16 trip, if you know?
 17 A. They said they were going shopping.
 18 Q. Okay. And there was nothing
 19 unusual about them shopping, was it?
 20 A. Oh, no they were -- they shopped.
 21 That's what they lived for.
 22 Q. Okay. But in their return did they
 23 tell you about the shopping?

1 A. They didn't talk about the trip.
 2 It was also odd that they didn't ask me to
 3 take them to the airport and pick them up
 4 from the airport. So they didn't -- you
 5 know, the whole dogsitting thing and not
 6 asking to be taken to the airport and picked
 7 up, that was unusual. And then they never
 8 mentioned it. Never showed me anything they
 9 bought. Never talked about anything they
 10 did. You know, that was very unusual. That
 11 would be something that we would sit and
 12 talk about, you know, over drinks. And then
 13 I never saw any packages, you know, that
 14 they would have had shipped home or anything
 15 like that. Because if they would have gone
 16 on a shopping trip they would have bought a
 17 lot of stuff.
 18 Q. Okay.
 19 A. They didn't go just to window
 20 shop. So I thought that was odd.
 21 Q. Did you also -- I'll ask you
 22 whether or not you also observed Kerri and
 23 Cori and Pat Lobrano during the -- this time

1 period, late fall, Christmas time watching
 2 any particular movie?
 3 A. They were watching The Insider.
 4 Q. The Insider about the tobacco
 5 litigation and --
 6 A. That's right.
 7 Q. And where were they when they were
 8 watching it? How did you observe that?
 9 A. We were in Cori's den. And we had
 10 been in and out the den and on the patio.
 11 And they were watching it and they wanted to
 12 us to stay and watch it. And I didn't want
 13 to. And they were just talking about, you
 14 know, who was going to play each one of them
 15 in their movie, and things like that.
 16 Q. Of course, during this period of
 17 time you -- did they ever represent to you
 18 during this period of time that they were
 19 working with Mr. Scruggs?
 20 A. No.
 21 Q. Okay. Since all of this came out,
 22 since the 20/20, since, you know, all the
 23 communications you had with Cori and Kerri

1 and their efforts to recruit you, have you
 2 been keeping up with the news accounts and
 3 the blogs and all that's going on --
 4 A. Sure.
 5 Q. -- in Mississippi and with them?
 6 A. Yes.
 7 Q. Okay. At any time did you ever
 8 become aware as to the fact that the deputy
 9 insurance commissioner for the State of
 10 Mississippi represented that Scruggs had
 11 told the insurance commissioner in December
 12 2005 that he had insiders with State Farm?
 13 A. Yes.
 14 Q. When hearing of that, do you have
 15 an opinion who those people were?
 16 A. Oh, yeah, there is no doubt he was
 17 talking about Kerri and Cori.
 18 Q. And this was --
 19 A. In December --
 20 Q. -- in December.
 21 A. -- of '05.
 22 Q. And you base that based upon some
 23 of these observations you've just testified

1 about?

2 A. Right, exactly.

3 Q. Okay. Do you also recall even

4 while you were there the reports from the

5 Sun Herald and all this about Dickie Scruggs

6 representing that he flew to Bloomington to

7 meet with a corporate insider and receive

8 documents from State Farm?

9 A. Yes. I don't recall if I read it

10 in the paper or not, but I know that Kerri

11 had said something to me about it.

12 Q. Okay. Did they make any other

13 comments about that fact that was reported?

14 A. Yeah. Well, Kerri said that she

15 thought it was really amusing that he went

16 to the trouble and the expense to fly his

17 jet to Bloomington and meet with some guy at

18 the airport, I believe, that just handed him

19 like an empty envelope to make it look like

20 he was getting some kind of information.

21 And apparently, she said that someone made

22 an anonymous call to the Bloomington office

23 to tip off State Farm that Dickie Scruggs

1 was going to be meeting with a State Farm

2 insider in Bloomington.

3 Q. Did she ever indicate the reasons

4 why Scruggs did that?

5 A. It was all for show, for smoke and

6 mirrors to make it look like he was getting

7 information, make State Farm think he had

8 information.

9 Q. So they never represented to you to

10 their knowledge and communicated that

11 knowledge to you that he did in fact have

12 anybody in Bloomington?

13 A. No.

14 Q. He just staged?

15 A. Right, it was all staged.

16 Q. Do you know, and I'm asking if you

17 know, whether or not Ms. Lobrano was aware

18 of that staging? Was she present when Kerri

19 communicated that to you?

20 A. I don't know if she was present

21 when she told me, but I'm sure that she was

22 aware.

23 Q. Well. So it's your testimony that

1 you and Tammy were relieved of your duties,

2 so to speak, of Katrina around March or late

3 spring -- or spring of 2006 --

4 A. Right.

5 Q. -- is that correct?

6 A. Uh-huh (positive response).

7 Q. And you did -- did y'all go back to

8 Memphis --

9 A. Yes.

10 Q. -- or do you recall --

11 A. Yes.

12 Q. -- where you went?

13 A. Yes.

14 Q. Okay. Did y'all ever return back

15 to the coast? I believe you -- well...

16 A. Yeah, I can't remember 100 percent

17 for sure we did. But we went to Memphis,

18 and some -- shortly thereafter, like the

19 next week Tammy went to the Renfro

20 conference. It was somewhere in Austin,

21 Texas. I think it was in Austin, Texas.

22 Q. Okay.

23 A. And then went back to the coast and

1 picked up our RV and drove back to Memphis.

2 Q. Okay. And you had mentioned that

3 you had last seen, I believe it was Kerri,

4 in May around --

5 A. Memorial Day Weekend.

6 Q. Memorial Day Weekend?

7 A. Right.

8 Q. The 28th of May?

9 A. Right. It was Memorial Day,

10 whatever day that was.

11 Q. Okay.

12 A. Yeah.

13 Q. And that would be 2006?

14 A. That's right.

15 Q. Okay. And where were y'all?

16 A. On the beach in Pensacola.

17 Q. And y'all just went there for

18 vacation or --

19 A. Right, just for vacation.

20 Q. How do you know it was that

21 weekend?

22 A. Because that's when we would go

23 on -- every weekend -- I mean, every year we

1 would go Memorial Day Weekend.
 2 Q. Were y'all celebrating anything
 3 or...
 4 A. It was just a good weekend to go.
 5 It was a long weekend.
 6 Q. Okay. And how did you come about
 7 seeing -- did you meet Kerri and Cori both
 8 there or did they both --
 9 A. Just Kerri.
 10 Q. Just Kerri?
 11 A. She called. She knew that we were
 12 there. We had been in touch with her. And
 13 we -- actually, we were there for like a
 14 week or 10 days.
 15 Q. Okay.
 16 A. And she wanted to come over and so
 17 she -- and see us and visit. And so she
 18 came over just for the afternoon.
 19 Q. Okay. That would -- was that a
 20 Saturday or Sunday, if you recall?
 21 A. It was either Sunday or Monday.
 22 Q. Okay.
 23 A. I'm not 100 percent sure.

1 Q. Okay. And why did she leave? Or
 2 when she left what, if anything, did she
 3 represent to you?
 4 A. Well, she came -- she drove over.
 5 She got there noonish, I guess. And I
 6 thought she was going to stay, you know, all
 7 afternoon and it may be into the evening.
 8 And she said, well, I can only stay for a
 9 couple of hours because on my way over I got
 10 a phone call and I've got to go take my
 11 computer and meet a hacker for Dickie.
 12 Q. A hacker for Dickie?
 13 A. Uh-huh (positive response). She
 14 had her State Farm -- State Farm gives
 15 adjustors a laptop to use. And she had her
 16 State Farm laptop in her car. And she was
 17 going to take that and have -- let this
 18 computer guy that worked for Dickie try to
 19 hack into it.
 20 Q. Okay. Did you later become aware
 21 that the first weekend of June after that
 22 trip that she met you and left and made
 23 those representations, that was the weekend

1 that they did the, quote, document dump
 2 that's been --
 3 A. We learned that later.
 4 Q. Okay. So they did -- they took all
 5 those documents after that weekend and that
 6 comment's made by --
 7 A. That's right.
 8 Q. -- by Kerri?
 9 A. That's right.
 10 Q. What -- you have mentioned Lecky
 11 King. How do you know Lecky King?
 12 A. I met Lecky -- first time I met
 13 Lecky was in Pensacola. She was -- I guess
 14 she was head of the Dennis and Ivan storms
 15 there in Pensacola.
 16 Q. For flood?
 17 A. Right.
 18 Q. Okay.
 19 A. Yeah. She's a, from what I
 20 understand, an expert in flood. And I think
 21 she teaches certification classes and things
 22 like that. And then she was also one of the
 23 co-leads of the Katrina flood office.

1 Q. In any of your contacts with
 2 Ms. King in those positions, have you ever
 3 observed her -- any improper conduct as far
 4 as her instructions or treatment of
 5 policyholders under those State Farm
 6 policies?
 7 A. No.
 8 MR. INGE: Object to the form.
 9 A. No.
 10 BY MR. BEERS:
 11 Q. Okay. What was her relationship
 12 with the sisters, Cori and Kerri?
 13 A. They were all -- they were friends
 14 outside of the office, too. I mean, they --
 15 I think they had worked together at a number
 16 of storms, and from what I understood they
 17 were all friends. But I later learned that
 18 it was really just more of an act. That
 19 Kerri and Cori really didn't like her at
 20 all.
 21 Q. How did you learn that?
 22 A. They told me.
 23 Q. Okay. What did they say?

1 A. That, you know, you have to make
2 friends with people in high places, and
3 that -- that, you know, she was -- they were
4 just doing that because of her position.

5 Q. Did they say why they didn't like
6 her?

7 A. No, not in particular.

8 Q. Do you recall an instance in the
9 first part of 2006 where either Cori or
10 Kerri assisted Ms. King in moving into her
11 new home?

12 A. Kerri -- I mean, Cori did. Cori
13 went over to help her from -- I can't
14 remember where she was, but I think she
15 bought a house in Florida which wasn't that
16 far from Cori's. And she went over, spent
17 the night to help her get settled in. And I
18 was just like, you know -- Tammy and I were
19 like, why are you doing that, you know,
20 after we realized that you really aren't as
21 good friends with her as you act like? And
22 Kerri said, well, Cori has to just take one
23 for the team.

1 MR. INGE: Has to what?

2 THE WITNESS: Has to take one
3 for the team.

4 BY MR. BEERS:

5 Q. And what was that implication? How
6 did you receive that implication, what it
7 meant?

8 A. Well, what that means is she just
9 had to go over and make nice, you know, to
10 keep -- to keep her in their good graces --
11 I mean, keep them in her good graces.

12 Q. Okay. Did you and Ms. Hardison
13 ever work any Katrina claims in Alabama?

14 A. No.

15 Q. Okay. And you -- y'all have not
16 been involved in any way with either this
17 Thornton case or the Morris case to your
18 knowledge?

19 A. No.

20 Q. Okay.

21 THE REPORTER: What was the
22 second case? Thornton or...

23 MR. BEERS: It's Morris,

1 M-O-R-R-I-S.

2 BY MR. BEERS:

3 Q. Do you know Scott Cameron with
4 Rimkus? Have you ever worked with him as an
5 engineer --

6 A. No.

7 Q. -- to your knowledge on --

8 A. Not to my knowledge, no.

9 Q. Okay. How about a Mr. Heifner?

10 A. No.

11 Q. Okay. How about Don Keiber,
12 K-E-I-B-E-R.

13 MR. FAFATAS: Kerber.

14 BY MR. BEERS:

15 Q. Kerber, K-E-R-B-E-R?

16 A. No.

17 Q. Have you ever worked with any Pilot
18 adjustors like Eric Simmons?

19 A. No.

20 Q. Okay. How about Gabe Fortson, a
21 State Farm employee?

22 A. Not that I recall.

23 Q. Okay. Have you ever worked with,

1 to your knowledge, Joel Wareman of Jade
2 Engineering as an engineer on any of your
3 claims?

4 A. No.

5 Q. Okay. Have you ever made contact
6 or know Fred Williams? I believe he's an
7 independent adjustor for flood.

8 A. I don't recall him.

9 Q. How about Doug Smith, a Pilot
10 adjustor?

11 A. No.

12 Q. Do you know Doug Tabor with State
13 Farm?

14 A. The name is familiar, but I don't
15 remember him.

16 Q. How about Tod Zastra?

17 A. No.

18 Q. Ms. Lee, through the course of
19 Katrina have you -- did you ever observe
20 what you term to be any misconduct in the
21 treatment of policyholders for State Farm?

22 A. No.

23 Q. Did you ever observe or did you

1 ever hear any instruction or other adjustors
 2 improperly pay under the flood policy in
 3 order to avoid having to pay a legitimate
 4 claim under the homeowner's policy with
 5 State Farm?
 6 A. No.
 7 Q. From what you observed was State
 8 Farm fair in the treatment and adjustment of
 9 the homeowners' claims in Katrina?
 10 A. Yes.
 11 MR. INGE: Object to the form.
 12 I'm sorry. Are you finished?
 13 MR. BEERS: Yes.
 14 MR. INGE: Did you get the last
 15 of his question? Object. Go ahead.
 16 A. Yes.
 17 BY MR. BEERS:
 18 Q. Okay. And were the actions and the
 19 instructions and the treatment of
 20 policyholders by State Farm and its
 21 employees consistent in Katrina like they
 22 were in the previous catastrophes you
 23 worked?

1 A. Yes.
 2 Q. Nothing changed as far as their
 3 policies or practices or --
 4 A. Not that I was aware of.
 5 Q. -- philosophy that you were aware
 6 of?
 7 A. No.
 8 MR. BEERS: Let's take a quick
 9 break. Let me review my notes and see where
 10 we are.
 11 (WHEREUPON, A SHORT BREAK WAS
 12 TAKEN AND THE PROCEEDINGS
 13 CONTINUED AS FOLLOWS:)
 14 BY MR. BEERS:
 15 Q. Ms. Lee, I just want to show you
 16 State Farm Exhibit 1, a collective exhibit,
 17 and ask you to take a look at that.
 18 (WHEREUPON, THE ABOVE-REFERRED
 19 TO DOCUMENT WAS MARKED AS EXHIBIT NO. 1 TO
 20 THE TESTIMONY OF THE WITNESS AND IS ATTACHED
 21 HERETO.)
 22 A. Yeah, this -- it appears to be a
 23 copy of the document that Kerri had shown

1 me --
 2 Q. With the original --
 3 A. -- with the sticky note, yeah.
 4 Q. With the original sticky note?
 5 A. Uh-huh (positive response).
 6 Q. And does that appear to be a copy
 7 of that sticky note that you looked at --
 8 A. It does.
 9 Q. -- and picked up and looked on the
 10 back side?
 11 A. It does.
 12 Q. Okay. Just want to make sure we're
 13 talking about the same sticky note. Okay.
 14 MR. BEERS: At this time that's
 15 all I have.
 16 EXAMINATION
 17 BY MR. FAFATAS:
 18 Q. Ms. Lee, my name is Robert Fafatas.
 19 You and I met briefly before we started the
 20 deposition this morning. I represent a
 21 company called Rimkus Consulting Group as
 22 well as two individuals, one named Scott
 23 Cameron and Thomas Heifner.

1 Prior to our meeting right
 2 before this deposition started, have you and
 3 I spoken before?
 4 A. No, we have not.
 5 Q. Anybody as far as you know from my
 6 office contacted you or spoken to you at all
 7 prior to today?
 8 A. No.
 9 Q. Okay. You were asked a couple of
 10 questions about whether you knew Mr. Cameron
 11 and whether you knew Mr. Heifner, and I just
 12 want to ask a couple of other questions just
 13 to make sure that I'm clear. In your work
 14 during Katrina claims, do you know whether
 15 you ever worked with -- well, first of all
 16 do you who Rimkus -- what Rimkus Consulting
 17 Group is?
 18 A. Yeah, an engineering firm, I
 19 believe.
 20 Q. Have you ever worked with Rimkus
 21 Consulting Group?
 22 A. No.
 23 Q. Okay. So during your Katrina

1 claims that you assisted in adjusting you
 2 never worked with Rimkus Consulting?
 3 A. Not that I recall.
 4 Q. With any --
 5 MR. FAFATAS: Well, that's all
 6 I have. Thank you.
 7 MR. INGE: Is that it? I
 8 figured she got to go, everybody got to go
 9 but me.
 10 EXAMINATION
 11 BY MR. INGE:
 12 Q. Ms. Lee, I'm Herndon Inge. I
 13 represent the policyholders, the State Farm
 14 policyholders who had properties right on
 15 the Mississippi Sound just inside Alabama
 16 called Coden, Alabama near Bayou La Batre
 17 and Coden and just across the line from
 18 Pascagoula. Both of them had houses that
 19 were built on pilings probably within a
 20 hundred feet of the Mississippi Sound. And
 21 after -- and both of them had homeowners'
 22 policies with State Farm. And all that was
 23 left were a few pilings. Their house was

1 destroyed. And State Farm denied both of
 2 their claims, paid them nothing. And
 3 they -- they were simply told that the water
 4 had done the damage and that they were not
 5 covered, and therefore they received
 6 nothing.
 7 So I have filed a lawsuit
 8 against State Farm, as well as against the
 9 agent that sold them their State Farm
 10 homeowner policy, and against the engineer.
 11 And I have alleged that there was a
 12 conspiracy between State Farm and engineers
 13 and the agents to manipulate the process to
 14 make State Farm money, to save State Farm
 15 money, therefore they made money.
 16 And so I want to ask you -- I
 17 don't -- if I want you to tell me what Tammy
 18 told you, then I'll ask you. But what I
 19 want to know is what you were told from the
 20 person that we were -- that we're talking
 21 about. Okay? I want to know what Pat
 22 Loblano told you. I want to know what Kerri
 23 Rigsby and Cori Moran, I want to know what

1 they told you. I don't know what you -- to
 2 know what you want to learn -- what you
 3 learned from the television or the newspaper
 4 or what Tammy told you. Okay?
 5 A. Okay.
 6 Q. And I would like for you to try
 7 to -- I mean, this -- I don't think there
 8 are going to be any trick questions. The
 9 only trick question is, I don't want to know
 10 what somebody told you from the street, what
 11 the newspaper told you. I don't want to
 12 know that. I want to know what you know.
 13 What -- and I don't know how many
 14 depositions you've given, but what we
 15 lawyers and what the court system wants and
 16 what the jury wants is to know what you
 17 know. They want to know what your
 18 recollection is and not what other people
 19 told you. Okay?
 20 And all I mean is, if I ask you
 21 what Kerri told you, I mean, I want to know
 22 what Kerri told you. I don't want to know
 23 what Kerri told the newspaper and the

1 newspaper told you. I don't want to know
 2 what Kerri told Tammy and what Tammy told
 3 you. I want to know what Kerri told you or
 4 the same with Cori or the same with Pat
 5 Loblano. I want to know what you know
 6 rather than what we call in the law
 7 hearsay. Okay?
 8 A. I understand.
 9 Q. Okay.
 10 MR. BEERS: If that's a
 11 question, I'm objecting to the form of that
 12 question. I'm also objecting to the initial
 13 testimony by you as to your rendition of
 14 facts in this particular claim. But other
 15 than that, as far as your instructions, I
 16 only object to the implication that she has
 17 not up to this point testified as to what
 18 she knows. But other than that, we're ready
 19 to go.
 20 Herndon, why don't we switch so
 21 you don't have to stretch your neck.
 22 MR. INGE: We'll switch.
 23 BY MR. INGE:

1 Q. Now, Ms. Lee, to follow up with
2 those instructions, in today's world
3 everybody is bombarded with information.
4 Sometimes you can remember who told you what
5 and sometimes you can remember what you were
6 told and what you learned. But have you
7 ever given a deposition before?

8 A. Years ago.

9 Q. Okay. Well, what we want to know
10 is what's inside your head. We don't want
11 to know what is out in the community.
12 Okay? And try -- you know, I mean, if
13 you -- and I will try to keep you focused
14 and say, well, I want to know what you were
15 told. But it's tempting to say, oh, I read
16 it in the newspaper. And if you did and say
17 I don't know anything directly but I read it
18 in the newspaper, that's fine. But we just
19 want to differentiate, okay, what you were
20 told.

21 Tell the jury everything you
22 did to prepare for this deposition today.

23 A. I didn't really do anything to

1 prepare.

2 Q. Did you review any documents?

3 A. No.

4 Q. Did you review any deposition
5 summaries or depositions?

6 A. No.

7 Q. Did -- what lawyers did you talk to
8 within the last six months?

9 A. Well, I spoke with Mr. Beers.

10 Q. And tell the jury, when is the
11 first time you were contacted by Mr. Beers'
12 office?

13 A. I'm not sure I remember when.

14 Q. Six months ago? Two months ago?
15 Last week?

16 A. A few months ago.

17 Q. All right. And did he call you on
18 the telephone?

19 A. I believe he called Tammy.

20 Q. Okay. And did he -- have you ever
21 spoken with Mr. Beers directly?

22 A. Yes.

23 Q. And have you spoken with his staff

1 directly?

2 A. I've spoken with him directly.

3 Q. Okay. Have you also spoken with
4 his staff or just with him?

5 A. I don't recall speaking with his
6 staff.

7 Q. All right. And have you ever met
8 Mr. Beers in person?

9 A. Yes.

10 Q. And when is the first time you met
11 with him?

12 A. A couple months ago.

13 Q. All right. And that was here in
14 Memphis?

15 A. Yes.

16 Q. And where was it in Memphis? In
17 this building?

18 A. Here in this office, yeah.

19 Q. And approximately how long did you
20 meet with Mr. Beers?

21 A. Maybe an hour.

22 Q. And did you go over a lot of the
23 same testimony that you've just gone over

1 today?

2 A. Similar.

3 Q. Okay. And, I mean, the same
4 subject matters about Kerri and Cori and
5 Ms. Lobrano --

6 A. Yes.

7 Q. -- and -- and Lecky King?

8 A. Yes.

9 Q. Okay. Did he show you any
10 paperwork?

11 A. Not that I recall.

12 Q. Okay. Did he show you any
13 depositions then?

14 A. No.

15 Q. Did he tell you what the
16 depositions of Cori Rigsby -- Cori Moran and
17 Kerri Rigsby had testified to in other
18 depositions?

19 A. Not that I recall.

20 Q. Okay. Did he testify -- did he
21 explain to you that Lecky King has pled --
22 do you know what plead the 5th means?

23 A. Yes.

1 Q. Okay. Did he tell you that Lecky
2 King has pled the 5th and she refuses to
3 answer questions about her dealings with
4 Katrina losses in Mississippi?

5 MR. BEERS: Object to the form
6 of that question.

7 A. I don't recall Mr. Beers telling me
8 that.

9 BY MR. INGE:

10 Q. Okay.

11 A. But I am aware of that.

12 Q. Okay. But Mr. Beers didn't tell
13 you?

14 A. No.

15 Q. Who told you that Lecky King pled
16 the 5th?

17 A. Read it in the paper.

18 Q. Okay. That's exactly what I want
19 to know. And that's what I want you to say
20 is I read it in the paper or I heard it on
21 the news, that's fine.

22 A. I understand.

23 Q. Did Mr. Beers tell you that three

1 or four other claims managers with State
2 Farm had also pled the 5th in asked about
3 their dealings after Katrina in State Farm
4 cases?

5 MR. BEERS: Object to the form
6 of that question.

7 A. I don't recall.

8 BY MR. INGE:

9 Q. Okay. Did you learn that in the
10 newspaper?

11 A. I don't recall.

12 Q. Okay. Where are you employed now?
13 Oh, yeah, you're ServiceMaster.

14 A. Right.

15 Q. And explain to me how you were
16 employed in August of 2005 to June of 2006?

17 A. Who I was working for or...

18 Q. Yeah. Who you were working for and
19 how you were working for them. Because
20 there may be an independent adjuster that
21 works for -- I mean, you may work for
22 Tammy. Or you may have worked for Renfro.
23 Or you may have worked for Forensic, but --

1 so during that period of time.

2 A. I worked for Renfro as an
3 adjustor's assistant for Tammy Hardison.

4 Q. Okay. There are -- if I could
5 represent to you my understanding. There
6 may be different levels of employment
7 between State Farm and the person and Tammy
8 down at the bottom. There may be Forensic
9 who hires Renfro who hires Tammy. Or there
10 may be Forensic that hires Tammy. Or there
11 may -- you know...

12 MR. BEERS: Forensic?

13 MR. INGE: These are my
14 questions. Yeah, Forensic.

15 MR. BEERS: I just want to make
16 sure that I understand your...

17 BY MR. INGE:

18 Q. And so what do you understand to be
19 the architecture between State Farm and
20 Tammy?

21 MR. BEERS: Object to the form.

22 BY MR. INGE:

23 Q. Do you understand the question?

1 A. I believe I do. My understanding,
2 that Renfro is an independent adjusting firm
3 has a contract to provide catastrophic
4 adjustors to State Farm, as well as other
5 insurance companies on an as-needed basis.
6 And that State Farm and Renfro have a
7 contract. And when State Farm -- when there
8 is a catastrophe, State Farm will contact
9 Renfro and request independent adjustors.

10 Q. Okay. Have you ever heard of
11 Forensic Analysis?

12 A. I have.

13 Q. Okay. And what is the relationship
14 of Renfro -- what is the relationship of
15 Renfro with Forensic?

16 MR. BEERS: Object to the form.

17 A. You know, I don't know.

18 BY MR. INGE:

19 Q. Okay. In other words, is Forensic
20 a competitor of Renfro, or does Forensic
21 hire Renfro to adjust claims, if you know?

22 A. I don't believe they're
23 competitors, but I don't know. It's my

1 understanding that -- that Forensic would
2 have been hired by State Farm, but I don't
3 know that for a fact.

4 Q. And does Forensic hire Renfro?

5 A. Not that I'm aware of.

6 Q. Okay. Other testimony has been
7 developed in this case that State Farm may
8 hire an engineering firm, and there may be
9 two or three levels of companies before
10 State Farm gets to the actual engineer out
11 there on the site, different levels. State
12 Farm hires X, X hires Y, Y hires Z, and Z is
13 the one that hires the guy that's out
14 there. So what I want to know is just what
15 you know about -- about the hiring of -- of
16 Renfro directly from State Farm or the
17 hiring of Renfro through Forensic?

18 A. I have no knowledge about that.

19 MR. BEERS: I am going to
20 object to the form of that question and the
21 testimony provided by Mr. Inge as to the
22 facts of this case.

23 BY MR. INGE:

1 A. State Farm, I believe.

2 Q. And would you describe him?

3 A. No, I don't even know if I would
4 know him if he walked in door, to be honest.

5 Q. Young guy? Old guy? White
6 headed? Dark headed? Bald headed?

7 A. I think he was salt and pepper.

8 Q. Okay. And how long did you meet
9 with him?

10 A. Maybe an hour.

11 Q. And go over the substance of the
12 same --

13 A. Right.

14 Q. -- sorts of things?

15 A. Right.

16 Q. And so you've met with Mr. Beers
17 for about an hour and you met with this guy,
18 both of them from State Farm?

19 A. Yeah, at the same time. I just --
20 I just can't remember his name.

21 Q. Okay. In other words, Mr. Beers
22 was here with this other guy?

23 A. Right.

1 Q. Have you ever met with anybody from
2 Forensic Analysis?

3 A. No.

4 Q. Have you ever received any
5 correspondence from Forensic Analysis?

6 A. To me personally? Or you mean
7 just --

8 Q. Well, to Tammy and that you've seen
9 it. Are you...

10 A. In the process of working claims, I
11 mean, I've seen engineering reports that
12 they had provided.

13 Q. Forensic?

14 A. Right.

15 Q. Okay. Okay. What other lawyers
16 other than -- what other lawyers have you
17 spoken to within the last six months for any
18 reason?

19 A. I've spoken with Mr. Beers, and I
20 believe I met with another gentleman here.
21 I don't recall his name.

22 Q. And who did he tell you he
23 represented or...

1 Q. Okay. What other -- okay. And how
2 many times have you met with Mr. Beers?

3 A. That time a couple of months ago
4 and then yesterday.

5 Q. Okay. And how long did you meet
6 with Mr. Beers yesterday?

7 A. Less than an hour.

8 Q. And was it in this office?

9 A. Right.

10 Q. Okay. And what other lawyers have
11 you met with besides Mr. Beers when he
12 met -- Mr. Beers and this other guy? What
13 other lawyers have you met with?

14 A. I met with attorneys representing
15 the -- that worked for the Mississippi
16 Department of Insurance.

17 Q. Okay. And how long did you meet
18 with them?

19 A. I've met with them on several
20 occasions.

21 Q. And was that in Jackson?

22 A. No, here.

23 Q. Was that in Memphis?

1 A. Memphis.
 2 Q. Was that also about the substance
 3 of -- that you've been talking about today?
 4 A. Yes.
 5 Q. Okay. And how many times have you
 6 met with Mr. Beers other than about a month
 7 ago or that first time with the guy you
 8 can't remember and yesterday for an hour?
 9 A. How many other times?
 10 Q. Have you met with Mr. Beers, yeah.
 11 A. I think that's it, that I recall.
 12 Q. Okay. And how many times have you
 13 spoken with him on the telephone?
 14 A. I don't know that I've ever spoken
 15 with Mr. Beers on the telephone. Maybe
 16 once.
 17 Q. Okay. And was that just to set up
 18 that other meeting?
 19 A. That's correct.
 20 Q. Okay. And you haven't -- do you
 21 remember how long that telephone
 22 conversation lasted?
 23 A. It would have been brief. Usually

1 he would speak with Tammy and we would
 2 coordinate like that.
 3 Q. Okay. We'll talk about Tammy in a
 4 minute. I just want to know what Mr. Beers
 5 and the other State Farm lawyer talked to
 6 you about. And you'll need to remember, I
 7 know it -- I know this appears to be a
 8 conversation, but the court reporter needs
 9 an audible answer. So, you know, shaking
 10 your head, nodding your head and uh-huh --
 11 if you will just try to remember to answer
 12 yes or no. I'll try to remind you, but try
 13 to answer yes or no. Okay?
 14 A. Okay.
 15 Q. Okay. What did Mr. Beers tell you
 16 in your initial telephone call that he
 17 wanted to talk to you about?
 18 A. Again, I don't recall speaking with
 19 him on the phone. He contacted Tammy
 20 Hardison and coordinated with Tammy for us
 21 to meet.
 22 Q. I know. But what did -- but I
 23 believe you said you talked to him briefly

1 just to set up this --
 2 A. I think I did, but I don't recall
 3 the conversation.
 4 Q. Okay. And what did -- and so he
 5 asked you to come to this building about a
 6 month ago and said he wanted to talk to you?
 7 A. Right.
 8 Q. Did he tell you what he wanted to
 9 talk to you about before you got here or did
 10 he tell Tammy?
 11 A. I believe he told Tammy.
 12 Q. Okay. Then when he got -- when you
 13 got in this room with him and this other
 14 State Farm lawyer, what did -- what did they
 15 tell you they wanted to talk to you about?
 16 A. He talked in general about Katrina
 17 and the events that I was aware of during
 18 that period of time.
 19 Q. Okay. And did they -- did they
 20 make a presentation or an introduction to
 21 you about what they thought the facts were?
 22 A. Not exactly.
 23 Q. Okay. Did they -- were they

1 listening to you or did they just --
 2 talking? Or did they tell you what they
 3 were trying to prove or trying to disprove?
 4 A. No, they did -- we basically had,
 5 more of a conversation. They did ask me
 6 some questions, but it was more of a
 7 conversation.
 8 Q. Was it taped?
 9 A. No.
 10 Q. Was there a court reporter?
 11 A. No.
 12 Q. Was there a Dictaphone?
 13 A. No.
 14 Q. Did they make notes?
 15 A. Probably, but I'm not sure.
 16 Q. Okay. But there wasn't a court
 17 reporter?
 18 A. No.
 19 Q. Okay. And you didn't notice any
 20 Dictaphone --
 21 A. No.
 22 Q. -- on the -- placed on the table?
 23 A. No.

1 Q. Okay. What did they tell you --
 2 did they introduce to you what they -- what
 3 subjects they were going to talk to you
 4 about, or did they just start asking
 5 questions or just start talking?
 6 A. We just started talking.
 7 Q. Okay. How much did they tell you
 8 you would be paid for talking?
 9 A. Nothing.
 10 Q. Period?
 11 A. (Witness nods in positive.)
 12 Q. Not -- you made a head motion.
 13 A. I said nothing. Yeah.
 14 Q. Okay. What did they -- did they
 15 tell you that you would be compensated on an
 16 hourly basis for testifying or for talking
 17 with them?
 18 A. No.
 19 Q. Did they say that you would -- that
 20 we'll work something out with you after the
 21 case is over or...
 22 A. No.
 23 Q. So you're just doing this of your

1 own free will?
 2 A. Right.
 3 Q. Without compensation?
 4 A. Right.
 5 Q. Okay. Are you being paid -- are
 6 you taking a day off from ServiceMaster?
 7 A. I am.
 8 Q. Okay. At your expense?
 9 A. Right.
 10 Q. Okay. Have you ever had a
 11 discussion -- what other discussion -- what
 12 other lawyers have you had discussions with
 13 other than Mr. Beers and this other State
 14 Farm lawyer?
 15 A. Like I said, I met with the --
 16 Q. Yeah.
 17 A. -- Mississippi Department of
 18 Insurance.
 19 Q. Right. And what other lawyers in
 20 the last six months?
 21 A. None that I recall.
 22 Q. Okay. Have you met with Mr. Luna?
 23 A. No.

1 Q. Have you met with Jim Newman in his
 2 office?
 3 A. No.
 4 Q. Have you met with Mr. Fafatas?
 5 A. No.
 6 Q. Or any lawyer from his office?
 7 A. No.
 8 Q. So those are the only lawyers that
 9 you've talked to?
 10 A. Yes.
 11 Q. Okay. And yesterday did Mr. Beers
 12 just go over with you what his recollection
 13 was that y'all talked about the first time
 14 y'all met?
 15 A. Yes.
 16 Q. Okay. Did he show you any notes
 17 that he took? Did he show you any piece of
 18 paper that he had?
 19 A. No.
 20 Q. Had he prepared any piece of paper,
 21 any outline or anything else?
 22 A. No.
 23 Q. Okay. Do you recall how long it

1 took to answer questions of the Mississippi
 2 Department of Insurance? Was it all day?
 3 Was it an hour? 10 minutes?
 4 A. I've met with them several times.
 5 And I believe I said earlier that I had not
 6 given a deposition for a long time, but I
 7 did give a deposition to the Mississippi
 8 Department of Insurance. I forgot about
 9 that.
 10 Q. Okay.
 11 A. Because I met with them several
 12 times. I spent -- had two or three meetings
 13 with them and for three to four hours each
 14 time.
 15 Q. And have you ever learned what was
 16 the result of the investigation of the
 17 Mississippi Department of Insurance? Have
 18 you ever heard directly, did they ever
 19 report back to you or did you hear in the
 20 newspaper or television?
 21 A. No, I don't recall -- I don't know
 22 that that's been released. I don't know.
 23 Q. But it wasn't the Mississippi

1 Attorney General, it was the Mississippi
 2 Department of Insurance?
 3 A. Right.
 4 Q. Okay. And the several times in the
 5 deposition, that was through the insurance
 6 department and not through the
 7 Mississippi -- not through Jim Hood,
 8 Attorney General's Office?
 9 A. No, it was through the Department
 10 of Insurance.
 11 Q. Okay. Now, what depositions have
 12 you given other than the deposition with the
 13 Mississippi Department of Insurance in the
 14 last 10 years?
 15 A. None.
 16 Q. Have you ever been a party to a
 17 lawsuit?
 18 A. No.
 19 Q. Okay. I mean, I'm not interested
 20 in a divorce case, but -- okay. So you have
 21 not been named as a party in any Katrina
 22 case?
 23 A. No.

1 Q. Or any insurance case?
 2 A. No.
 3 Q. What is a PE?
 4 A. I don't know.
 5 Q. Okay. Ms. Lee, I want to -- I know
 6 this may seem odd, but I hope it will make
 7 sense. I want to know specifically the best
 8 you can answer, August 20th of 2005 to
 9 August 29 of 2005, okay, just that week,
 10 little over a week period. Okay. Tell me
 11 where you were on -- approximately, best you
 12 can tell me, on August 20th, 2005.
 13 A. I was -- we were stationed in
 14 Pensacola, Florida.
 15 Q. Okay. And when did y'all move to
 16 Ocean Springs?
 17 A. Within a week or so -- within --
 18 sometime in the first week or second week of
 19 September of '05.
 20 Q. Okay. Okay. Maybe I wasn't
 21 clear. I thought you said August 29th of
 22 2005 you were in Ocean Springs?
 23 A. I was.

1 Q. Okay. When did you decide to go to
 2 Ocean Springs from Pensacola?
 3 A. Within a few days after the 29th we
 4 decided we were going to move.
 5 Q. Okay. I'm sorry. I'm sorry. I
 6 may have misrepresented. You said that
 7 you -- I want to know when you left the
 8 Pensacola area. Maybe you didn't move until
 9 after August 29th.
 10 A. That's right.
 11 Q. But when did you leave the
 12 Pensacola area and go to Ocean Springs?
 13 Because I thought you said Ocean Springs --
 14 that on August 29th you were in Ocean
 15 Springs.
 16 A. I was.
 17 Q. Okay. When did you leave Pensacola
 18 even temporarily before August 29th?
 19 A. I'm not sure, but probably on the
 20 28th.
 21 Q. Okay.
 22 A. The day -- you know, right before
 23 the storm. Of course, we knew it was

1 coming, so...
 2 Q. Okay. Then tell me about August
 3 the 20th to August the 28th of -- when y'all
 4 left, you knew the storm was coming --
 5 August 20th of 2005 to August 28th of 2005.
 6 A. We were working claims related to
 7 Dennis in Pensacola.
 8 Q. Dennis?
 9 A. Uh-huh (positive response).
 10 Q. Not Ivan?
 11 A. We -- Tammy may have been assigned
 12 some of the Ivan cleanup claims. You know,
 13 Ivan had been a year so it was all cleanup,
 14 it wasn't production. So I think she was
 15 mostly working Dennis claims.
 16 Q. And y'all just business as usual?
 17 A. Business as usual.
 18 Q. Okay. When y'all were in -- and
 19 I'm particularly asking you the 20th of
 20 August to the 28th of August when you left
 21 to go to Ocean Springs of 2005. Okay? Were
 22 you working out of a Renfro office or were
 23 you working out of a State Farm office?

1 A. State Farm office.
 2 Q. Isn't it a fact that Renfro does
 3 not have a -- does not have offices that
 4 y'all actually work -- that you and Tammy
 5 actually work out of State Farm offices?
 6 A. Most of the time, yes.
 7 Q. Okay. I mean, Renfro doesn't set
 8 up a CAT office. Y'all work out of the
 9 State Farm CAT office; is that right?
 10 A. Most of the time.
 11 Q. And you're familiar with CAT as
 12 a --
 13 A. Right.
 14 MR. INGE: CAT stands for
 15 catastrophe. All caps, C-A-T.
 16 BY MR. INGE:
 17 Q. And so y'all -- in the last couple
 18 of years that you've been doing this kind of
 19 work, y'all always work out of a State Farm
 20 or other insurance company CAT office, don't
 21 you?
 22 A. Most of the time. When the Katrina
 23 offices were set up there wasn't enough

1 space for the independent adjusting firms to
 2 have office space. So Renfro did have a
 3 separate office during that -- Katrina.
 4 Q. Okay. But y'all -- initially,
 5 y'all worked out of the State Farm CAT
 6 office, didn't you, either in the Biloxi
 7 office or the Gulfport office?
 8 A. Right.
 9 Q. Okay. Now, when y'all were still
 10 working out of the Pensacola CAT office
 11 between the 20th of August of '05 and the
 12 28th of '05 -- August 28th of '05, who was
 13 in that office with you? I mean, were the
 14 Rigsby sisters in the office?
 15 A. They were.
 16 Q. Was Lecky King in the office?
 17 A. Yes.
 18 Q. Okay. And were you in the office
 19 all the time -- I mean, a lot of the time?
 20 A. No.
 21 Q. Were you out in the field?
 22 A. Out in the field.
 23 Q. Okay. Would you come into the

1 office on a daily -- come into the State
 2 Farm CAT office on a daily basis?
 3 A. Yes.
 4 Q. And would you -- would you
 5 overhear -- explain to me the set up of the
 6 Pensacola State Farm CAT office in that
 7 period of time, the 20th -- August the 20th
 8 to August 28th of 2005.
 9 A. It was just...
 10 Q. Just one big room?
 11 A. Well, there was some separates
 12 offices with doors, and then there was area
 13 with cubicles, with partitions.
 14 Q. Open -- open above?
 15 A. Yeah. And there was training rooms
 16 and just a regular office.
 17 Q. And was Lecky King in the cubicle
 18 or was Lecky King in the -- in an office
 19 with a door?
 20 A. She had an office with a door.
 21 Q. All right. And was Mark Drain also
 22 in that Pensacola office?
 23 A. Yes.

1 Q. Did he have an office with a door?
 2 A. I don't recall.
 3 Q. All right. And what is his -- did
 4 he work for Lecky? I mean, did he report to
 5 Lecky King?
 6 A. I don't know.
 7 Q. Do you know what he did for the
 8 State Farm office?
 9 A. He's a catastrophe manager.
 10 Q. Okay. And what about Dave Rendell
 11 (sic)?
 12 A. I don't know if he was at that
 13 office at that time or not.
 14 Q. So you don't remember whether he
 15 was or was not at the Pensacola --
 16 A. I don't think he was. But I did
 17 not know him --
 18 MR. BEERS: For the record,
 19 it's Randel, not Rendell.
 20 MR. INGE: R-E-N-D-E-L-L, isn't
 21 it?
 22 MR. BEERS: It's D-A-L.
 23 A. I don't know. I didn't know him at

1 the time.
 2 BY MR. INGE:
 3 Q. Okay. So you had not run into Dave
 4 Randel of the State Farm in that little
 5 window from August the 20th to August the
 6 28th of 2005?
 7 A. Not that I recall.
 8 Q. Okay. Now --
 9 MR. BEERS: For the record, I'm
 10 not sure how it's spelled. I just know how
 11 it's pronounced, Randel. I think it may be
 12 E-L, but not E-L-L.
 13 BY MR. INGE:
 14 Q. Did you overhear -- could you
 15 overhear discussions in the office, in the
 16 State Farm office, State Farm Pensacola CAT
 17 office occasionally or regularly since above
 18 the cubicle dividers was open?
 19 A. I guess I could have, but I don't
 20 recall ever listening to any other
 21 conversations.
 22 Q. I just mean was it so loud that you
 23 couldn't -- so loud -- I mean, no

1 typewriters any more so that's not making
 2 noise. But, I mean, was it so loud that you
 3 could really just hear what was in your
 4 cubicle or what you could hear with somebody
 5 directly talking to you or the telephone, or
 6 could you overhear what was in the office?
 7 A. I'm sure it's possible you could
 8 overhear.
 9 Q. Okay. You've testified already
 10 about things that you overheard. And what
 11 did you overhear in that week -- in that
 12 eight-day period, August 20th 2005 to August
 13 28th, 2005 about meetings, claims meetings
 14 of State Farm about the approaching
 15 Hurricane Katrina?
 16 A. I don't recall overhearing
 17 anything.
 18 Q. Okay. You don't know about the
 19 claims meetings in Bloomington and the
 20 Atlanta area by State Farm claims about the
 21 approaching storm of Katrina?
 22 A. No.
 23 Q. Okay. Did you learn -- have you

1 discussed the pre-Katrina or advance-Katrina
 2 or prepare-for-Katrina meetings of State
 3 Farm, have you heard that from Tammy?
 4 A. No.
 5 Q. Have you heard that from the
 6 newspaper?
 7 A. No.
 8 Q. Have you heard that from anybody
 9 else that State Farm had meetings about
 10 Katrina before Katrina hit landfall?
 11 A. Not that I recall.
 12 Q. Okay. When is the first time --
 13 when is the first time that you saw the list
 14 of State Farm homeowners that had a
 15 homeowner's policy and the policy number of
 16 the State Farm flood or the flood policies
 17 that State Farm sold?
 18 MR. BEERS: Object to the form.
 19 A. I don't know that I've ever seen a
 20 list. I don't know exactly what -- what you
 21 mean.
 22 BY MR. INGE:
 23 Q. Well, I just wanted to know if

1 you've ever seen that list. Have you ever
 2 seen the list that had the State Farm
 3 homeowner and whether or not they had a
 4 flood policy?
 5 MR. BEERS: Object to the form.
 6 A. I don't recall.
 7 BY MR. INGE:
 8 Q. Okay. Have you ever seen a
 9 computer screen where the State Farm
 10 homeowners' policies were listed and the
 11 State Farm -- and the flood policies? You
 12 know, in other words, we talked about a list
 13 and you said you hadn't seen it. I'm
 14 talking about a computer --
 15 A. Not that I recall.
 16 Q. -- screen. Okay. What did you
 17 hear in the State Farm CAT office in
 18 Pensacola between the August 20th and August
 19 28th about the approaching Katrina?
 20 MR. BEERS: Object to the form;
 21 asked and answered.
 22 A. I don't recall hearing anything in
 23 particular.

1 BY MR. INGE:

2 Q. Okay. You didn't hear any
3 discussions that says Katrina is coming and,
4 you know, y'all start closing up or start
5 getting your files ready because we got a
6 big -- we've got a big storm coming up the
7 gulf?

8 A. Well, we talked about it among
9 ourselves that we wanted to wrap it up
10 because, of course, we wanted to go to the
11 next -- we wanted to go to that storm. But
12 I don't recall talking with anyone from
13 State Farm about it.

14 Q. That's what I want to ask you. You
15 had said that we talked about it, meaning
16 the claims people talked about it, not the
17 State Farm people talked about it?

18 A. Directly to me, yes. I mean, I
19 don't know what -- they might have talked
20 among themselves, but not to me.

21 Q. Okay. So the people that you say
22 were talking about we need to start winding
23 up because we want to work the next storm,

1 then say, by January of '05 were you working
2 with Renfro?

3 A. I'm not sure.

4 Q. Okay. Did you take any other job
5 between -- after you left ServiceMaster and
6 before you started with Renfro other than
7 the training that you and Tammy took?

8 A. No.

9 Q. Okay. So there wasn't a break --
10 there wasn't a break in -- after you left
11 ServiceMaster you immediately started
12 training with Tammy for Renfro?

13 A. That's right.

14 Q. Okay. Have you ever worked for any
15 other adjusting firm besides Renfro?

16 A. No.

17 Q. Have you ever worked for any other
18 adjustor besides Tammy --

19 A. No.

20 Q. -- Hardison? Now, as you know,
21 Tammy will -- Hardison will testify in a
22 little bit. So I want to know what you
23 know. Okay? When was the first time you

1 that was either Renfro people or Tammy?

2 A. That's correct.

3 Q. Okay. And I believe you testified
4 that you worked with ServiceMaster from June
5 of 2000 to October of 2004?

6 A. That's correct.

7 Q. And then you worked with -- then
8 you worked with Renfro from October of 2004
9 to March of 2006; is that right? I mean,
10 did you leave ServiceMaster and go right in
11 with Renfro?

12 A. Not immediately. I trained for a
13 while with Tammy before I was actually on
14 the books at Renfro.

15 Q. And how long did it take for to you
16 train with Tammy?

17 A. I don't remember.

18 Q. I mean, a month? A week? Two
19 days?

20 A. Longer than a month, but I don't
21 remember.

22 Q. Okay. So you began working -- if
23 you left ServiceMaster in October of '04,

1 were called about doing any adjustments for
2 Renfro for Katrina damages?

3 A. I was not called by Renfro.

4 Q. Never have been called by Renfro to
5 start adjusting Katrina damages?

6 A. No.

7 Q. So Renfro called Tammy and Tammy
8 told you?

9 A. Right.

10 Q. How were you hired by Renfro in the
11 first place in October of 2004?

12 A. Well, like I said --

13 MR. BEERS: Object to the
14 form. Go ahead.

15 A. I wasn't hired by them in October
16 of 2004.

17 BY MR. INGE:

18 Q. Well, okay, because I guess there
19 was some training. But in other words, did
20 Renfro hire Tammy Hardison, and Tammy said,
21 hey, Dana, I want you to do this with me.
22 It will be fun or interesting or we'll make
23 some money or something?

1 A. Something like that.
 2 Q. Okay. But, I mean, Renfro never
 3 called you directly?
 4 A. No.
 5 Q. They called Tammy and Tammy talked
 6 to you?
 7 A. That's right.
 8 Q. And what did Tammy tell you about
 9 assisting her with Renfro adjustments? What
 10 did she tell you the job was going to be?
 11 A. Well, I would -- I mean, I kind of
 12 -- I knew what the job would be. I mean, I
 13 would assist her with the claims. There is
 14 a lot of paperwork involved and a lot of
 15 phone calls involved, and she wanted -- she
 16 needed some help.
 17 Q. And how did you know what it was
 18 going to be? I mean, you and Tammy old
 19 friends?
 20 A. Yeah. I've known Tammy for years.
 21 And I've known Kerri Rigsby for years and I
 22 knew what she did.
 23 Q. Okay.

1 A. So I knew what the job entailed.
 2 Q. Okay. And what was your -- what
 3 was your relationship with Tammy Hardison
 4 before October of 2004?
 5 A. I've known Tammy for almost 14
 6 years. We've been friends for a long time.
 7 Q. I mean, social friends?
 8 A. Right.
 9 Q. Business friends? Have y'all ever
 10 worked together?
 11 A. Yes, we've owned rental property
 12 together, things like that.
 13 Q. Okay. And so just socially she's
 14 told you about what she did for a living?
 15 A. Right. Well, we had both planned
 16 to -- we had both gone to class, gotten our
 17 adjustor's license. We had both planned to
 18 work as independent adjustors.
 19 Q. Okay. But I thought you said that
 20 in October of 2004 all you were going to do
 21 is assist?
 22 A. That's right.
 23 Q. But you had already been to school?

1 A. Right.
 2 Q. And you weren't going to be an
 3 adjustor, you were just going to assist an
 4 adjustor?
 5 A. That's right.
 6 Q. But you had already been to
 7 adjusting school?
 8 A. That's right.
 9 Q. So at least through the Katrina
 10 adjusting, you've never been -- never served
 11 as an adjustor?
 12 A. That's right.
 13 Q. You've served as an adjustor's
 14 assistant?
 15 A. That's correct.
 16 Q. Now, is that -- did you make any
 17 decisions, or were your jobs mostly
 18 administrative assistance to Tammy Hardison?
 19 A. Administrative assistance.
 20 Q. So you doesn't make meteorological
 21 decisions? You didn't make coverage
 22 decisions? Adjustment decisions, that sort
 23 of thing? That was done by the adjustor --

1 A. Right.
 2 Q. -- Tammy?
 3 A. That's correct.
 4 MR. BEERS: Object to the form.
 5 BY MR. INGE:
 6 Q. In your job adjusting Katrina
 7 claims, did you ever take statements,
 8 witness statements? Did you ever write down
 9 witness statements? Did you ever interview
 10 witnesses?
 11 A. No.
 12 Q. Did you ever see -- in assisting
 13 Tammy Hardison, did you ever see written
 14 witness statements?
 15 A. Sure.
 16 Q. Okay. Did you see statements that
 17 were signed by the eyewitnesses or other
 18 witnesses?
 19 A. I don't recall if they were signed
 20 or not.
 21 Q. Okay. Did you ever see videotapes
 22 of eyewitnesses --
 23 A. No.

1 Q. -- in processing your claims --
2 this is Katrina -- in processing claims for
3 Tammy Hardison after Katrina?

4 A. No.

5 Q. Okay. Do you know of any
6 eyewitness statements, written statements or
7 video or audio recordings by eyewitnesses?

8 MR. BEERS: Object to the form.

9 A. I know of -- I believe, of a
10 written eyewitness account, but I don't know
11 of any video or audio.

12 BY MR. INGE:

13 Q. And would Tammy Hardison have the
14 particulars on that eyewitness -- that
15 statement of the eyewitness?

16 MR. BEERS: Object to the form.

17 A. I don't know.

18 BY MR. INGE:

19 Q. Okay. But did you see it?

20 A. I don't know if I saw -- I don't
21 know exactly what you're asking me. I don't
22 know if you're asking me if I saw where a
23 witness had written out their -- what they

1 had seen and signed it. I have never seen a
2 document like that.

3 Q. Okay. Have you ever seen notes
4 written by an eyewitness, whether it was
5 signed or whether it was unsigned?

6 A. No.

7 Q. Have you ever -- did you just hear
8 that there was a written statement but you
9 didn't see it?

10 A. I'm just aware that there was an
11 eyewitness in a particular claim that Tammy
12 handled. And I believe it was part of the
13 engineering report.

14 Q. Do you know what county that was
15 in?

16 A. No.

17 Q. Where the -- do you know where the
18 eyewitness witnessed?

19 A. In the Biloxi area.

20 Q. Ms. Lee, did you deal with
21 engineers? Is that part of your
22 administrative job assisting Tammy Hardison?

23 A. Very little.

1 Q. Okay. In other words, it's been
2 described in other adjusting firms that
3 administrative assistants or assistants like
4 you were sort of paper pushers, that they
5 made copies and they maybe revised documents
6 and sent them back to the engineers or, you
7 know, spell checked reports and that sort of
8 thing. Is that what your job was assisting
9 Tammy Hardison?

10 MR. BEERS: Object to the
11 form.

12 MR. FAFATAS: Object to the
13 form.

14 A. Not exactly.

15 BY MR. INGE:

16 Q. Okay. Was yours more involved with
17 adjusting than simply office staff?

18 A. I was not in the office at all. We
19 were out in the field.

20 Q. Okay. That's what I want to know.
21 We. So did you go with -- did you go with
22 Tammy and she would investigate claims and
23 --

1 A. Yes.

2 Q. -- photograph or whatever she did?

3 A. Yes.

4 Q. Okay. So you were not a secretary-
5 type receptionist in -- in the office
6 answering the phones?

7 A. No.

8 Q. Okay. Now, would you hold the tape
9 measure for her? Would you bring her her
10 camera? Is that the kind of thing that you
11 would do --

12 A. Sure.

13 Q. -- to assist Tammy?

14 A. I would help her scope the
15 property.

16 Q. What do you mean, scope the
17 property?

18 A. Take measurements, take pictures,
19 record damage, take notes.

20 Q. So more professional than just
21 pushing paper? Your job -- your assistance
22 to Tammy was more professional than just
23 pushing paper?

1 MR. BEERS: Object to the form.
 2 A. I suppose.
 3 BY MR. INGE:
 4 Q. I mean, were you like her right
 5 hand that you would -- that you directly
 6 assisted her in scoping the site, I think
 7 you called it?
 8 A. As much as I could.
 9 Q. Okay. Do you -- would she dictate
 10 to you and you would type it out or...
 11 A. No.
 12 Q. But you were not -- at least in the
 13 Katrina period, you were not a certified or
 14 licensed or graduate or certified adjustor?
 15 A. In November of '05 I -- I was a
 16 certified adjustor.
 17 Q. And did you start doing adjustments
 18 on your own in November of '05?
 19 A. No.
 20 Q. So you at all times between
 21 October, November, December of 2004 and
 22 March of 2006, you at all times only
 23 adjusted based on -- you only assisted Tammy

1 Hardison who -- in doing her duties as
 2 adjustor?
 3 A. That's correct.
 4 Q. Okay. Do you know why an engineer
 5 was assigned to a file and when Tammy would
 6 just adjust the file herself without an
 7 engineer?
 8 MR. BEERS: Object to the form.
 9 A. I'm not sure.
 10 BY MR. INGE:
 11 Q. I mean, at what point does -- do
 12 you know, or is there some objective point
 13 at which Tammy said, I can handle this
 14 without an engineer or I need an engineer on
 15 this one? Was there some break even point
 16 where she could handle it without an
 17 engineer or she said I need an engineer?
 18 A. I'm not 100 percent sure. I just
 19 know that, you know, when there was
 20 discernable damage most of the time, you
 21 know, she could just -- she could handle
 22 that.
 23 BY MR. INGE:

1 Q. Tammy?
 2 A. Right. Without an engineer. And
 3 I'm not sure what the decision point was
 4 about the engineer. I don't recall.
 5 Q. Would the first person, the first
 6 claims person that went to the site, would
 7 that be -- on the claims that were assigned
 8 to Tammy, would that be Tammy and you, or
 9 would there be a State Farm person, claims
 10 rep coming in and looking at it and then
 11 calling you and Tammy?
 12 A. Who was the first on site?
 13 Q. Yes.
 14 A. It would be -- it would have been
 15 Tammy.
 16 Q. Okay. So the State Farm-employed
 17 claim rep, claim representative would not be
 18 the first on site and then -- and then call
 19 in you and Tammy Hardison?
 20 MR. BEERS: Object to the form.
 21 A. No.
 22 BY MR. INGE:
 23 Q. In other words, who made the

1 decision to send an engineer to investigate
 2 a claim? Was it State Farm before they
 3 called Tammy Hardison, or was it Tammy
 4 Hardison that made that decision to call in
 5 an engineer?
 6 MR. BEERS: Object to the form.
 7 A. I don't believe that Tammy would
 8 make that decision, but it would -- I think
 9 that decision would be made by State Farm,
 10 but after an adjustor had already been on
 11 site.
 12 BY MR. INGE:
 13 Q. Okay. In other words, did you ever
 14 overhear -- did you ever call Kerri or Cori
 15 or Lecky King and say, need an engineer on
 16 this one, on this claim?
 17 A. No.
 18 Q. Did you ever over -- so I would
 19 assume that you and Tammy Hardison were like
 20 Siamese twins during most of this period of
 21 time, right?
 22 A. Pretty much.
 23 Q. That y'all went to the site

1 together. Y'all stayed in the same RV
 2 together. Y'all socialized together. That
 3 y'all were tight?
 4 A. Right.
 5 Q. Okay. And that you -- that you
 6 were probably present with most of her
 7 telephone calls?
 8 A. That's fair.
 9 Q. Okay. And did you ever hear her --
 10 did you ever hear Tammy Hardison tell either
 11 of the Rigsby sisters or Lecky King we need
 12 an engineer on this claim?
 13 A. No.
 14 Q. Never did?
 15 A. No.
 16 Q. Okay. Did -- did the -- did
 17 Tammy's adjusting of Katrina claims ever
 18 deal with engineer reports?
 19 A. Yes.
 20 Q. And were the engineer reports
 21 initially sent to Tammy, to you and Tammy?
 22 I mean, did y'all first receive the engineer
 23 report from the engineer?

1 A. How she would receive the reports
 2 is that each adjustor has a mail basket in
 3 the office, and you had something that came
 4 in that was -- that belonged to you for one
 5 of your claims, that's -- they would put
 6 your mail there. So that's where, you know,
 7 it would be. Reports from -- the insured
 8 may have faxed something in or maybe an
 9 engineer report or whatever would be in your
 10 basket.
 11 Q. That's what I want to ask. So
 12 if -- so when Tammy processing a claim, her
 13 final report would include a copy of the
 14 engineer report, wouldn't it?
 15 MR. BEERS: Object to the form.
 16 A. Yes.
 17 BY MR. INGE:
 18 Q. Okay. And it would attach it and
 19 send it on to either the next level of
 20 Renfro or send it on to State Farm, right?
 21 A. Right.
 22 Q. In other words, independently
 23 Tammy's -- Tammy Hardison's report wouldn't

1 go to State Farm or go to, you know, a
 2 Renfro team person and then the engineer, go
 3 to that person, but Tammy would never see
 4 the engineer report? Because an engineer
 5 report would come to Tammy, right?
 6 MR. BEERS: Object to the form.
 7 A. I believe so.
 8 BY MR. INGE:
 9 Q. Okay.
 10 MR. BEERS: Herndon, is this a
 11 good time to take a break?
 12 MR. INGE: Yeah.
 13 (WHEREUPON, A SHORT BREAK WAS
 14 TAKEN AND THE PROCEEDINGS
 15 CONTINUED AS FOLLOWS:)
 16 BY MR. BEERS:
 17 Q. Ms. Lee, when -- I'm trying to
 18 understand -- I mean, I'm trying to
 19 understand your relationship with Tammy
 20 Hardison and with Renfro. When you were
 21 identified to me as an independent -- well,
 22 you were identified to me as an independent
 23 adjustor. I didn't know whether that meant

1 an independent adjustor meaning y'all were
 2 employed by Renfro or y'all were -- or
 3 Tammy -- you and Tammy were independent and
 4 sort of on contract with Renfro.
 5 Do you know? Did you get your
 6 paycheck from Renfro or did you get it from
 7 Tammy?
 8 A. From Renfro.
 9 Q. Okay. So y'all were hired by
 10 Renfro?
 11 A. Well, the way you're paid when
 12 you're an assistant is you were paid from
 13 the adjustor's proceeds. So whatever Renfro
 14 owed Tammy, they would deduct my pay from
 15 hers and pay me.
 16 Q. Okay. We'll get to that in a
 17 minute. My point was, would -- has Tammy
 18 Hardison ever had another business name like
 19 TH, Inc., TH and Associates, you know,
 20 anything like that?
 21 A. Not that I'm aware of.
 22 Q. So the paycheck came from Renfro
 23 directly to Tammy?

1 A. That's correct.

2 Q. And came from -- and out of -- and
3 the computation of your pay came out of --
4 out of Tammy's pay, but the check came
5 directly to you from Renfro?

6 A. That's correct.

7 Q. Okay. Now, did you and Tammy
8 Hardison work so closely together that you
9 talked about our files? Did you say, Tammy,
10 your file and, Tammy, your file, that sort
11 of thing?

12 MR. BEERS: Object to the form.

13 BY MR. INGE:

14 Q. Did you call them our files?

15 A. Probably, just the file, I mean.

16 Q. Okay. Well, for the purposes of
17 this deposition and to save words, can I
18 call them your files, meaning that they were
19 the files that was -- there were assigned to
20 you and Tammy Hardison? Can I -- do you
21 object if I call them your files, the files
22 that were assigned to y'all?

23 A. Well, they were assigned to her.

1 She was the adjustor of record.

2 Q. Well, then would you mind if I
3 called them your files, meaning the files
4 that you assisted but were Tammy's files?

5 A. That's fine.

6 Q. Okay. Now, did you read your
7 files? Did you read Tammy's files?

8 A. Yes.

9 Q. Okay. Did you read the engineering
10 reports on Tammy's files?

11 A. Some of them I may have. There
12 wasn't very many. Maybe one or two.

13 Q. Okay. And approximately how many
14 files did Tammy -- how many claim files did
15 Tammy work for Renfro for Katrina -- for
16 Katrina?

17 A. In total?

18 Q. In total, best estimate.

19 A. In excess of 200.

20 Q. And of those 200 you say there were
21 only one or two that had engineers within
22 those files?

23 A. More than a handful, but I don't

1 know how many.

2 Q. Okay. But not every file? There
3 wasn't an engineer on every one of Tammy's
4 files?

5 A. Very few. More than a handful. I
6 don't know how many, but not very many.

7 Q. Less than a dozen, probably?

8 A. Probably, yes.

9 Q. So of the 200 that Tammy worked,
10 the 200 Katrina claims that Tammy worked,
11 less than two dozen even featured engineers
12 in any fashion?

13 MR. BEERS: Object to the form.

14 A. I would say I less than a dozen.

15 BY MR. INGE:

16 Q. Now, did you assist Tammy in
17 writing the adjustment report?

18 MR. BEERS: Object to the form.

19 A. If you mean the estimate, the
20 Exactimate estimate?

21 BY MR. INGE:

22 Q. Okay. As I understand, that Tammy
23 was hired to adjust claims for Renfro,

1 right?

2 A. Right.

3 Q. And that her end product was called
4 an adjustment report?

5 MR. BEERS: Object to the form.

6 A. Okay.

7 BY MR. INGE:

8 Q. What did you call her end product?

9 A. Well, it's a -- the claim file has
10 a number of documents that go in it. And
11 there is a particular order that they go in
12 in the file. But the meat of the product
13 that you're producing is an estimate that's
14 done in Exactimate, so...

15 Q. Okay. I'm familiar with -- but
16 let's say that there was a denial of a claim
17 because of water damage. There wouldn't be
18 an Exactimate estimate, would there?

19 A. It just depends.

20 Q. Well, I mean, if it was a total
21 denial of a claim because the damage was
22 done by flood, then there wouldn't -- then
23 you wouldn't pull out Exactimate, would you?

1 A. If the homeowner --
 2 MR. BEERS: Object to the form.
 3 A. If the homeowners' claim was being
 4 denied, there would not be an estimate.
 5 BY MR. INGE:
 6 Q. Okay. So in that case -- okay.
 7 What is Tammy Hardison's end product? Is it
 8 a claim file, is that -- is that what her --
 9 is that what Renfro was actually purchasing
 10 from from Tammy Hardison is a claim file?
 11 MR. BEERS: Object to the form.
 12 A. I don't understand what you mean.
 13 BY MR. INGE:
 14 Q. Okay. Do you know what a flour
 15 sifter is?
 16 A. Yes.
 17 Q. Okay. And you put all the stuff in
 18 the flour sifter and it sifts down and sifts
 19 down and sifts down when -- what you get at
 20 the end, even though you got all this other
 21 stuff, what you've got on the end is really
 22 what you're looking for. Okay? As I
 23 understand, there is an Exactimate estimate

1 with or without an engineering report, a
 2 photographic library, weather data, all of
 3 these different things that goes into the
 4 ultimate report. Isn't that right?
 5 A. That's correct.
 6 Q. Okay. And what is the ultimate
 7 report? What is the ultimate summary? What
 8 is the ultimate distillation of all that
 9 data? What is it called?
 10 MR. BEERS: Object to the form.
 11 A. I can only tell you what I call it.
 12 BY MR. INGE:
 13 Q. Okay.
 14 A. And it was just a claim file. It
 15 was just the file. You turn the file in.
 16 When you -- when all the work was completed,
 17 the adjustment -- the scoping had been done,
 18 the estimate had been completed, all the
 19 documentation, the photos, everything was
 20 together and you turn in the file.
 21 Q. And what was the top document on
 22 the claim file?
 23 MR. BEERS: Object to the form.

1 A. I have no idea. I don't remember.
 2 BY MR. INGE:
 3 Q. Was there a summary?
 4 A. Not necessarily.
 5 Q. Okay. Explain this to me. You can
 6 either have -- for -- change the metaphor,
 7 change it to an upside down pyramid. You
 8 can either have an upside down pyramid and
 9 then you have a final answer, or you can not
 10 have a pyramid at all, all you have is a --
 11 different files. There is an Exactimate
 12 file, and there is weather data, and there
 13 is the maps and, you know, floor plans and,
 14 you know, engineer reports and all of that.
 15 Is that what y'all turned in? Did y'all
 16 summarize it in any way?
 17 A. The estimate would -- would be
 18 considered a summary, in my opinion.
 19 Q. Okay.
 20 A. All the other date is like to back
 21 up all the things that are in the estimate.
 22 Q. Okay. And what about if the
 23 estimate was a total denial, that it was --

1 that it was surge --
 2 A. Then you would have the same
 3 documentation, you just wouldn't have an
 4 estimate.
 5 Q. Okay. And that would be called --
 6 and that end result would be call the
 7 estimate, even though it didn't have any
 8 Exactimate estimate in it?
 9 MR. BEERS: Object to the form.
 10 A. No. I mean, if there is no
 11 estimate in there it's just a file. I mean,
 12 I don't understand why -- what you're trying
 13 to call it.
 14 BY MR. INGE:
 15 Q. As I understand, in the two cases
 16 that I've seen there is a claim file that
 17 has all the back up documentation. But in
 18 the two files that I have, there is an
 19 engineer report. Okay? And the engineer
 20 report says that, you know, the damage was
 21 done by -- there's a conclusion and it says
 22 damage was done by storm surge, you know,
 23 that sort of thing. And then, as I

1 understand, the final opinion of the claim
2 rep in our cases is called a denial letter.
3 And that sort of summarizes all this back-up
4 documentation, and it summarizes the
5 engineer report, and that -- because that
6 summary letter, that denial letter is what's
7 sent to the insured.

8 MR. BEERS: Object to the form
9 of that question.

10 A. I think the summary, I guess what
11 you're getting at, is -- the adjustor would
12 put a summary in the CSR.

13 BY MR. INGE:

14 Q. CSR?

15 A. Which is the database -- it's the
16 State Farm database where adjustors can log
17 notes regarding particular claims.

18 Q. No, not the activity log. Okay.
19 Okay. When Tammy Hardison completes the
20 claim file, what does she do with it?

21 A. She turn it back in.

22 Q. To whom?

23 A. To her State Farm manager.

1 Q. Okay. And that would be Lecky
2 King, right, or Mark Drain or somebody?

3 A. Mark Drain.

4 Q. Okay. Because -- because Tammy
5 Hardison is submitting her final report to
6 Mark Drain, and Kerri Rigsby is submitting
7 her reports to Mark Drain, and Cori Moran is
8 submitting her reports to Mark Drain,
9 that -- they go directly to Mark Drain; is
10 that right?

11 MR. BEERS: Object to the form.

12 A. I don't know that they were
13 submitting anything to him. I don't believe
14 he was their manager, but...

15 BY MR. INGE:

16 Q. Okay. But according to the State
17 Farm procedures manual the ultimate decision
18 is made by the claims representative.

19 MR. BEERS: Object to the form.

20 BY MR. INGE:

21 Q. That until what claims
22 representative makes a decision it's not a
23 final decision. Do you understand that to

1 be the case?

2 MR. BEERS: Object to the form.

3 A. That's not my understanding. I
4 mean, the adjustor does have to make the
5 call, make a decision based on the site
6 visit and the information that they have
7 and -- but ultimately it's approved at the
8 office.

9 BY MR. INGE:

10 Q. Okay. And make the call. And that
11 means Tammy Hardison made the call?

12 A. Right.

13 Q. Okay.

14 MR. BEERS: Object to the form.

15 BY MR. INGE:

16 Q. And what is the form of that call
17 that Tammy Hardison made? What is the --
18 what is it called? What is the form called
19 when you say makes the call? What is the
20 form of that -- of Tammy's call?

21 A. Well, if there discernable damage
22 and the -- that's what the adjustor does, is
23 goes out and -- onto the property and scopes

1 the property and evaluates the damage, what
2 damage is covered. And that's were you take
3 your notes and you determine what's damaged,
4 what's covered under the policy and then you
5 write your estimate. That's making the
6 call. It's deciding what's covered under
7 the policy that's damaged.

8 BY MR. INGE:

9 Q. And isn't that on the first page of
10 the claim file, making the call -- whatever
11 Tammy's call is?

12 A. I don't know.

13 Q. Okay. You didn't help her assemble
14 the claims file?

15 A. It's been a long time. I don't
16 remember what order it went in.

17 Q. Okay. Because I understood that
18 the adjustor made the call. And Mark Drain
19 just either approved it or didn't prove it.
20 But the call was made by Tammy who was
21 gathering all this back-up documentation?

22 MR. BEERS: Object to the form.

23 A. The State Farm manager always had

1 the right to make adjustments to or question
2 anything in the file and have a discussion
3 with the adjustor and sometimes would prompt
4 a second visit.

5 BY MR. INGE:

6 Q. Okay. I'll get to that in a
7 minute, too. But Mark Drain, as a team
8 leader, I understood had 10 or so adjustors
9 working, feeding information to him, right?

10 A. Yes.

11 Q. Okay. And that each of those
12 adjustors may have 200 claims. But Mark
13 Drain, as team manager, he didn't go out and
14 make 2000 -- 2000 claim files. All he did
15 is look at the claims files that were
16 submitted to him by different adjustors,
17 right?

18 A. I'm sure he went on site on some
19 claims, but not on all of them.

20 Q. Okay. Now, what of the files that
21 you and Tammy worked, what percentage found
22 wind damage caused structural damage to the
23 site, to the insured property?

1 MR. BEERS: Object to the form.

2 A. I don't recall.

3 BY MR. INGE:

4 Q. I know, but what is your best
5 estimate? 90 percent? 10 percent? 50
6 percent?

7 MR. BEERS: Object to the form.

8 BY MR. INGE:

9 Q. One percent?

10 A. I don't know. I wouldn't even want
11 to speculate, because I don't remember.

12 BY MR. INGE:

13 Q. Well, at the time did you say, hey,
14 these insureds are going to be happy because
15 look at all of these coverage claim files
16 that I'm submitting?

17 MR. BEERS: Object to the form.

18 MR. FAFATAS: Object to the
19 form.

20 A. I don't recall.

21 BY MR. INGE:

22 Q. Did you recall at the time
23 thinking, oh, my God, there is going to be

1 some, you know, some trouble because every
2 claim file that I've looked at finds
3 exclusion from storm -- from water damage?

4 MR. INGE: Object to the form.

5 MR. FAFATAS: Object to the
6 form.

7 A. No. Tammy had -- she had a
8 mixture. It was a mixture.

9 BY MR. BEERS:

10 Q. Wait. Tammy had?

11 A. Yeah, had a mixture of claims. She
12 had total losses, and she had many that the
13 property was still standing and had flood
14 and wind damage. I mean, so there was just
15 a mix.

16 BY MR. INGE:

17 Q. Okay. And that's the 200. The mix
18 was the 200 that you -- the 200 claims files
19 that she worked -- that both of you worked
20 during Katrina, right?

21 MR. BEERS: Object to the form.

22 A. That's right.

23 BY MR. INGE:

1 Q. And you don't have a best estimate
2 of what percentage of those total 200 that
3 y'all worked were wind damage cause -- wind
4 causing structural damage to insured
5 property, and what were excluded because
6 they were water damage, just water caused to
7 the structural damage?

8 A. I can't remember.

9 Q. Do you recall of those dozen
10 insurance -- I mean, excuse me -- of those
11 dozen engineer reports that you saw within
12 the 200 claim files that you and Tammy
13 worked. Okay? Got me that far?

14 A. Yes.

15 Q. What percentage of those were wind
16 damage -- or wind causing damage to
17 structural members of the insured property?

18 MR. BEERS: Object to the form.

19 MR. FAFATAS: Object to the
20 form.

21 A. I can't remember, but it's possible
22 that all of those were just total losses.

23 There was slabs, but I can't remember for

1 sure.
 2 BY MR. INGE:
 3 Q. Okay. I understand -- one of my
 4 questions was going to be what do you
 5 understand to be a slab. And that's not
 6 what I'm asking. I'm asking about slab
 7 cases, but I'm also asking about other
 8 cases.
 9 What percentage of those slab
 10 cases and other cases, those dozen or so
 11 which you got engineering reports, what
 12 percentage of those found the damage was,
 13 let's say, covered because the damage was
 14 done by wind?
 15 MR. BEERS: Object to the form.
 16 MR. FAFATAS: Object to the
 17 form.
 18 A. She had one claim that I recall
 19 that was a total loss due to wind.
 20 BY MR. INGE:
 21 Q. And the others best you recall were
 22 the structural damage was -- of a slab case
 23 was done by water?

1 MR. BEERS: Object to the form.
 2 A. Best as I recall, yeah.
 3 BY MR. INGE:
 4 Q. Do you remember the name of the
 5 slab case that had an engineer report that
 6 was -- that the structural damage was done
 7 by wind, do you remember the name of that
 8 claim?
 9 A. That was Anna Vela.
 10 Q. Of the dozen or so engineer reports
 11 that you saw in the 200 claims that you and
 12 Tammy Hardison worked for Katrina, how many
 13 of those engineer reports did not mention
 14 damage caused by wind, if you recall?
 15 MR. BEERS: Object to the form.
 16 A. Again, I don't -- I did not look at
 17 every engineer report, and I'm not sure of
 18 the exact number of engineer reports that
 19 she received, so I don't -- I don't recall.
 20 BY MR. INGE:
 21 Q. Most of them? Most of the -- let's
 22 assume -- let's just take your best estimate
 23 of 12 engineer reports. One of them said

1 damage was caused by wind and the other said
 2 water. Okay? I mean, aren't you with me
 3 that far?
 4 A. Uh-huh (positive response).
 5 Q. Of those 11 or approximately 11
 6 that said the damage was done by water, what
 7 percentage of those, if you recall, did not
 8 mention damage done by wind?
 9 MR. BEERS: Object to the form.
 10 MR. FAFATAS: Object to the
 11 form.
 12 A. I'm just -- I'm trying to
 13 remember. A couple more claims are coming
 14 to mind that had an engineer reports that
 15 were not slabs. I think I misspoke when I
 16 said that. I think that they were
 17 properties that were partially standing.
 18 But the two that I can think of talked about
 19 wind and water damage.
 20 BY MR. INGE:
 21 Q. Combination?
 22 A. And I'm not sure what percentage
 23 went one way or the other or -- but I think

1 it was -- I think both was mentioned.
 2 Q. Are you familiar with the term
 3 non-structural damage?
 4 A. Yes.
 5 Q. And what is non-structural damage,
 6 the way you understand it?
 7 A. Well, it would be damage to a
 8 property that's more superficial. Like the
 9 structure itself is sound, but there could
 10 be damage to the windows or damage to the
 11 carpet or damage to the roof.
 12 Q. And do you understand the term
 13 structural damage?
 14 A. I believe so.
 15 Q. What is your understanding of the
 16 term structural damage?
 17 A. Well, it would be more to the
 18 framing of the property and the integrity of
 19 the structure itself.
 20 Q. Did you and Tammy discuss that
 21 differentiation of this is non-structural
 22 and this is structural? Did y'all discuss
 23 that differentiation in Tammy's claim files?

1 A. That's possible. I mean, I'm sure
2 we talked about, you know, all types of
3 damage.

4 Q. Did -- from your discussions with
5 Tammy in adjusting Katrina damages, did she
6 say I need to address both structural and
7 non-structural damage in my claim file?

8 A. I don't recall her saying that in
9 so many words, but, I mean, that was
10 assumed. I mean, you would -- damage is
11 damage. If it was covered under the policy
12 it was included.

13 Q. But didn't y'all -- didn't Tammy
14 make the decision about whether it was
15 covered or whether it was not covered,
16 because she was working the claim file?

17 MR. BEERS: Object to the form.

18 A. It's my understanding that she --
19 it was her recommendation of what should be
20 paid for. And that it could be overruled or
21 adjusted, readjusted by someone else later
22 if the manager didn't agree.

23 BY MR. INGE:

1 Q. Are you familiar with the term
2 anti-concurrent cause? Have you ever heard
3 that term before?

4 A. Yes.

5 Q. Tell the circumstances surrounding
6 the introduction of that firm -- I mean, of
7 that term into your vocabulary? Who told
8 you about that?

9 A. Well, I don't know the first time I
10 heard it, but I'm sure just working the
11 claims, you know, it was discussed among the
12 adjustors and et cetera.

13 Q. Have you ever heard that term
14 before August the 20th of 2005?

15 A. I don't recall if I had or not, I
16 may have.

17 Q. Did you ever hear that term before
18 Katrina damages were being adjusted?

19 A. I don't know.

20 Q. Do you remember whether a State
21 Farm employee rather than a Renfro employee
22 ever discussed that term with you?

23 A. I don't recall.

1 Q. Do you recall whether a Renfro
2 employee discussed that term with you?

3 A. No, I don't recall.

4 Q. Had you been familiar with that
5 term -- were you familiar with that term in
6 October, November or December of 2004?

7 A. I don't remember.

8 Q. Would you have been familiar with
9 that call what you were working Dennis or --
10 or out of the Pensacola office, any of those
11 hurricanes out of the Pensacola office?

12 A. I don't remember.

13 Q. Are you saying that you could have
14 or you couldn't have or you don't --

15 A. I'm saying I could have, so I don't
16 remember.

17 Q. Okay. Did Tammy adjust any claims
18 for other than State Farm?

19 A. During what period of time?

20 Q. Katrina. I'm sorry. Katrina
21 claims?

22 A. No.

23 Q. So you and Tammy only worked for

1 Renfro and only adjusted Katrina claims for
2 State Farm --

3 A. That's right.

4 Q. -- is that right? Okay. How often
5 would you see Mark Drain or Lecky King from,
6 let's just say, January of 2005 until August
7 the 28th of 2005? In other words,
8 pre-Katrina.

9 A. I didn't meet Mark and Lecky until
10 July of '05.

11 Q. But that was still Pensacola
12 office, still doing Dennis work?

13 A. That's correct.

14 Q. Okay. So you knew them when you
15 got to the Mississippi coast, but only --
16 but you had only known them a couple of
17 months?

18 A. That's right.

19 Q. Okay. Who had y'all dealt with
20 before -- who had you and Tammy dealt with
21 with State Farm before you met Mark Drain
22 and Lecky King?

23 MR. BEERS: Object to the form.

1 A. I can't remember anybody's name in
2 particular.

3 BY MR. INGE:

4 Q. I mean, who -- who did the same job
5 for State Farm that Mark Drain and Lecky
6 King started doing in July of 2005?

7 A. I don't remember. I didn't go in
8 the office in those other storms and meet
9 the manager, so I don't remember.

10 Q. Okay. So you didn't -- you didn't
11 deal with their ancestor -- I mean, you
12 know, the people that held that position
13 before them?

14 A. No.

15 Q. And why did you start dealing --
16 what changed that made you start dealing
17 with Mark Drain and Lecky King in July of
18 2005?

19 MR. BEERS: Object to the form.

20 A. At that time, that's when I went on
21 as a -- on record as an assistant through
22 Renfro. Previous to that I had just kind of
23 been mirroring or shadowing Tammy.

1 BY MR. INGE:

2 Q. Were you being paid?

3 A. No, not by Renfro.

4 Q. So Tammy was paying you out of her
5 pay, but you were not on direct payroll from
6 Renfro until July of 2005; is that right?

7 A. Yes.

8 Q. Okay. Tell me about your dealings
9 with Mark Drain and Lecky King during July
10 and August -- and August of 2005 before
11 August 28th of 2005. Did you have dealings
12 with them?

13 A. Well, yeah, I mean...

14 Q. Tell me the scope of your dealings
15 with Mark Drain and Lecky King until you got
16 to the Mississippi Katrina State Farm CAT
17 office?

18 A. I had limited contact with either
19 one of them in the office, and there was
20 occasions when a group of people would go to
21 dinner or things like that after hours, but
22 it was very limited contact, I mean.

23 Q. Any professional contact with Mark

1 Drain or Lecky King between July of 2005 and
2 August the 28th of 2005?

3 A. Very little.

4 Q. Of the 200 cases that you and Tammy
5 Hardison adjusted after Katrina, I believe
6 you testified that none of those were
7 Alabama claims; is that right?

8 A. That's right.

9 Q. So were they the three coastal
10 counties of Mississippi? Were all the 200
11 dealing with insured property on those three
12 coastal counties of Mississippi?

13 A. For the most part. I think there
14 were some that were a little farther north,
15 but mostly on the coast.

16 Q. How many -- did you and -- well,
17 first of all, did you personally inspect the
18 200 homes that y'all adjusted the claim for
19 in Katrina? Did you go to all 200?

20 A. I went to all of them. I did not
21 go inside all of them.

22 Q. Did you go to any that Tammy didn't
23 go in?

1 A. No.

2 Q. Did Tammy go in any that you didn't
3 go in?

4 A. Yes.

5 Q. You mean inside? You mean actually
6 inside the structure?

7 A. Right.

8 Q. But were you on site --

9 A. Yes.

10 Q. -- at all of the inspections that
11 Tammy did?

12 A. Yes.

13 Q. Was she on site with all of the
14 inspections that you did?

15 A. Yes.

16 Q. You had previously testified that
17 you were working under Tammy, and Tammy is
18 the -- as the adjustor submitted claims to
19 Mark Drain or -- to Mark Drain or somebody
20 with some State Farm team manager, right?

21 A. That's right.

22 Q. And you had said at some times that
23 claim was re-assigned or -- that if Mark

1 Drain disagreed with it it would be
2 reassigned or -- or re-investigated; is that
3 right?

4 MR. BEERS: Object to the form.

5 A. Well, not necessarily re-assigned.
6 I mean, it could be. But it could be -- he
7 may want to talk, discuss it with the
8 adjustor and clarify something in the file
9 or maybe question something or -- you know,
10 he would sometimes -- he would do that.

11 BY MR. INGE:

12 Q. Okay.

13 A. Or the managers would do that.

14 Q. The managers? Was that --

15 A. The State Farm managers. They
16 would call in the adjustor and say, you
17 know, why did you do this or why did you do
18 that? I want to understand.

19 Q. And as I understand, those managers
20 would have been Lecky King or Mark Drain?

21 MR. BEERS: Object to the form.

22 A. There was a lot of managers there.

23 BY MR. INGE:

1 Q. Okay. What were the names of the
2 other managers?

3 A. I have no idea. I don't remember.

4 Q. Did you only deal with Lecky King
5 and Mark Drain as team managers of the State
6 Farm CAT Office?

7 MR. BEERS: Object to the form.

8 A. Lecky was not a team manager. She
9 has a different capacity. And I'm not sure
10 who -- Tammy may have had another manager or
11 two while she was there, but I just don't
12 remember.

13 BY MR. INGE:

14 Q. Was the majority of her dealings
15 with Mark Drain as her team manager?

16 A. Towards the end. At the beginning
17 of the storm she had different managers,
18 maybe for a 30-day period. And then the
19 next 30 days she may have had somebody
20 else. I can't remember.

21 Q. And you don't remember their names?

22 A. I can't remember.

23 Q. But later on in the adjustment of

1 Katrina claims was it always Mark Drain?

2 A. Towards the end -- I think at one
3 point Kristi Greer. I remember Kristi Greer
4 as a manager. And I can't think of -- there
5 is a couple other guys, and I can't remember
6 their names.

7 Q. Well, I think what you testified is
8 that -- is that Tammy Hardison would
9 complete her claim file, and she would turn
10 it in to a manager. And if it wasn't Mark
11 Drain -- Mark Drain or another manager may
12 tell her, you know, I want you to reinspect
13 this or I want you to look at that or I want
14 you to think about this or -- that's what I
15 want to ask you about.

16 How many times -- of the 200
17 claims that -- claim files that Tammy
18 submitted to Mark Drain or other team
19 manager, how many were reinspected?

20 MR. BEERS: Object to the form.

21 A. By herself or by someone else,
22 or...

23 BY MR. INGE:

1 Q. By anybody that y'all -- you know,
2 weren't they Tammy's files? Weren't they
3 assigned to Tammy?

4 A. Right.

5 Q. So if it went up to the team
6 manager and the team manager said reinspect
7 it, wouldn't it be Tammy that would
8 reinspect it or would it be somebody else to
9 reinspect?

10 A. He may -- the manager may ask the
11 adjustor to go back out and inspect in.

12 Q. May ask Tammy to go back out?

13 A. Right, may ask Tammy to go back out
14 --

15 Q. I'm just --

16 A. -- yeah. But they also -- once the
17 file has been completed and paid, it's
18 also -- there is a whole reinspection, the
19 audit process too.

20 Q. I'm not talking about when the
21 payment was made. Before the payment was
22 made. I'm asking about that period of time
23 that Tammy -- that Tammy Hardison and Dana

1 Lee have completed their work and they
2 turned in the claim file to the State Farm
3 team manager. Okay? And at that point
4 what -- how many of the claims that you know
5 about were reinspected, sent back,
6 reassigned?

7 A. I don't know.

8 MR. BEERS: Object to the form.

9 BY MR. INGE:

10 Q. Do you know if any were?

11 A. Yeah, I'm sure that there were
12 some, but I just don't remember how many.

13 Q. More than a dozen? More than two
14 dozen? Of the 200 that --

15 A. I don't know. I wouldn't want to
16 guess.

17 MR. BEERS: Same objection.

18 BY MR. INGE:

19 Q. Okay. I don't want a guess. Do
20 you have a best estimate?

21 A. I don't know.

22 Q. And so some of them were sent back,
23 but you just don't want to give an estimate

1 of how many were sent back?

2 MR. BEERS: Object to the form.

3 A. That's right.

4 BY MR. INGE:

5 Q. Okay. Did you ever -- were you
6 ever told either by -- well, were you ever
7 told by a team manager that a team manager
8 disagreed with Tammy Hardison's findings?

9 A. Yeah.

10 Q. And tell me about how many of those
11 you remember.

12 A. I can't remember how many. I can
13 remember one in particular that Tammy
14 thought was -- should be a denial, and she
15 was told to pay as much as she possibly
16 could under the homeowner's policy.

17 Q. And do you remember of name of that
18 one?

19 A. No.

20 Q. Do you remember where it was?

21 A. Close to the -- very close to the
22 water.

23 Q. I mean, do you remember what

1 county --

2 A. No.

3 Q. -- what Mississippi county it was
4 in?

5 A. Huh-uh (negative response). It's
6 probably maybe Waveland, I don't remember.

7 Q. Could there have been others, but
8 that's just the one that you -- just jumps
9 into your mind?

10 A. There could have been.

11 Q. Were there any that you know of
12 that were submitted on payment based on wind
13 damage where the State Farm team manager
14 disagreed and said, no don't pay it on wind
15 damage?

16 A. Not that I recall.

17 Q. If I understand correctly, Tammy's
18 final report is a claim file; is that right?

19 A. That's my understanding.

20 Q. Okay. And the claim -- isn't the
21 claim file in a particular State Farm
22 numbered form? I mean, isn't the jacket,
23 the jacket, doesn't the jacket -- isn't the

1 jacket used a particular -- of a particular
2 State Farm form? I'm just talking about the
3 jacket.

4 MR. BEERS: Object to the form.

5 A. Yeah.

6 BY MR. INGE:

7 Q. And doesn't it have blanks on the
8 front?

9 A. I don't remember. I guess -- I
10 don't remember exactly what it looks like.

11 Q. Doesn't it have blanks on the
12 inside cover to make notes?

13 MR. BEERS: Object to the form.

14 A. There may be. Lot of times there
15 will be documents stapled inside the front
16 cover.

17 BY MR. INGE:

18 Q. Okay. And aren't there various
19 dividers within the file?

20 A. I believe so.

21 Q. And aren't they tabbed at the top
22 or on the side? That if you're looking for
23 the engineer report, there is a tab. There

1 is a tab divider and you can go directly to
2 the engineer report?

3 MR. BEERS: Object to the form.

4 A. I don't recall there being labels
5 in between, I just know there was a
6 particular order that it was supposed to be
7 in.

8 BY MR. INGE:

9 Q. And haven't you seen the procedures
10 manual that said this is the order that I
11 want it in. I want this at the back and
12 this at the front, and this is the order
13 that I want it in working from the back to
14 the front?

15 MR. BEERS: Object to the form.

16 A. I don't know that I'm seen a
17 manual, but I know I've seen that piece of
18 paper to follow -- to put it in the correct
19 order.

20 BY MR. INGE:

21 Q. Okay. And isn't the claim -- the
22 outside file folder, isn't that on a printed
23 State Farm file, I mean, a form?

1 MR. BEERS: Object to the form.

2 A. There is usually a printed label on
3 the outside.

4 BY MR. INGE:

5 Q. No, I'm not talking about the
6 label. I'm talking about the piece of
7 paper, the manila folder, or the board
8 folder or whatever is -- whatever y'all
9 insert paperwork in.

10 A. I don't remember exactly what it
11 looked like.

12 Q. Didn't they all look the same?

13 A. Pretty much, yeah.

14 Q. And did y'all go buy them at Office
15 Depot, or were they provided to you by State
16 Farm team manager?

17 A. No, they were provided.

18 Q. Okay. And -- and they had -- they
19 had printing on the front, didn't they? The
20 form that was sent to you had printing on
21 it, didn't it?

22 A. I'm trying to remember. When prior
23 to -- I think it was either -- I don't know

1 if it was Dennis or Katrina we went paper
2 light. So we -- when the adjustors were
3 assigned claims they didn't hand them a file
4 any more it was electronically assigned to
5 you. You had an electronic list that was
6 e-mailed to you where that you could pull
7 up -- the adjustor could pull up and they
8 didn't give you the file. You put the
9 documents together and turned it in, and
10 then it was placed in the file later.

11 Q. Okay.

12 A. So I don't remember exactly what
13 the covers looked like.

14 Q. Are you saying everything was
15 digital, everything was electronic, scanned?

16 A. No.

17 Q. I mean, wasn't there a paper file?

18 A. Yes, there was a paper file.

19 Q. Okay. And the paper file was
20 provided by State Farm personnel?

21 A. Right.

22 Q. And it had -- and before it went
23 paper light, it was -- everything was

1 handled in a paper file and --

2 A. Right.

3 Q. -- you -- you know, if you want the
4 file, here's the paper file. If you want to
5 take it out on site --

6 A. Right.

7 Q. -- you were putting stuff in the
8 paper file --

9 A. Right.

10 Q. -- there was a paper file that --

11 A. Well, there was -- even after paper
12 light, or whatever you called it, there was
13 still a paper file, but it just was not
14 handed -- at the beginning of the claim
15 there was no folder handed to the adjustor.
16 That was done later.

17 Q. Okay. And do you -- do you recall
18 either you or Tammy Hardison ever writing on
19 the outside cover of the claim file?

20 A. Not that I recall.

21 Q. Do you recall writing anything on
22 the inside on paper that was stapled to the
23 inside cover or the dividers or anything?

1 A. Possible. I mean, it's possible.
2 Q. Isn't that part of your job is to
3 put dates and details on the -- fill, you
4 know, in the different blanks on the printed
5 cover of the claim file?

6 MR. BEERS: Object to the form.

7 A. I don't remember a printed cover
8 that -- like you're describing.

9 BY MR. INGE:

10 Q. Now, did you have a scanner in
11 working Katrina claims, you personally?

12 A. No.

13 Q. Did Tammy Hardison have a scanner
14 to work Katrina claims?

15 A. No.

16 Q. Did the State Farm office that you
17 worked out of have a scanner in processing
18 Katrina claims?

19 A. It's possible. I mean, are you --
20 you mean a scanner or copier?

21 Q. Scanner.

22 A. Scanner. It's possible. I don't
23 know.

1 Q. Have you ever worked with a
2 scanner?

3 A. Sure.

4 Q. No. I mean, in Katrina claims for
5 State Farm.

6 A. No.

7 Q. Okay. In other words, when --
8 okay. Ten years ago, everything was in a
9 paper file in law practice, in medical
10 practice, in insurance practice. People --
11 scanners were not commonplace, digital files
12 were not commonplace. That it was a paper
13 file. Everything was in the paper file. Is
14 that the way it was in adjusting State Farm
15 Katrina claims?

16 MR. BEERS: Object to the form.

17 BY MR. INGE:

18 Q. That everything was expected to be
19 in the paper file?

20 MR. BEERS: Object to the form.

21 A. One of the things that that changed
22 was digital photos. Instead of stapling
23 photos into the file, the files -- the

1 photos were uploaded from digital cameras.
2 So that was not -- so the photos were not
3 stapled -- you know, I can't remember what
4 they're called. The Kodak photos, they were
5 digital.

6 BY MR. INGE:

7 Q. But what I'm asking, was everything
8 other than the photographic library, was it
9 expected to be in paper form in the claim
10 file, in the paper claim file?

11 A. Yes. And I even think that -- I
12 can't remember for sure, but I think that
13 the pictures were still printed, digital
14 pictures were still printed on paper and put
15 in the file also, even though they were
16 uploaded digitally, but I'm not 100 percent
17 sure.

18 Q. My point was, every claim had a
19 paper claim file, didn't it?

20 A. Yes.

21 MR. BEERS: Object to the form.

22 BY MR. INGE:

23 Q. Now, okay. Let me tell you what I

1 want to ask you about. Let's just say for
2 the sake of argument that State Farm wanted
3 to -- are you familiar with the term
4 launder, laundry, launder, launder a file,
5 clean a file?

6 A. Yes.

7 Q. I mean, you're familiar with that
8 term. Okay. Let's just assume that State
9 Farm wanted to get bad information out of a
10 claim file that was in a paper format.
11 Okay? And let's just say that they don't
12 want any piece of paper, because under the
13 State Farm retention policy they're supposed
14 to keep all paper, so they don't want it in
15 paper. Okay?

16 My point is, if I understand
17 Dana Lee and Tammy Hardison turned in a
18 paper claim file, not a digital claim file,
19 but a paper claim file; is that right?

20 A. Yes.

21 MR. BEERS: Object to the form.

22 BY MR. INGE:

23 Q. Was any part of that claim file

Page 190

1 scanned and digitally submitted to State
2 Farm in a scanned format?
3 MR. BEERS: Object to the form.
4 A. The pictures were uploaded, the
5 digital photos were sent electronically.
6 And there was also the log notes, the
7 activity log was electronic.
8 BY MR. INGE:
9 Q. But that was directly put into the
10 computer, wasn't it?
11 A. Right.
12 Q. The activity log was put into -- as
13 you went along --
14 A. Right.
15 Q. -- wasn't it?
16 A. Right. I don't recall any
17 scanning. I don't recall using a scanner.
18 BY MR. INGE:
19 Q. Ms. Lee, if this is the claim -- if
20 you and Tammy are finished with the claim
21 file. Pick up all the documents, put them
22 in the claim file. Team leader, that's it.
23 Isn't that right? Other than the activity

Page 191

1 log, which was ongoing, and other than the
2 photographic library, that was in a paper
3 file, right?
4 A. Right. To the best of my
5 knowledge, that I recall.
6 Q. Okay. In other words, let's say --
7 let's just say for the sake of argument that
8 a claim file was submitted that said, pay it
9 because it's wind damage. And let's say it
10 went to a team manager, a State Farm team
11 manager and he said, I don't want to pay it,
12 I want it to be denied because of water
13 damage. Then other than the activity log
14 all the documentation should be in a paper
15 claim file, shouldn't it?
16 MR. BEERS: Object to the form.
17 A. Yes.
18 BY MR. INGE:
19 Q. Okay. And so if there are two
20 reports, one said damage by wind and one
21 damage by water, then -- and they were
22 submitted in paper, they should be in the
23 claim file, shouldn't they?

Page 192

1 MR. BEERS: Object to the form.
2 A. I would -- I don't know.
3 BY MR. INGE:
4 Q. Do you know of any claim files that
5 were submitted only digitally, only scanned?
6 A. Not that I'm aware of.
7 Q. So all claim files, not just
8 Tammy's, all claim files that you saw were
9 submitted in a paper file folder with a
10 bunch of papers sticking out of it, right?
11 A. Yes.
12 Q. Okay. Were you ever -- was -- did
13 you ever overhear Tammy being told to submit
14 her claim file in a draft form?
15 A. No.
16 Q. In an interim form?
17 A. No.
18 Q. Was it always just submitted in a
19 final form?
20 A. As far as I know.
21 MR. BEERS: Object to the form.
22 BY MR. INGE:
23 Q. Okay. Again, I'm talking about

Page 193

1 architecture, you know, flow charts. Was
2 Tammy Hardison instructed to submit her
3 claim file to Rimkus, a Rimkus manager or
4 supervisor or --
5 MR. BEERS: Do you mean Renfro?
6 BY MR. INGE:
7 Q. I'm sorry. Renfro. Was she
8 instructed to submit to Renfro or directly
9 to a State Farm team manager?
10 MR. BEERS: Object to the form.
11 A. To State Farm.
12 BY MR. INGE:
13 Q. Okay. So there was no intermediate
14 level of Renfro? It went from Renfro to
15 State Farm, the claim file?
16 A. Sometimes a Renfro manager may
17 review the file first.
18 Q. Okay. And who was a Renfro
19 manager? I mean, so far we haven't talked
20 about a Renfro manager.
21 MR. BEERS: Object to the form.
22 A. Those would change, as well. But
23 Cori Moran was Tammy's manager for most of

1 the Katrina storm.
 2 BY MR. INGE:
 3 Q. Okay. Would Tammy submit her claim
 4 file to Cori Moran?
 5 A. She would submit it usually to the
 6 State Farm manager. Sometimes at the
 7 beginning of the storm just to make sure
 8 that the adjustor's files are up to par, in
 9 the right order, so on and so forth, the
 10 Renfro manager may look at it first. And
 11 then after they feel comfortable that their
 12 file was adequate, they will just -- then it
 13 will go directly to the State Farm manager.
 14 Q. Okay. As I understand, Kerri Moran
 15 was doing the same thing that Tammy Hardison
 16 was doing, that they were -- that they were
 17 --
 18 A. (Witness nods in negative.)
 19 Q. Oh, is that not right?
 20 A. No.
 21 Q. Okay. Tell me what Kerri -- Kerri
 22 Rigsby. Tell me what Kerri Rigsby was
 23 doing.

1 A. Kerri was a manager, so she had
 2 manager responsibilities in the office.
 3 Cori, too. They had adjustors --
 4 Q. Were they equal? Were they -- did
 5 they have pretty much the same -- Cori
 6 Moran -- Cori Rigsby Moran and Kerri Moran,
 7 were there pretty much equal?
 8 A. Yes.
 9 Q. And they -- and even though they
 10 worked for Renfro they reported to State
 11 Farm people?
 12 A. That's right.
 13 Q. Okay. So did Cori Moran and Kerri
 14 Rigsby, did they have people like Tammy
 15 Hardison under them?
 16 A. That's right.
 17 Q. Okay. And now you said that was at
 18 the beginning of the Katrina recovery,
 19 right?
 20 MR. BEERS: Object to the form.
 21 A. Well, at the beginning -- what I
 22 said was at the beginning was sometimes a
 23 Renfro manager might review the claims files

1 before they just -- before the adjustor
 2 started giving them directly to the State
 3 Farm manager.
 4 BY MR. INGE:
 5 Q. But then after a while they
 6 started --
 7 A. It was given directly to the State
 8 Farm manager.
 9 Q. And so what did Cori and Kerri do
 10 at that point?
 11 A. Well, they would do ride-alongs
 12 with adjustors that needed assistance. Or
 13 they just had -- I don't know what all the
 14 manager responsibilities were, but they had
 15 managerial-type responsibilities.
 16 Q. Well, did Tammy Hardison have
 17 professional dealings with Cori and Kerri,
 18 or did she just submit her reports directly
 19 to Mark Drain or the State Farm team
 20 manager?
 21 A. She was just submitting them
 22 directly to -- to Mark.
 23 Q. Okay. So she would see Kerri and

1 Cori, but it was not -- but later in the
 2 storm Kerri or Cori would not be Tammy
 3 Hardison's supervisor?
 4 A. Well, Cori was still Tammy's
 5 manager, but she didn't necessarily review
 6 all her claims. They were there for
 7 questions and -- and help with anything that
 8 the adjustor needed help with, things like
 9 that.
 10 Q. How many times of the dozen or so
 11 engineer reports that you saw in the 200
 12 claims that you and Tammy Hardison adjusted,
 13 how many times did you see the engineer
 14 report was sent back to be reevaluated or
 15 reinspected, sent back to the engineer?
 16 MR. BEERS: Object to the form.
 17 MR. FAFATAS: Object to the
 18 form.
 19 A. None that I was aware of.
 20 BY MR. INGE:
 21 Q. So all of the dozen or so
 22 engineer -- the engineer report went to the
 23 claims manager -- I mean, the claims

1 representative and it went to State Farm and
2 it was never sent back at least through
3 Tammy?

4 A. As far as I know.

5 Q. Did you ever in any of the 200
6 claims that you and Tammy worked, even
7 though the engineer report was not sent
8 back, were you ever told that State Farm
9 disagreed with the engineer report?

10 A. No.

11 Q. Maybe not sent back, but just
12 disagreed?

13 A. No.

14 Q. Do you have any knowledge of any --
15 any claim file that after Tammy Hardison
16 submitted her claim file that it was
17 reassigned to do over by some other claim
18 representative --

19 MR. BEERS: Object to the form.

20 BY MR. INGE:

21 Q. -- or adjustor?

22 A. None that I'm aware of.

23 Q. Were you -- do you know whether

1 Tammy Hardison was ever called in to State
2 Farm that said, we don't like what you're
3 doing it, we don't like the way you're doing
4 it, we want it done some other way?

5 A. No.

6 Q. Do you know of anybody -- whether
7 Kerri Moran -- I mean, Cori Moran or Kerri
8 Rigsby ever had a come-to-Jesus meeting with
9 Tammy Hardison and said we need you to
10 change this way or do it that way?

11 A. No.

12 MR. BEERS: Object to the form.

13 MR. FAFATAS: Same objection.

14 BY MR. INGE:

15 Q. Do you recall -- in 2005 did you
16 get a paycheck from anybody other than
17 Renfro?

18 A. No.

19 Q. Okay. What about when Tammy was
20 paying you out of her part, did that -- in
21 other words, did you get a W-2 form or
22 something for -- or a 1099 from Tammy
23 Hardison --

1 A. No.

2 Q. -- for that period of time?

3 A. No.

4 Q. So it was just cash or something?

5 A. Right.

6 Q. Okay. For 2005 how much did you
7 make adjusting for Renfro?

8 MR. BEERS: Object to the form.

9 A. I don't remember.

10 BY MR. INGE:

11 Q. \$5,000? \$10,000? \$50,000?
12 \$100,000? Just your best estimate.

13 A. I really -- I don't remember. It
14 wasn't very much. You don't get paid very
15 much as an assistant.

16 Q. What about in 2006, do you remember
17 a best estimate of how much you made from
18 Renfro in 2006?

19 A. I don't remember, maybe \$1,000.

20 Q. How do -- how does Tammy Hardison
21 bill for her professional services to
22 Renfro?

23 A. It's just -- there's a schedule

1 that the adjustors follow, and there's a
2 form that has to be filled out and
3 submitted.

4 Q. I know, but it's not strictly
5 hourly, is it?

6 A. No, it's per -- if you're on
7 production, it's per claim.

8 Q. Okay. And how much is paid on the
9 claim affects Tammy's compensation --
10 Tammy's pay, isn't it?

11 A. Well, there is a schedule and you
12 follow the schedule. And if it's over a
13 certain amount you get a percentage of...

14 Q. Explain that to me. If it's over a
15 certain amount you get a percentage. What
16 does that mean?

17 A. If -- you get a percentage of the
18 claim, of the claim total, of the estimate
19 total.

20 Q. Okay. Well, let me sort of jump
21 ahead. So are you telling me that Tammy
22 gets -- Tammy Hardison gets more pay the
23 more she pays out in a claim?

1 A. That's correct.

2 Q. So if she says pay \$150,000, she
3 gets paid more than if she says pay out
4 \$50,000?

5 A. That's correct.

6 Q. And if she says deny the claim for
7 water damage, then she doesn't get paid
8 anything?

9 A. She just gets a flat fee. She gets
10 a flat fee based on -- I can't remember what
11 it is and I can't remember -- but it's just,
12 you get a fee for showing up on site, doing
13 the scope. That's it. It's not very much.

14 Q. So Tammy Hardison would have been
15 better off if she had said pay every claim?

16 A. Full limits.

17 Q. Full limits?

18 A. We would have loved it, yeah.

19 Q. And she would have been worse off
20 if she had said deny the claim because of
21 water?

22 A. That's right.

23 MR. BEERS: Object to the form.

1 Q. What is NOAA?

2 A. Gosh, I don't know.

3 Q. What's it related to?

4 A. I'm drawing a blank. I know what
5 that is, but I'm just drawing a blank on
6 that.

7 Q. Do you know who owns and runs NOAA?

8 A. No.

9 Q. What meteorological training did
10 Tammy have before adjusting claims for
11 Renfro and Katrina claims?

12 A. I don't know.

13 Q. Did she ever discuss with you her
14 meteorological training?

15 A. No.

16 MR. BEERS: Object to the form.

17 BY MR. INGE:

18 Q. Did she ever discuss that she knew
19 certain meteorological principles that she
20 needed to use in adjusting a Katrina claim?

21 A. No.

22 MR. BEERS: Object to the form.

23 BY MR. INGE:

1 BY MR. INGE:

2 Q. Was all of the work that Tammy
3 Hardison did in adjusting for Katrina
4 insurance-company related?

5 A. I'm sorry. Repeat that.

6 Q. Okay. This may be a strange term.
7 Was all of the work that Tammy did in
8 adjusting claims for Katrina, were they
9 related to insurance companies, to insurance
10 matters, to coverage matters of insured
11 properties?

12 A. Yes.

13 Q. Are you a member of any
14 professional -- professional adjusting
15 associations?

16 A. No.

17 Q. Do you know whether Tammy is a
18 member of any professional insurance
19 adjusting associations?

20 A. Not that I'm aware of.

21 Q. Are you familiar with the acronym
22 NOAA?

23 A. Yes.

1 Q. Did she ever mention wind speeds or
2 predicted tornado activity or where or when
3 the storm surge was highest or lowest or
4 that sort of thing?

5 A. We've discussed that. Like I said,
6 we saw reports and things like that from the
7 National Weather Service and...

8 Q. I know, but what did she tell you
9 that she knew before Katrina, of that --
10 what of that type of weather principles?

11 A. I don't know.

12 MR. BEERS: Object to the form.

13 BY MR. INGE:

14 Q. Did she ever discuss with you that
15 the peak or highest storm surge occurs as
16 the eye of the hurricane makes landfall?

17 MR. BEERS: Object to the form.

18 A. I don't know if we -- I don't
19 remember.

20 BY MR. INGE:

21 Q. Did she ever discuss with you
22 that -- that the wind, strong winds were
23 blowing long before the storm surge arrived

1 on site?
 2 MR. BEERS: Object to the form.
 3 A. I don't remember.
 4 BY MR. INGE:
 5 Q. Did she ever discuss with you in
 6 the 200 claims that she adjusted that the
 7 direction of the -- of the -- that a tree
 8 fell or the direction of the debris in --
 9 related to the foundation was important --
 10 MR. BEERS: Object to the form.
 11 MR. FAFATAS: Object to the
 12 form.
 13 BY MR. INGE:
 14 Q. -- in adjusting whether it was --
 15 damage was done by wind or damage was done
 16 by water?
 17 MR. BEERS: Object to the form.
 18 MR. FAFATAS: Same objection.
 19 A. I don't remember.
 20 BY MR. INGE:
 21 Q. Are you saying that she could have
 22 discussed that with you, or that she
 23 didn't -- she may not have discussed it with

1 you or you just don't remember either way?
 2 A. I don't recall.
 3 Q. Have you ever heard of a
 4 publication called NOAA Hurricane Basics?
 5 A. Not that I remember.
 6 Q. Has she every discussed with you
 7 that she appreciated that tornados are
 8 likely present in hurricanes?
 9 MR. BEERS: Object to the form.
 10 A. I don't remember her talking about
 11 that.
 12 BY MR. INGE:
 13 Q. Have you ever heard of the term
 14 narrow path of destruction?
 15 A. No.
 16 Q. Did you ever hear her discuss with
 17 you that it's entirely possible for one
 18 beachfront home to be entirely destroyed
 19 while the adjacent beachfront homes are
 20 relatively unscathed?
 21 MR. BEERS: Object to the form.
 22 A. Did we ever discuss that?
 23 BY MR. INGE:

1 Q. Yeah.
 2 A. Not that I recall.
 3 Q. Did -- when you went out to scope
 4 the scene -- isn't that what y'all call it,
 5 scope the scene when you actually look at
 6 it?
 7 A. That's right.
 8 Q. Did y'all ever make a particular
 9 note of the damage to the -- of the upper
 10 level damage to the trees on site?
 11 A. That's possible.
 12 Q. I mean, was that one of the parts
 13 of your investigation of your scoping of the
 14 damages, to look up and see what were the
 15 condition or damages of the trees or...
 16 A. It could be, yeah.
 17 Q. Could be, but it wasn't an
 18 intentional category to check off on your
 19 list --
 20 MR. BEERS: Object to the form.
 21 BY MR. INGE:
 22 Q. -- when you were scoping the scene?
 23 A. It just depends on the proximity of

1 the tree to the -- the house or -- you know,
 2 it just depends.
 3 Q. Was it intentionally a factor to
 4 consider the trees in the surrounding
 5 neighborhood as it relates to the cause of
 6 the damage to a particular site?
 7 MR. BEERS: Object to the form.
 8 A. I don't know.
 9 BY MR. INGE:
 10 Q. Was that a particular checklist, a
 11 checkbox on our checklist?
 12 MR. BEERS: Object to the form.
 13 MR. FAFATAS: Object to the
 14 form.
 15 A. I don't know that there was a
 16 checklist.
 17 BY MR. INGE:
 18 Q. Okay. Before today are you
 19 familiar with the characteristics of a
 20 mezocyclone?
 21 MR. BEERS: Object to the form.
 22 A. No.
 23 BY MR. INGE:

1 Q. Did Tammy ever -- Tammy Hardison
2 ever discuss with you that damage was done
3 to a particularly insured site by wind hours
4 before the appearance of the storm surge?

5 MR. BEERS: Object to the form.

6 A. Not that I recall.

7 BY MR. INGE:

8 Q. Did Tammy ever discuss with you
9 that y'all needed to research the applicable
10 building codes when a particular insured
11 house was built?

12 MR. BEERS: Object to the form.

13 A. I don't recall.

14 BY MR. INGE:

15 Q. Tammy Hardison as a claim -- as a
16 claims adjustor, she didn't have the
17 ultimate decision on the payment or denial
18 of the claim, did she?

19 A. I would say no.

20 Q. Okay. The decisions were made
21 by -- either by Kerri or Cori within Renfro
22 or decisions were made by State Farm; is
23 that right?

1 MR. BEERS: Object to the form.

2 A. I'm not sure how to answer that.
3 But ultimately the -- I guess, the ultimate
4 decision was made by State Farm.

5 BY MR. INGE:

6 Q. Are you familiar with the Fujita
7 Scale?

8 A. Yeah, I think I know what that is,
9 but...

10 Q. What is it?

11 A. I can't explain it to you what it
12 is.

13 Q. Do you know what it's related to?

14 A. I think it's related to wind
15 velocity or something, but I'm not sure, so
16 I don't want to...

17 Q. In the 200 scopes that y'all did
18 for the Katrina claims, did y'all make a
19 standard practice for looking at the debris
20 in the slab cases, looking for the debris of
21 the walls and the roof decking and the
22 structural members of the...

23 A. If it was still there.

1 MR. BEERS: Object to the form.

2 A. If it was around.

3 BY MR. INGE:

4 Q. Did you ever go up in the bushes
5 and look for -- and stomp around and look
6 for the structural debris on a slab case?

7 A. If it was there and we could see
8 it, we would -- you know.

9 Q. I know. But did you go up in the
10 woods, or did you just say if it's there --

11 A. If it was safe enough. If it was
12 safe enough we would walk around the
13 property as much as possible.

14 Q. I know. But let's just say --
15 let's just say that the house was built on a
16 lot. And the lot had grass, and the lawn
17 mower cut the grass and it was easy. But
18 let's say there was no debris, no structural
19 debris found within the grass, the grass
20 yard of that lot, would y'all follow the
21 path of the debris until you found the
22 structural members of that insured house?

23 MR. BEERS: Object to the form.

1 A. Not exactly. I mean, there was
2 debris everywhere. I mean, you know, it's
3 hard to tell if there is a house -- houses
4 all up and down the street what debris came
5 from which house. It's impossible.

6 BY MR. INGE:

7 Q. Did y'all make -- if it was a slab
8 case, did y'all question the insured, the
9 property owner and say, tell me the color of
10 the siding of your house, tell me the
11 construction of the siding of your house and
12 your roof to see if I can find the debris
13 from your house?

14 A. If they were on site we would talk
15 to the insured about the type of house they
16 had and the color and things like that.

17 Q. Okay. Would you say I want to see
18 the before pictures because there's lots of
19 debris in this yard on in this neighborhood
20 and I want to find out where your house
21 went?

22 A. Sometimes they would provide
23 pictures.

1 Q. And was that in your checklist to
 2 ask them?
 3 A. I don't know that we had a
 4 checklist, I mean.
 5 Q. Okay. Was that one of your proper
 6 protocols, one of your accepted standards is
 7 to say tell me the color of your house, tell
 8 me the color of your roof so I can find out
 9 --
 10 A. Not necessarily. I mean, if they
 11 had before pictures we would ask for them.
 12 A lot of times they would offer them. And
 13 sometimes it was helpful to have that.
 14 Q. And what -- and of the 200 cases
 15 that y'all adjusted after Katrina,
 16 approximately what percentage did y'all make
 17 an effort to look for the debris of the
 18 structural members of the house in relation
 19 to where the house sat before the storm?
 20 MR. BEERS: Object to the form.
 21 A. I don't know. I don't know.
 22 BY MR. INGE:
 23 Q. Did Tammy ever discuss with you or

1 did you overhear her discussing that insured
 2 properties built immediately upon open water
 3 or upon open fields with no wind breaks
 4 receive a full impact of winds or gusts or
 5 tornados?
 6 MR. BEERS: Object to the form.
 7 MR. FAFATAS: Object to the
 8 form.
 9 A. No.
 10 BY MR. INGE:
 11 Q. Are you familiar with the Alyeska
 12 Weather Report, A-L-Y-E-S-K-A Weather
 13 Report?
 14 A. No.
 15 Q. In the 200 claims that you and
 16 Tammy adjusted did you get a Doppler radar
 17 imaging from the National Weather Service
 18 for each location?
 19 MR. BEERS: Object to the form.
 20 A. No.
 21 BY MR. INGE:
 22 Q. Have you ever heard the term
 23 tornadic vortex signature?

1 MR. BEERS: Object to the form.
 2 A. No.
 3 BY MR. INGE:
 4 Q. Do you know Butch Loper?
 5 A. No.
 6 Q. Do you know anybody from the
 7 emergency operations center of Jackson
 8 County, Mississippi?
 9 A. No.
 10 Q. Did you research that he -- that he
 11 reported wind -- two wind gusts of 137 to
 12 140 miles an hour prior to his evacuation of
 13 that location?
 14 MR. BEERS: Object to the form.
 15 A. No.
 16 BY MR. INGE:
 17 Q. Isn't Jackson County the
 18 Mississippi coastal county right next to the
 19 Alabama line?
 20 A. I believe it is.
 21 Q. Did you check the National Weather
 22 Service radar records from the Mobile
 23 Airport in Mississippi damages?

1 A. No.
 2 Q. Are you familiar with the Bernoulli
 3 Theorem?
 4 A. No.
 5 Q. Did you -- did your research ever
 6 discover the FLhurricane.com web site?
 7 A. No.
 8 Q. Are you familiar with the term
 9 additional information?
 10 MR. FAFATAS: Object to the
 11 form.
 12 MR. BEERS: Object to the form.
 13 A. Yeah. I mean -- yeah, I know what
 14 additional information means, but...
 15 BY MR. INGE:
 16 Q. In an insurance claim setting. Do
 17 you know what additional information means
 18 in an insurance claim setting?
 19 MR. BEERS: Object to the form.
 20 MR. FAFATAS: Same objection.
 21 A. I guess, I mean.
 22 BY MR. INGE:
 23 Q. Okay. My point is -- tell me the

1 best you can. You and Tammy complete the
2 claim file. It's turned in to Mark Drain.
3 Is that the last you ever hear of it? Is it
4 gone?

5 A. No. I mean, the file can be
6 reopened.

7 Q. Okay. And what are the different
8 reasons that you know that a file was
9 reopened after you and Tammy Hardison
10 submitted your final claim file?

11 A. Could be a number of reasons why
12 the file would be reopened.

13 Q. Well, tell me examples of what
14 you've seen as reasons to reopen the file.

15 A. You could close the file pending
16 further information from the insured.

17 Q. But that's -- then that's not a
18 final submission of your claim file.

19 A. Well, you close it, though. You
20 close it and put it, you know, and it's
21 done. And then you could be pending
22 information on maybe insured had to research
23 the value or the price of a -- some

1 contents, something like that. Then they
2 turn that in, you reopen the file and then
3 cut them another check for whatever they
4 submitted.

5 Q. So you turn it in still pending
6 because waiting on something from
7 somebody --

8 A. Well, you go ahead and make a --
9 you pay them for everything that you --
10 that's -- that you already know about and --
11 for damages, et cetera. And then there may
12 be something pending, or it may be nothing
13 pending and they still could reopen it for
14 whatever reason.

15 Q. That's one reason to reopen a
16 finished file or a turned in file. What are
17 other reasons to reopen a turned in file?

18 A. The insured may get an estimate
19 from a contractor, and they'll send that
20 in. The file will be reopened and the
21 adjustor will go out on site and meet with
22 the contractor.

23 Q. Okay. Of the 200 claims that you

1 and Tammy submitted, worked and submitted,
2 how many did you receive additional weather
3 information as far as the cause of the
4 damage to the insured property, weather
5 information, after you submitted it?

6 MR. BEERS: Object to the form.

7 A. I don't know that we received it
8 after. We probably had weather information
9 prior to closing it.

10 BY MR. INGE:

11 Q. No, I'm sure of that. I'm sure of
12 that -- I hope you did. My point is, after
13 you turned it in and -- let's say the first
14 claim that Tammy submitted, final claim
15 file, turned it in. And let's say it was
16 dated September 15. First one you ever
17 got. First one you ever worked. First one
18 you ever completed, turned it in. Was any
19 additional -- did you ever see any
20 additional weather information come back to
21 Tammy or you and say, wait a minute, we've
22 got additional weather information and you
23 need to reexamine this claim?

1 MR. BEERS: Object to the form.

2 A. Not that I recall.

3 BY MR. INGE:

4 Q. Okay. Now that was the first
5 claim. Let's say -- let's say a claim that
6 you submitted that you -- wasn't the first,
7 that you worked and submitted and completed
8 a claim file on October 15. Would that same
9 apply, that no other -- as additional
10 weather information was made available, but
11 nobody would call you back and say let's
12 reopen this claim file because we have new
13 weather information?

14 MR. BEERS: Object to the form.

15 A. I don't remember.

16 BY MR. INGE:

17 Q. Don't remember meaning it didn't
18 happen, or you don't remember whether it
19 happened or it could have happened or --

20 A. I don't remember anything in
21 particular that was necessarily opened just
22 because of weather information.

23 Q. Okay. Of any of the files. You

1 don't remember any of the files that were
2 reopened just because of additional weather
3 information, of the 200 that y'all worked?

4 MR. BEERS: Object to the form.

5 A. That I'm aware of. It could have
6 been opened later and gone to a different
7 adjustor.

8 BY MR. INGE:

9 Q. Okay. How many of the 200 files
10 that y'all submitted did -- were sent back
11 to Tammy or you and they said, wait a
12 minute, the insured has hired his own
13 engineer and he says that the damage was
14 done by wind and y'all need to reopen and
15 look at it again?

16 A. I can't remember any.

17 Q. Okay. You can't remember any that
18 that happened that the insured got an
19 engineer and said, reopen my file because
20 here's an engineer that says it was covered?

21 MR. FAFATAS: Object to the
22 form.

23 MR. BEERS: Same objection.

1 A. I can't remember.

2 BY MR. INGE:

3 Q. Okay. Did you ever hear Tammy
4 Hardison discussing the timing of when the
5 storm surge hit the Mississippi Gulf coast,
6 the time of day -- the time, the time of
7 day?

8 MR. BEERS: Object to the form.

9 A. I don't remember.

10 BY MR. INGE:

11 Q. You don't remember her saying that
12 it happened at midnight or 12 o'clock noon
13 or 10 o'clock in the morning or anything?
14 Was that important to your -- to the
15 adjusting of...

16 A. It may have been, I just -- I can't
17 remember.

18 Q. Okay. I'm going to get this,
19 Ms. Lee, the best way I can. On a scale of
20 one to 10, where 10 is top priority, and one
21 is lowest priority, how would you rate the
22 importance or the priority of the timing of
23 the submission of your report? Do you

1 understand the question?

2 Was the timing of your report,
3 working the report, timing of your report,
4 was it top priority or not the -- or the
5 least priority? In other words, turning
6 over your finished product?

7 MR. BEERS: Object to the form.

8 MR. FAFATAS: Same objection.

9 A. It wasn't top priority, and it
10 wasn't the lowest priority. I mean, because
11 you had -- you wanted to turn the claim in
12 and had the insured paid within a, you know,
13 timely fashion. So I would say maybe it was
14 a three or four. Accuracy would be ten.

15 BY MR. INGE:

16 Q. Did you ever receive calls from the
17 insured saying where is my money?

18 A. Sure.

19 Q. Where is my report?

20 A. Sure.

21 Q. Didn't that cause you stress?

22 A. Sure.

23 Q. Okay. And did you ever receive

1 calls from Mark Drain that said, where is
2 the -- this report, the insured wants their
3 money?

4 A. Yeah.

5 Q. And didn't that cause you stress?

6 A. Yeah.

7 Q. Did you ever receive calls from
8 Kerri Rigsby or Cori Moran that says, where
9 is this report, insured is calling me, wants
10 his money?

11 A. No.

12 Q. What -- did you ever assist Tammy
13 Hardison in the precise -- or learning the
14 precise measurements of storm surge, storm
15 surges in the three Mississippi coastal
16 counties?

17 MR. BEERS: Object to the form.

18 A. I'm sorry. Repeat that.

19 BY MR. INGE:

20 Q. Yeah. That the storm surge hit Bay
21 St. Louis at this time at this high, at
22 Highway 90. And at the -- the Highway 90
23 bridge -- I mean, the top of Bay St. Louis

1 the storm surge was this high, and it hit at
2 this time. And, you know, Long Beach and
3 Pascagoula and -- I mean, and Gulfport and
4 Biloxi and Back Bay and, you know,
5 Pascagoula and Ocean Springs -- that there
6 was any clear data, weather data of when and
7 how high the surge was at each of these
8 specific locations?

9 A. Did we discuss that? Is that the
10 question?

11 Q. Well, first did you discuss it?

12 MR. BEERS: Object to the form.

13 A. We may have. I mean, we talked --
14 you know, it was a lot of talk about storm
15 surge at that time, but I don't recall that
16 particular conversation.

17 BY MR. INGE:

18 Q. Do you recall that y'all received
19 any weather data that said this is when the
20 peak storm surge reached Bay St. Louis?

21 A. We did receive weather data, but I
22 don't know exactly what it said.

23 Q. Do you remember what was the form

1 you did or you could have or couldn't have
2 or...

3 A. Could have, I just don't know.

4 Q. Do you remember Tammy ever
5 discussing with you, I want to see weather
6 data on the peak -- on the peak wind
7 velocities in this location so I can -- so
8 it will assist me in making a damage
9 evaluation for a Katrina case?

10 A. There was some -- there was
11 information available, but I just don't
12 remember exactly what it was.

13 Q. Do you remember where you saw it?

14 A. No.

15 Q. Or how you saw it?

16 A. No.

17 Q. Do you remember what form?

18 A. No.

19 Q. When is the first time you ever
20 were -- when was the first time you were
21 ever presented a copy of State Farm's
22 document called Our Commitment To Our
23 Policyholders?

1 of that weather data?

2 A. I don't remember.

3 Q. I mean, was it a chart? Was it an
4 e-mail? Was it a -- was it a map? Was it a
5 --

6 A. It was probably some kind of a
7 chart, some kind of memo or something. I
8 don't remember exactly.

9 Q. Do you remember whether it was
10 posted on the State Farm CAT office in
11 Biloxi or Gulfport, posted on the wall?

12 A. I don't remember.

13 Q. Do you think you would -- do you
14 think Tammy would -- you or Tammy would
15 still have a copy of that weather data that
16 talked about the timing of the peak of the
17 storm surge?

18 A. No.

19 Q. Did you get weather data about the
20 timing or peak velocities of wind speeds on
21 the three coastal counties of Mississippi?

22 A. I don't recall.

23 Q. I mean, you don't recall whether

1 A. I don't remember. I don't recall
2 if I've ever seen that or not, I may have.

3 Q. Do you recall the first time State
4 Farm ever mentioned to you their document
5 called Our Commitment To Our Policyholders?

6 A. I don't remember.

7 Q. Tell me when you were given your
8 laptop by State Farm to adjust your -- your
9 200 assignments?

10 MR. BEERS: Object to the form.

11 A. It would be at the beginning of the
12 storm. I can't remember if Tammy just
13 brought her laptop from Pensacola with her
14 that she had already been assigned or if
15 they gave her a different one, I don't know.

16 BY MR. INGE:

17 Q. Were you given one?

18 A. No.

19 Q. Okay. So would you use Tammy's
20 State Farm --

21 A. No.

22 Q. -- laptop?

23 A. No.

1 Q. Did your fingers ever touch the
2 keys of Tammy's laptop?
3 A. I'm sure, but I wouldn't -- she
4 would use it for her estimates and e-mail
5 and things like that. I'm sure I touched
6 it.
7 Q. Well, touching the keys? I don't
8 mean touching the outside. I mean, did you
9 just carry it around for her or did she say,
10 Dana, I'm going to dictate something to you
11 and I want you to type it on this form, on
12 this -- on my laptop?
13 A. I may have. Like if there is
14 letters or something like that, I may have
15 helped things like that.
16 Q. Did Tammy's laptop provided by
17 State Farm, did it have a wireless card?
18 A. Yes.
19 Q. Okay. And have you seen Tammy use
20 her laptop, the State Farm laptop from motel
21 rooms or from the RV?
22 A. Yes.
23 Q. How often were you in the State

1 Farm CAT office between August the 20th of
2 2005 and March of 2006? Every day?
3 A. Once a day.
4 Q. Tell me about the Renfro
5 administrative personnel that you and Tammy
6 Hardison dealt with. I mean --
7 MR. BEERS: Object to the form.
8 BY MR. INGE:
9 Q. -- did State Farm do all the
10 typing, administrative typing, or did Renfro
11 administrative assistants and secretaries do
12 all the typing or did Tammy do all the
13 typing or did you do all the typing?
14 A. You mean in preparation of the
15 claims?
16 Q. Working the claim file.
17 A. Tammy would do all the preparation.
18 Q. In other words, she wouldn't turn
19 it to a Renfro administrative person or
20 clerical person or to a State Farm
21 administrative or clerical person --
22 A. No.
23 Q. -- Tammy would do it herself?

1 A. That's right.
2 Q. And what about making copies and
3 printing the photographic library and that
4 sort of thing?
5 A. We would do that. She would do
6 that. And I would help with certain aspects
7 of it.
8 Q. So not State Farm people and not
9 Renfro people?
10 A. No.
11 MR. BEERS: Herndon, lunch is
12 here. I don't know whether you want to wrap
13 her up and get to Tammy and...
14 MR. INGE: I've got some more.
15 I mean, we may need to just stop for lunch.
16 MR. BEERS: Okay.
17 (WHEREUPON, A LUNCH BREAK WAS
18 TAKEN AND THE PROCEEDINGS CONTINUED AS
19 FOLLOWS:)
20 BY MR. BEERS:
21 Q. Ms. Lee, tell me everything you
22 know about Weather Data, Inc..
23 A. I'm not familiar.

1 Q. I may have asked you this before,
2 if you did tell me if I'm repeating myself.
3 Have you ever read or seen the depositions
4 of Cori Rigsby Moran or Kerri Rigsby?
5 A. I have read parts of their
6 depositions on line.
7 Q. And who gave you those depositions
8 or who told you where they were, how to find
9 them?
10 A. I just found them probably through
11 Y'all Politics or something.
12 Q. Through what?
13 A. Through a web site, Y'all Politics
14 or Insurance Coverage Law blog or something
15 like that.
16 Q. Has anybody ever told you or
17 advised you or recommended that you go read
18 the depositions?
19 A. No.
20 Q. When is the last time you read
21 Cori's deposition?
22 A. I don't know, sometime this year.
23 Q. In '08, 2008?

1 A. Yeah.
 2 Q. When is the last time you read
 3 Kerri's deposition?
 4 A. Sometime this year is well,
 5 sometime in '08.
 6 Q. Has anybody ever discussed with you
 7 what you read in their depositions?
 8 A. No.
 9 Q. Has anybody ever discussed their
 10 depositions with you at all?
 11 A. No.
 12 Q. From your dealings with Renfro,
 13 doesn't Renfro specialize in adjusting for
 14 State Farm?
 15 MR. BEERS: Object to the form.
 16 A. I don't know.
 17 BY MR. INGE:
 18 Q. Doesn't Renfro promote itself as
 19 personally trained on State Farm equipment?
 20 MR. BEERS: Object to the form.
 21 A. I don't know.
 22 BY MR. INGE:
 23 Q. And on State Farm policies?

1 A. I don't know.
 2 Q. And on State Farm procedures?
 3 MR. BEERS: Same objection.
 4 A. I don't know.
 5 BY MR. INGE:
 6 Q. In the Biloxi and Gulfport CAT
 7 offices of State Farm after Katrina, what
 8 was Lecky King's job there?
 9 MR. BEERS: Object to the form.
 10 A. I think she was co-lead.
 11 BY MR. INGE:
 12 Q. With whom?
 13 A. Rick Moore.
 14 Q. And what about Dave Randel or
 15 Randall or Randel?
 16 A. I believe he was in the Biloxi
 17 office. He was in a different office.
 18 Q. So she and Rick Moore were in the
 19 same office? Lecky King and Rick Moore were
 20 in the same office, and Dave Randall or
 21 Randel was in another office?
 22 A. I believe that's right.
 23 MR. INGE: Off the record.

1 (WHEREUPON, THERE WAS A
 2 DISCUSSION OFF THE RECORD AND THE
 3 PROCEEDINGS CONTINUED AS FOLLOWS:)
 4 BY MR. INGE:
 5 Q. In the Katrina office -- let me go
 6 back to something. You say Lecky King was
 7 in the Gulfport office and Rick Moore was in
 8 the Biloxi office or vice versa?
 9 MR. BEERS: Object to the form.
 10 A. From what I remember Lecky and Rick
 11 were both in the Gulfport office.
 12 BY MR. INGE:
 13 Q. Okay.
 14 A. Now, at any given time they could
 15 have flip-flopped to the Biloxi office.
 16 Q. Okay. Wasn't Lecky King primarily
 17 responsible for implementing State Farm's
 18 engineering inspections?
 19 MR. BEERS: Object to the form.
 20 BY MR. INGE:
 21 Q. Wasn't she primarily the one
 22 handling the engineering reports and
 23 engineering assignments --

1 MR. BEERS: Object to the form.
 2 BY MR. INGE:
 3 Q. -- in that area?
 4 A. I don't know.
 5 Q. Have you ever heard Lecky King
 6 described as the wind versus water guru?
 7 MR. BEERS: Object to the form.
 8 A. Not that I recall.
 9 BY MR. INGE:
 10 Q. Has Lecky King ever discussed with
 11 you the anti-concurrent -- anti-concurrent
 12 cause?
 13 A. No.
 14 Q. Never directly with you?
 15 A. No.
 16 Q. Didn't Lecky King oversee or
 17 supervise the Renfro adjustors in the
 18 Gulfport office?
 19 MR. BEERS: Object to the form.
 20 A. I don't know.
 21 BY MR. INGE:
 22 Q. I believe you testified that you
 23 dealt with Mark Drain in the Pensacola

1 office?
 2 A. Very little.
 3 Q. Okay. What about in the Biloxi or
 4 Gulfport office?
 5 A. In the Gulfport office, yes.
 6 Q. Okay. And would you see Mark Drain
 7 on a daily basis when you would be in that
 8 office?
 9 A. I might see him. I didn't
 10 necessarily speak to him, but I would -- I
 11 could see him at his desk.
 12 Q. Did he have a desk in the cubicles
 13 or did he have a desk with a door?
 14 MR. BEERS: Object to the form.
 15 A. In the Gulfport office there were
 16 no offices with doors, and there were no
 17 cubicle walls, there were just desks.
 18 BY MR. INGE:
 19 Q. Tell me about -- tell me what you
 20 know about the special State Farm team on
 21 special claims.
 22 MR. BEERS: Object to the form.
 23 A. I'm not sure I know -- I don't

1 think I know anything about that. I don't
 2 know what that is.
 3 BY MR. INGE:
 4 Q. Do you know about any blue ribbon
 5 list or any -- any high profile list or any
 6 separate division of the catastrophe claims
 7 team that dealt with certain high level or
 8 high profile or preferred claims?
 9 A. No.
 10 MR. BEERS: Object to the form.
 11 BY MR. INGE:
 12 Q. Did you ever hear about special
 13 adjustment category or team that handled
 14 Senator Trent Lott's claim?
 15 A. No.
 16 Q. What about Congressman Gene
 17 Taylor's claim?
 18 A. No.
 19 Q. And wasn't Lisa Wachter -- that's
 20 W-A-C-H-T-E-R -- wasn't she Lecky King's
 21 primary assistant --
 22 MR. BEERS: Object to the form.
 23 BY MR. INGE:

1 Q. -- in the Katrina Gulfport office?
 2 A. I don't know what her role was.
 3 Q. She worked for -- you don't know
 4 whether she worked for Lecky King or not?
 5 A. I don't know. I mean, I don't know
 6 what her role was or who she reported to
 7 exactly.
 8 Q. Did you see her together with Lecky
 9 King in the --
 10 A. I would see her in the office, yes,
 11 but I didn't know what her capacity was.
 12 Q. Hold on. Seeing her in -- if you
 13 say the Gulfport office had no partitions,
 14 no, you know, cubicle walls, had no doors,
 15 it was all just one big office. It's one
 16 thing to see Lisa Wachter over here and
 17 Lecky King over there, because they were in
 18 the same office. It's another to say that
 19 they worked closely together and when you
 20 saw one you would probably see the other.
 21 So tell me what you recall
 22 about -- about the professional duties
 23 between Lisa Wachter and Lecky King.

1 A. I didn't know anything about their
 2 professional duties.
 3 Q. Okay. Do you remember where Lisa
 4 Wachter's desk was in relation to Lecky
 5 King's desk?
 6 A. If I recall correctly, Lecky's was
 7 more towards the back, further back, and
 8 Lisa was just mixed in with some of the
 9 other State Farm managers.
 10 Q. Was -- do you know whether Lisa
 11 Wachter was a State Farm manager?
 12 A. I don't know what her capacity was.
 13 Q. Okay. How do you know Chris
 14 Canteberry?
 15 A. I don't know that I know Chris.
 16 Q. You don't know that he's a Renfro
 17 adjustor who reported to Cori and Kerri?
 18 A. Chris Canteberry?
 19 Q. Canteberry.
 20 A. I don't recall knowing him.
 21 Q. So going back to something. You
 22 weren't provided a State Farm computer?
 23 A. No.

1 Q. But Tammy -- Tammy was, right?
 2 A. Right.
 3 Q. And so did you have -- did you have
 4 an access code, a nickname to get into State
 5 Farm's computer?
 6 A. No.
 7 Q. Do you know what -- what Tammy
 8 Hardison's code was to get into the State
 9 Farm database?
 10 A. No.
 11 Q. Wasn't it four letters beginning
 12 with H? I mean, did you --
 13 MR. BEERS: Object to the form.
 14 A. You mean their -- I don't know what
 15 they called it. Their --
 16 BY MR. INGE:
 17 Q. Like screen name.
 18 A. Alias. They had an alias.
 19 Q. Yeah, an alias. Okay.
 20 A. I believe Tammy's alias starts with
 21 an S, but I can't remember what it is.
 22 Q. Okay. Did Tammy Hardison ever
 23 explain to you that she got a memo from

1 Lecky King that said that one of the copies
 2 of the engineer reports were to be kept
 3 under lock and key?
 4 A. Not that I recall.
 5 Q. Did Tammy Hardison ever discuss
 6 that with you or did you ever overhear
 7 anybody ever discussing that --
 8 A. No.
 9 Q. -- with Tammy?
 10 A. No.
 11 Q. Tell me about the Hage Training
 12 manual.
 13 MR. BEERS: Object to the form.
 14 MR. FAFATAS: Same objection.
 15 BY MR. INGE:
 16 Q. Did you ever have a copy of it?
 17 A. I don't recall having a copy.
 18 Q. Do you remember the -- do you
 19 remember the cover, what the cover looked
 20 like of the Hage Training Manual?
 21 MR. BEERS: Object to the form.
 22 A. No.
 23 BY MR. INGE:

1 Q. Did you ever -- did Tammy Hardison
 2 have a copy of the Hage Engineering
 3 instruction sheet or the training manual
 4 with her?
 5 MR. BEERS: Same objection.
 6 A. I don't know.
 7 BY MR. INGE:
 8 Q. Well, but you and Tammy worked
 9 together, saw each other every day. I mean,
 10 do you think she had the Hage manual or
 11 didn't have the Hage manual?
 12 MR. FAFATAS: Object to the
 13 form.
 14 MR. BEERS: Same objection.
 15 A. I don't remember.
 16 BY MR. INGE:
 17 Q. Have you ever seen Tammy consult
 18 the Hage Training Manual?
 19 MR. FAFATAS: Object to the
 20 form.
 21 MR. BEERS: Same objection.
 22 A. I don't remember.
 23 BY MR. INGE:

1 Q. Isn't it a fact that State Farm set
 2 up two separate adjustment offices, one for
 3 flood claims and the other for homeowner
 4 claims?
 5 MR. BEERS: Object to the form.
 6 A. I don't know that to be true. I
 7 don't know.
 8 BY MR. INGE:
 9 Q. What were Gary Clatterbuck's duties
 10 with Renfro?
 11 MR. BEERS: Object to the form.
 12 A. I'm not sure. I think he --
 13 BY MR. INGE:
 14 Q. I mean, was he --
 15 A. I think he was a manager.
 16 MR. BEERS: Object to the form.
 17 BY MR. INGE:
 18 Q. A Renfro manager?
 19 MR. BEERS: Object to the form.
 20 A. I don't remember. I can't remember
 21 if he was Renfro or State Farm. I don't
 22 remember.
 23 BY MR. INGE:

1 Q. Okay. Did you ever hear in the
2 State Farm Gulfport office Lecky King say
3 call the -- overhear anyone say call the
4 adjustor and if they don't change their
5 report tell them we're not going to pay
6 their bill?

7 A. No.

8 Q. You never heard that?

9 A. No.

10 Q. You say Rick Moore worked out of
11 the Gulfport office with Lecky King?

12 A. Yes.

13 Q. And what was his job with State
14 Farm or job title?

15 A. I don't know what Rick's job title
16 was. I believe he was co-lead for that
17 office with Lecky.

18 Q. Were you present when Rick Moore
19 discussed with Lecky King that there were
20 two engineering reports on the same home
21 site?

22 A. No.

23 MR. BEERS: Object to the form.

1 form.

2 A. No.

3 BY MR. INGE:

4 Q. Do you know who had control over
5 the roster of engineers to be used in
6 evaluating the cause of damages of State
7 Farm claims?

8 MR. BEERS: Object to the form.

9 A. No.

10 BY MR. INGE:

11 Q. Do you know who had control over
12 the assignment of engineers to a particular
13 claim file?

14 A. No.

15 MR. BEERS: Same objection.

16 BY MR. INGE:

17 Q. Did you ever see Lecky King place
18 files in her file cabinet beside her desk
19 and then lock the drawer?

20 A. No.

21 Q. Never saw that?

22 A. No.

23 Q. Do you know that she had a file

1 BY MR. INGE:

2 Q. How many individual claims did you
3 see more than one engineering report?

4 MR. FAFATAS: Object to the
5 form.

6 A. I don't recall seeing any.

7 BY MR. BEERS:

8 Q. Who is Dreaux Ceager? Let me spell
9 that for you. D-R-E-A-U-X, Ceager,
10 C-E-A-G-E-R. Dreaux Ceager.

11 A. I'm not sure. He may be an
12 engineer, may be an engineering firm name, I
13 can't -- I'm not sure.

14 MR. BEERS: Object to the form
15 to his previous question.

16 BY MR. INGE:

17 Q. Were you present when -- when Rick
18 Moore told Lecky King that Dreaux Ceager
19 would not change their report and so State
20 Farm was going to have a find another
21 engineering firm to investigate?

22 MR. BEERS: Object to the form.

23 MR. FAFATAS: Object to the

1 cabinet right by her desk that she kept
2 locked?

3 A. No.

4 MR. BEERS: Object to the form.

5 BY MR. INGE:

6 Q. Isn't it a fact that in the
7 engineer reports that you saw before you
8 started working Katrina claims, you know, in
9 the Pensacola office, or even before
10 Pensacola, isn't it a fact that the engineer
11 would submit two reports?

12 MR. BEERS: Object to the form.

13 MR. FAFATAS: Object to the
14 form.

15 A. In the previous storms that I
16 worked there were no engineer reports.

17 BY MR. INGE:

18 Q. Period?

19 A. Period.

20 Q. That you saw?

21 A. That I saw.

22 Q. Okay. In the 10 or 12 that you saw
23 in Katrina, did the -- did the engineer

1 submit two reports, two final reports?
 2 MR. BEERS: Object to the form.
 3 A. I don't recall whether --
 4 BY MR. INGE:
 5 Q. Don't report (sic) how many?
 6 A. -- one or two.
 7 Q. One or two?
 8 A. Yeah.
 9 Q. I interrupted you. Did you say you
 10 don't know whether they submitted one or
 11 two?
 12 A. Yeah, I don't know.
 13 Q. So you wouldn't know whether --
 14 what happened -- if they submitted two
 15 reports, you wouldn't know what happened to
 16 either one of the reports, would you, if you
 17 don't know whether they submitted one or
 18 two?
 19 A. I guess not.
 20 Q. And do you know what happened to
 21 the -- to the engineer report when it was --
 22 well, in the 10 engineering reports that --
 23 of the claims -- the 10 or 12 that you had

1 dealings with with Tammy Hardison, you don't
 2 remember whether there was one copy or
 3 whether there was one original or two
 4 originals of the engineering report in the
 5 claim file that y'all submitted?
 6 A. I don't remember.
 7 Q. How many cases that Tammy worked of
 8 the 200 that she worked in Katrina where --
 9 where Tammy was assigned to work both the
 10 flood claim and the wind claim?
 11 MR. BEERS: Object to the form.
 12 A. How many?
 13 BY MR. INGE:
 14 Q. Where she worked both? Same
 15 adjustor working both?
 16 A. I mean, how many of the number
 17 were -- had two claims?
 18 BY MR. INGE:
 19 Q. How many of the 200 did she work
 20 both -- on the same property did she work
 21 both the flood claim and the wind claim?
 22 MR. BEERS: Object to the form.
 23 A. I don't remember how many. It was

1 a lot of them.
 2 BY MR. INGE:
 3 Q. A lot of them?
 4 A. Yeah.
 5 Q. Of those -- do you have a best
 6 estimate? You said a lot of them where she
 7 worked both -- where Tammy Hardison worked
 8 both the wind and the water claim in
 9 Katrina. Do you have a best estimate of how
 10 many a lot was, a lot of the claims where
 11 she worked both?
 12 A. It could have been all of them. I
 13 mean, that was the -- you know, some
 14 adjustors worked -- if there were flood
 15 adjustors, the claims they had were mostly
 16 flood claims. So it could have been almost
 17 all of them had wind and flood claims.
 18 Q. Were you present when Lecky King
 19 told Tammy Hardison that when there is a
 20 claim for wind and water to pay the maximum
 21 on the water -- on the flood claim?
 22 MR. BEERS: Object to the form.
 23 MR. FAFATAS: Object to the

1 form.
 2 A. No.
 3 BY MR. INGE:
 4 Q. I'm sorry. Maximum on the flood
 5 claim and less on the wind claim?
 6 MR. BEERS: Object to the form.
 7 MR. FAFATAS: Object to the
 8 form.
 9 A. No.
 10 BY MR. INGE:
 11 Q. Have you ever heard Lecky King give
 12 those instructions to Tammy Hardison?
 13 A. No.
 14 Q. Tell me how many claims that you
 15 worked, of the 200 that you and Tammy worked
 16 that paid the damage under the flood claim
 17 even though the damage was done by wind.
 18 MR. BEERS: Object to the form.
 19 A. None.
 20 BY MR. INGE:
 21 Q. Have you ever heard claims managers
 22 discussing that Lecky King had given
 23 instructions to pay the -- if it was damages

1 done by both to pay the claim under the wind
2 claim -- I mean, under the flood claim and
3 not the wind claim?

4 A. No.

5 Q. Tell me how many of the wind cases,
6 the homeowner cases providing wind coverage
7 that you know about where the claim was paid
8 under the wind policy on one house but on
9 the same street, others on the same street
10 were denied their wind coverage?

11 MR. BEERS: Object to the form.

12 A. Can you repeat that please.

13 BY MR. INGE:

14 Q. Yeah. How many cases do you know
15 of where one house was paid for damage under
16 the wind claim, the homeowner's claim, where
17 the other houses on the same street also
18 with wind coverage were denied?

19 A. I can't remember any.

20 Q. Any?

21 A. I can't remember.

22 Q. How many cases do you remember
23 where an engineer report was -- a final

1 report, a written report, signed report came
2 in from an engineer but the report was
3 totally different from what the engineer had
4 said he was going to find?

5 MR. FAFATAS: Object to the
6 form.

7 MR. BEERS: Object to the form.

8 A. I guess none. I don't...

9 BY MR. INGE:

10 Q. Do you understand the question?

11 A. Who did he say that to, I mean? I
12 don't know.

13 Q. Well, did he ever say it to you
14 or --

15 A. No.

16 Q. -- did he ever say it to Tammy
17 Hardison in your presence?

18 A. No.

19 Q. That the -- I'm going to find that
20 it's caused by wind, and then the report
21 came in and it said storm surge?

22 A. No.

23 Q. Did you ever hear Lecky King refer

1 to the large stack of files on her desk and
2 tell Kerri Rigsby all of them have to go
3 back?

4 MR. BEERS: Object to the form.

5 A. No.

6 BY MR. INGE:

7 Q. Had you ever heard discussion in
8 the Biloxi office of State Farm after
9 Katrina that there were two reports on the
10 same property, one said damage was caused by
11 wind and the other by water?

12 A. I don't recall.

13 Q. Don't recall ever hearing anybody
14 talk about it whether they were claims
15 representatives or team managers or anybody?

16 A. I remember hearing about it, but I
17 don't know when I heard it. It could have
18 after I was released -- could have been
19 after I went home. I mean, I don't
20 remember.

21 Q. Referring to State Farm's Exhibit 1
22 to this deposition, how many times did you
23 see a note like that that said, put in wind

1 file, do not pay bill, do not discuss?

2 A. That's the only time I ever saw a
3 note like that.

4 Q. Did you ever have occasion to look
5 in any of the claim files of anybody other
6 than Tammy Hardison?

7 A. No.

8 Q. Did you ever look in Tammy
9 Hardison's claim file for a document and
10 find that a document that you knew had been
11 in that file had been removed from the file?

12 A. No.

13 Q. I may have asked you this before.
14 When you were -- you were identified to me
15 as an independent adjustor. That just means
16 that you weren't a State Farm adjustor,
17 right, that you were a Renfro adjustor,
18 right? Isn't that what is meant by that?

19 A. Yes.

20 Q. Okay. In between -- between say,
21 the first of August of '05 and March or
22 April of '06 you were not a professional
23 adjustor with your own claim files at that

1 time, were you?
 2 A. I did not have my own files.
 3 Q. And you're not -- you have no
 4 graduate engineer training or --
 5 A. No.
 6 Q. -- you're not an engineer in
 7 training, not a graduate engineer, no
 8 schooling in engineering, right?
 9 A. Right.
 10 Q. You're not a meteorologist, no
 11 meteorological training, weather training?
 12 A. No
 13 Q. And you're not a former State Farm
 14 employee, right?
 15 A. That's right.
 16 Q. Now, you had previously testified
 17 that once the Pat Lobrano claim was assigned
 18 you said that Kerri Rigsby told an engineer
 19 that it was her mother's claim.
 20 MR. BEERS: Object to the form.
 21 BY MR. INGE:
 22 Q. Right?
 23 A. She told the adjustor.

1 Q. Told the adjustor? Okay. And did
 2 you overhear that conversation or did
 3 somebody just tell you that Kerri had told
 4 the adjustor?
 5 A. Kerri told me she told the
 6 adjustor.
 7 Q. Okay. Now, when you said that
 8 Kerri or Cori asked you for access to one of
 9 your files that was not assigned to her, did
 10 they directly ask you to look at one of your
 11 files, or did they -- did they ask Tammy and
 12 Tammy told you, can you believe what Kerri
 13 or Cori just did?
 14 A. Kerri asked me directly.
 15 Q. Okay. The testimony that you gave
 16 about Pat Lobrano's knowledge or
 17 relationship with Dickie Scruggs, did Dickie
 18 Scruggs tell you about that relationship?
 19 A. I never met Dickie Scruggs.
 20 Q. Did Ms. Lobrano tell you about that
 21 relationship?
 22 A. Yes.
 23 Q. Directly?

1 A. Yes.
 2 Q. What did she tell you?
 3 A. That she went to school with Dickie
 4 years ago, and, you know, she's known him
 5 since back in high school, I guess.
 6 Q. Do you remember when she told you
 7 that?
 8 A. Probably sometime in September.
 9 Q. Of what year?
 10 A. '05.
 11 Q. So that was before the 20/20
 12 report?
 13 A. Right.
 14 Q. Okay. Did Kerri Rigsby tell you
 15 directly that she had given Tammy Hardison's
 16 name to Jim Hood, the Mississippi Attorney
 17 General or did Tammy tell you?
 18 A. She -- Kerri was telling -- I was
 19 there when Kerri was telling Tammy. I was
 20 in the room. She was speaking to both of
 21 us.
 22 Q. Based on your dealings with Cori
 23 Moran and Kerri Rigsby before Hurricane

1 Katrina, in your dealings with them were
 2 they honest?
 3 A. I guess that just depends on the
 4 situation.
 5 Q. Well, from what you saw. I
 6 don't -- from what you -- from your dealings
 7 with them or your knowing them personally?
 8 A. I would say, yeah.
 9 Q. Now, the Anna Vela file has not
 10 surfaced to my radar screen, had not
 11 previously surfaced. Tell me what you know
 12 about the Vela file or claim.
 13 A. Ms. Vela had a total loss. Her
 14 house was totally destroyed. And she had a
 15 neighbor that was an eyewitness to her house
 16 blowing away from the wind, it had debris
 17 hitting the back of the house, her house was
 18 all glass across the back. And so she had
 19 an eyewitness that took photos of the
 20 property.
 21 Q. Of the Vela house?
 22 A. That's right. So that was part of
 23 the engineering report, the eyewitness

1 testimony or eyewitness account. And she
2 was paid full limits under her homeowner's
3 policy.

4 Q. Under the wind policy?

5 A. Uh-huh (positive response).

6 Q. And Lecky King told you -- I mean,
7 and Lecky King told Kerri that she was not
8 to pay it under the wind policy?

9 MR. BEERS: Object to the form.

10 A. Not to my knowledge. Lecky did not
11 say that to my knowledge.

12 Q. But I thought you said that Kerri
13 told you that Lecky had told her not to pay
14 it?

15 MR. BEERS: Object to the form.

16 A. No. Rachel Fisher said that.

17 BY MR. INGE:

18 Q. Rachel Fisher said -- and who is
19 Rachel Fisher?

20 A. She's just an independent adjustor.

21 Q. For Renfro?

22 A. Right.

23 Q. What did she tell you?

1 MR. BEERS: Object to the form.

2 A. She just made a comment -- she
3 didn't say Lecky told her not to pay that.
4 It was not her file.

5 BY MR. INGE:

6 Q. Wait a minute. Wait a minute.
7 Lecky told her. Who is her?

8 A. Rachel.

9 Q. That Rachel said Lecky didn't tell
10 Rachel?

11 A. Start over.

12 Q. Perfect.

13 A. Lecky didn't tell anybody to my
14 knowledge to not pay that claim.

15 Q. Right.

16 A. Rachel made a comment that, I don't
17 think Lecky would want to pay that. She had
18 no knowledge of the claim -- Rachel had no
19 knowledge of the claim. Had no knowledge
20 about any of what was going on with that
21 claim, she just misspoke and was just...

22 Q. Rachel did?

23 A. Right. There was no conversation

1 with Lecky about this claim whatsoever as
2 far as I know between Lecky and Rachel,
3 there was no conversation.

4 Q. Okay. But I thought you had told
5 me that -- or you had told in prior
6 testimony that Kerri had said that she was
7 told not to pay the claim?

8 A. Well, if I said that I misspoke.
9 That's not correct.

10 Q. Okay. Tell me what --

11 A. Kerri just made a comment about
12 what Rachel's -- I thought it was
13 interesting that Lecky had supposedly said
14 that.

15 Q. Okay. Did you ever discuss this
16 with Rachel directly?

17 A. Yeah, between Rachel, Tammy and I.
18 I think the three of us talked about it,
19 yeah.

20 Q. And what was -- when was that
21 discussion, the three of y'all?

22 A. Sometime around -- I don't know
23 what time period, but it was when Tammy was

1 working on the file, was work- -- you know,
2 was working with Ms. Vela to close the file.

3 Q. Was it in the fall of 2005? Was it
4 in the -- was it between January of 2006 and
5 when y'all left in April of 2006?

6 A. Yeah, I mean, it was during that
7 time period, but I don't remember when.

8 Q. No, was it in 2005 or 2006?

9 A. I don't remember.

10 Q. And --

11 A. I think it was in '06, but I can't
12 remember for sure.

13 Q. And I understand your testimony
14 that -- that Kerri told you and Tammy
15 Hardison that Lecky King had told her not to
16 pay it?

17 A. If I said that earlier, that is
18 incorrect.

19 MR. BEERS: Object to the form.

20 BY MR. INGE:

21 Q. Okay.

22 A. She did not say that.

23 BY MR. INGE:

1 Q. And then explain to me again what
 2 Rachel -- what Kerri told you.
 3 A. I believe Tammy or I told Kerri
 4 what Rachel had said, and Kerri just made a
 5 comment about it, just was like, well, why
 6 do you think Rachel said that? And we said,
 7 we don't know that just sounds bizarre to
 8 me. She doesn't know what she's talking
 9 about. We just made a general comment about
 10 it. But the instruction from State Farm was
 11 to pay the claim.
 12 Q. The official instruction?
 13 A. That's correct.
 14 Q. And whose claim was the Vela claim?
 15 A. Tammy Hardison's.
 16 Q. And Mark made the decision -- Mark
 17 made the decision to pay -- Mark with State
 18 Farm made the decision to pay the Vela claim
 19 under the wind coverage?
 20 A. I don't know who made the decision.
 21 Q. Did I not write this down correctly
 22 that you said Mark assigned Tammy to pay the
 23 full limits under the homeowner's wind

1 claim?
 2 A. That's correct, but that doesn't
 3 mean he made the decision.
 4 Q. Okay. I'm just -- but Mark Drain
 5 instructed Tammy Hardison to pay the Vela
 6 claim under the full -- to pay full limits
 7 under the homeowner's claim?
 8 A. That's correct.
 9 Q. Okay. Tell me how often you would
 10 see Pat Lobrano after the night y'all -- the
 11 night of the hurricane that y'all spent
 12 together in Ocean Springs. I mean, how
 13 often did you see her?
 14 A. A lot. I mean, many times during
 15 the week I would see her.
 16 Q. Because you were very detailed
 17 about that she was the depressed and two or
 18 three weeks later she was no longer
 19 depressed. Did she ever discuss with you or
 20 did you ever overhear her discuss that she
 21 was depressed, didn't know if she would
 22 rebuild and then...
 23 A. Yes, she -- yeah, she did discuss

1 that with me.
 2 Q. Okay. You earlier talked about a
 3 discussion that Dickie Scruggs had with the
 4 Mississippi Attorney General Jim Hood about
 5 having an insider. Who told you that -- who
 6 told you that?
 7 MR. BEERS: Object to the form.
 8 A. Who told me that he had the
 9 conversation?
 10 BY MR. INGE:
 11 Q. Yeah. Who told you that Dickie
 12 Scruggs told Jim Hood that he had an
 13 insider?
 14 MR. BEERS: Object to the
 15 form. That's not what the testimony has
 16 been. That's was the Department of
 17 Insurance, not Jim Hood. Object to the
 18 form.
 19 MR. INGE: I know. Please,
 20 just object to the form.
 21 A. I probably read it in the paper.
 22 BY MR. INGE:
 23 Q. Okay. Reading the paper? Okay.

1 A. Or you know, on line, I don't know.
 2 Q. Okay. Tell me how you learned
 3 about Dickie Scruggs' trip to Bloomington,
 4 Illinois? This business about the alleged
 5 insider. Tell me how you knew about that.
 6 A. I believe it was Kerri that told me
 7 about that.
 8 Q. You were asked at the end of your
 9 examination about a bunch of engineers and
 10 State Farm people. Okay? And you talked
 11 about Doug Taber. And then there was a
 12 Zastra. Do you know Zastra's first name?
 13 A. No. I mean, that name is familiar,
 14 but I don't recall who that is.
 15 Q. Okay.
 16 MR. INGE: That's all. I pass
 17 the witness.
 18 MR. BEERS: All I have is I
 19 don't recall that I offered this exhibit and
 20 I'll offer this exhibit. That's it. Thank
 21 you.
 22 (WHEREUPON, THE DEPOSITION CONCLUDED
 23 AT APPROXIMATELY 2:03 P.M.)

(AND FURTHER DEPONENT SAITH NOT)
(SIGNATURE NOT WAIVED)

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1 CERTIFICATE
2 STATE OF TENNESSEE:
3 COUNTY OF SHELBY:
4 I, KRISTI HEASLEY, CSR, RPR and Notary
5 Public, Shelby County, Tennessee, CERTIFY:
6
7 The foregoing deposition was taken
8 before me at the time and place stated in
9 the foregoing styled cause with the
10 appearances as noted.
11 Being a Court Reporter, I then reported
12 the deposition in Stenotype, and the
13 foregoing pages contain a true and correct
14 transcript of my said Stenotype notes then
15 and there taken.
16 I am not in the employ of and am not
17 related to any of the parties or their
18 counsel, and I have no interest in the
19 matter involved.
20
21 I further certify that this
22 transcript is the work product of this court
23 reporting agency and any unauthorized
reproduction AND/OR transfer of it will be
in violation of Tennessee Code Annotated
39-14-149, Theft of Services.
Witness my signature this the _____ day
of _____, 2008.

KRISTI HEASLEY, CSR, RPR
Notary Public at Large
For the State of Tennessee
My Commission Expires:
July 29, 2010

1 ERRATA SHEET FOR THE TRANSCRIPT OF:
2
3 Deponent: Dana Lee
4 Case Name: Thornton et al vs. State Farm et
5 al
6 Case Number: CV-06-900071-SHS,
7 CV-06-900007-RHS
8 Job Date: July 18, 2008
9 Place Memphis, Tennessee
10 Ref. No. 29948lnw
11 CORRECTIONS
12 Page Line Now Reads Should Read Reasons
13 Therefore
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15 _____
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Signature of Deponent
(Date)