

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
1  
2  
3  
4  
5

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

THOMAS C. AND PAMELA MCINTOSH,  
Plaintiffs,

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

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

VIDEOTAPED DEPOSITION OF KERRI RIGSBY

Taken at the First Federal Savings and  
Loans Bank, 903 Jackson Avenue,  
Pascagoula, Mississippi, on Monday,  
April 30, and Tuesday, May 1, 2007,  
beginning at 9:22 a.m.

REPORTED BY:

F. Dusty Burdine, CSR No. 1171  
Simpson Burdine & Miguez  
Post Office Box 4134  
Biloxi, Mississippi 39535  
dusty@sbmreporting.com  
(228) 388-3130

APPEARANCES:

DEREK A. WYATT, ESQUIRE  
David Nutt & Associates, P.C.  
605 Crescent Boulevard, Suite 200  
Ridgeland, Mississippi 39157

AND

6

RICHARD F. SCRUGGS, ESQUIRE  
The Scruggs Law Firm, P.A.  
120-A Courthouse Square  
Oxford, Mississippi 38655  
ATTORNEYS FOR PLAINTIFFS

7

8

9

GREGORY H. HAWLEY, ESQUIRE  
KATHERINE R. BROWN, ESQUIRE  
White Arnold Andrews & Dowd, P.C.  
Massey Building, Suite 600  
2025 Third Avenue North  
Birmingham, Alabama 35203  
ATTORNEYS FOR KERRI RIGSBY AND  
CORI RIGSBY

10

11

12

13

14

DAN W. WEBB, ESQUIRE  
ROECHELLE R. MORGAN  
Webb, Sanders & Williams, PLLC  
363 N. Broadway Street  
Tupelo, Mississippi 38802-0496

15

16

17

AND

18

JOHN A. BANAHAN, ESQUIRE  
H. BENJAMIN MULLEN, ESQUIRE  
Bryan, Nelson, Schroeder,  
Castigliola & Banahan  
4105 Hospital Road, Suite 102-B  
Pascagoula, Mississippi 39567

19

20

21

AND

22

JEFFREY A. WALKER, ESQUIRE  
Butler, Snow, O'Mara, Stevens & Cannada  
AmSouth Plaza  
17th Floor  
210 East Capitol Street  
Jackson, MS 39225-2567  
ATTORNEYS FOR STATE FARM FIRE AND

23

24

25

3

CASUALTY COMPANY

1

APPEARANCES: (Continued)

2

3

A. KATHRYN BREARD, ESQUIRE (May 1st)  
Galloway, Johnson, Tompkins,  
Burr & Smith  
One Shell Square, 40th Floor  
New Orleans, Louisiana 70139  
ATTORNEY FOR FORENSIC ANALYSIS &  
ENGINEERING CORP.

4

5

6

7

ALSO PRESENT:

8

9

KELLY CHARNOCK, ESQUIRE  
STATE FARM FIRE AND CASUALTY COMPANY

10

VIDEO TECHNICIAN:

9 this would be one of the 10.

10 Q. Okay. So -- but this specific e-mail

11 does not reference the McIntosh file?

12 A. It does not reference the McIntosh file.

13 Q. Okay. You talked about shredding and

14 the shredder truck.

15 A. Right.

16 Q. And was the shredder truck that came

17 up -- I believe it was the Biloxi office when you

18 got over there?

19 A. Correct.

20 Q. Do you have any idea or knowledge about

21 the capacity for storage inside the Biloxi office

22 versus the Gulfport office?

23 A. I do not.

24 Q. You don't know whether there was a need,

25 from a capacity standpoint, to actually shred  
429

1 personal and confidential information for the

2 insureds more so in Biloxi than in Gulfport, do

3 you?

4 A. No. What struck me as odd -- mostly odd

5 about the shredder truck is that the grand jury

6 had already started subpoenaing documents and that

7 now we were shredding. That's what struck me as

8 odd.

9 Q. Okay. Can you tell me whether it's one

10 document or 1,000 or 10, any document that you

11 know of or claim to have been shredded that in any

12 way relates to the McIntosh claim?

13 A. Do I know of any documents were shredded

14 relating to the McIntosh claim --

15 Q. Yes, ma'am.

16 A. -- is your question?

17 Q. By specifically telling us what those  
18 documents, or document, might be.

19 A. I don't know if any of the McIntosh  
20 claim had been shredded.

21 Q. Can you identify one document, even one  
22 document that you know specifically that was  
23 shredded related to any of the other claims in any  
24 of the cases that the Scruggs Katrina Group  
25 represents?

430

1 A. That he represents? I don't know. I  
2 know of documents that I went to look for while I  
3 was working for State Farm that were no longer  
4 there. But as far as his clients, I don't know.

5 Q. Okay. When you say you don't know, does  
6 that mean you can't name one document specifically  
7 that you would assert was shredded that relates to  
8 any of the clients of Mr. Scruggs, that you're  
9 aware of, represents?

10 A. The only -- the only document that I  
11 believe was shredded that I know of -- and I know  
12 we have two copies here, but I think when they  
13 went back in this file, the McIntosh file, the  
14 original report was gone. I don't know if it was  
15 shredded or not. Other than that, no.

16 Q. Okay. Other than your belief that you  
17 don't know to be true?

18 A. It was gone. It may not have been  
19 shredded.

20 Q. And your testimony under oath is you

21 didn't take it, right?

22 A. I took a copy of it. I made a copy and  
23 put it back.

24 Q. But you didn't put it in the wind file  
25 that it needed to go into, did you?

431

1 A. I gave it to Lecky King.

2 Q. But you didn't put it in the homeowners  
3 file?

4 A. I did not.

5 Q. And that's where it was designated by a  
6 sticky note to go to?

7 A. Put in the wind file. Do not pay. Do  
8 not discuss. So, yes, she wanted it in the wind  
9 file.

10 MR. WEBB:

11 Okay. Subject to our reservations,  
12 that's all I have.

13 VIDEO TECHNICIAN:

14 This concludes the deposition. The time  
15 is 1:02.

16

17

18

19

20

21

22

23

24

25

432

1

2 I, F. DUSTY BURDINE, Court Reporter and Notary  
 3 Public, in and for the County of Harrison, State of  
 4 Mississippi, hereby certify that the foregoing  
 5 pages, and including this page, contain a true and  
 6 correct transcript of the testimony of the witness,  
 7 as taken by me at the time and place heretofore  
 8 stated, and later reduced to typewritten form by  
 9 computer-aided transcription under my supervision,  
 10 to the best of my skill and ability.

11 I further certify that I placed the witness  
 12 under oath to truthfully answer all questions in  
 13 this matter under the authority vested in me by the  
 14 State of Mississippi.

15 I further certify that I am not in the employ  
 16 of, or related to, any counsel or party in this  
 17 matter, and have no interest, monetary or  
 18 otherwise, in the final outcome of the proceedings.

19 Witness my signature and seal, this the  
 20 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

21  
 22  
 23  
 24  
 25

\_\_\_\_\_  
 F. Dusty Burdine, CSR #1171  
 My Commission Expires 4/20/09

433

ERRATA SHEET

2 I, \_\_\_\_\_, do solemnly  
 3 swear that I have read the foregoing \_\_\_\_\_ pages  
 4 of the testimony given by me at the time and place  
 5 hereinbefore set forth, with the following  
 6 corrections:

5	Page:	Line:	Correction:	Reason for Change:
6	_____			
7	_____			

8 \_\_\_\_\_  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_

15 \_\_\_\_\_  
 16 witness signature

17  
 18 Sworn to and subscribed  
 19 by me, this \_\_\_\_\_ day of  
 \_\_\_\_\_, A.D., 2007.

20 \_\_\_\_\_  
 21 Notary Public, State of Mississippi,  
 County of \_\_\_\_\_.

22  
 23 My commission Expires:  
 24 \_\_\_\_\_

25