

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

THOMAS C. and PAMELA MCINTOSH

PLAINTIFFS

vs.

CIVIL ACTION NO. 1:06cv1080-LTS-RHW

**STATE FARM FIRE & CASUALTY
COMPANY, FORENSIC ANALYSIS &
ENGINEERING CORPORATION, and E. A.
RENFROE & COMPANY, INC. and DOES 1
THROUGH 10**

DEFENDANTS

**RENFROE'S EMERGENCY MOTION TO COMPEL DEPOSITIONS OF
CORI RIGSBY AND KERRI RIGSBY**

E. A. Renfroe & Company, Inc. ("Renfroe") respectfully moves the Court, pursuant to Local Rule 7.2(H) and Federal Rules of Procedure 30(d), 37(a), and 45(d), for an immediate order compelling Cori Rigsby and Kerri Rigsby to submit to Renfroe's continued deposition questioning on September 3-4, 2008, for the period of time set forth by the Court in its October 19, 2007 Order (Doc. 685). Renfroe seeks emergency relief because the Rigsbys' depositions have been scheduled to resume in two weeks, on September 3, 2008, and the trial in this matter is scheduled to commence shortly thereafter, on October 6, 2008. Renfroe states as follows in support of its motion:¹

1. Pursuant to the Court's Order (Doc. 1260) on State Farm Fire and Casualty Company's ("State Farm") *Emergency Motion to Compel Depositions of Cori Rigsby and Kerri Rigsby* (Doc. 1253), counsel for Cori Rigsby and Kerri Rigsby advised by email dated August 18, 2008 at 10:05 am that the Rigsbys would be made available for deposition on September 3,

¹ In the interest of judicial economy, Renfroe respectfully requests that the Court waive the requirement of a separate brief inasmuch as all authority and arguments in support of this motion are set forth herein.

2008. *See* email included in email string attached hereto as Exhibit “1” and incorporated by reference.

2. After receiving this email notice, counsel for Renfroe notified counsel for the Rigsbys that, if Renfroe could not complete its questioning of the Rigsbys on September 3, the depositions will continue on September 4. See email dated August 18, 2008 at 11:40 am included in email string, Exhibit 1.

3. Counsel for the Rigsbys responded by stating that, based on his reading of the Court’s Order, the Rigsbys would be made available on “September 3 for one hour each to be deposed by State Farm,” suggesting that no further questioning would occur. See email dated August 18, 2008 at 5:20 pm from Harlan Winn to Renfroe attorney H. Hunter Twiford, included in email string, Exhibit 1.

4. Renfroe’s counsel responded via email dated August 18, 2008 at 7:11 pm that, under previous court orders, the prior deposition transcripts, and other relevant portions of the record, Renfroe is entitled to question both Cori Rigsby and Kerri Rigsby for a total of 7 hours each, and that there is substantial time remaining for Renfroe’s deposition questioning of both witnesses. See email from Mr. Twiford to Mr. Winn dated August 18, 2008 at 7:11 pm, included in email string, Exhibit 1.

5. Counsel for the Rigsbys had not responded to Renfroe’s August 18 email on the issue, so Mr. Twiford attempted to call Mr. Winn on the morning of Wednesday, August 20, 2008, but Mr. Winn was unavailable. Mr. Winn responded by email on August 20, 2008 at 10:33 am, *see* Exhibit 1, that he would compromise by agreeing that Renfroe could have one additional hour (rather than the almost 5 hours remaining time to question each under the prior orders of the Court) to question each of the Rigsby sisters following the conclusion of State

Farm's questioning on September 3. Mr. Twiford replied on August 20 at 11:46 am, *see* Exhibit 1, declining that offer for the reasons set forth therein and in this Motion.

6. The Court previously held in its October 19, 2007 Order (Doc. 685) that "Renfroe is entitled to question the Rigsbys, and shall not be bound by the four-hour time limitation which has been imposed upon State Farm" (previous limitation due to State Farm's earlier depositions of the Rigsbys). Under *Fed. R. Civ P.* 30(d)(1), Renfroe had a total of seven hours to depose each.

7. In light of the October 19, 2007 Order and the fact that Renfroe has deposed Cori Rigsby for 2 hours 15 minutes of the 7 available hours (4 hours 45 minutes remaining), and Kerri Rigsby for 2 hours 9 minutes of the 7 available hours (4 hours 51 minutes remaining), Renfroe is entitled to continue questioning Cori Rigsby and Kerri Rigsby on September 3 and, if necessary, on September 4, 2008. *See* Exhibit 1. *See* also Exhibit 2 (pages from Cori Rigsby's and Kerri Rigsby's depositions showing the start and conclusion times of Renfroe's questioning at the November 19-20, 2007 depositions).

8. The Rigsbys' position -- that they need to submit only to one hour each of questioning by State Farm and do not need to make themselves available for Renfroe's remaining questioning for more than one hour each, is without basis and violates both the Federal Rules of Civil Procedure and the Court's October 19, 2007 Order.

9. Renfroe has properly noticed the depositions by Notices of Deposition to Cori Rigsby (Doc. 1266) and to Kerri Rigsby (Doc. 1267) separately, both filed on August 20, 2008. Renfroe, therefore, requests that the Court compel Cori Rigsby and Kerri Rigsby to submit to deposition questioning by Renfroe on September 3, 2008 and, if necessary, to continue on September 4, 2008, for the remaining time available to Renfroe for both depositions.

Wherefore, Renfroe respectfully requests that the Court grant its emergency motion to compel.

THIS, the 20th day of August, 2008.

Respectfully submitted,

E. A. RENFROE & COMPANY, INC.

BY: s/ H. Hunter Twiford, III
H. Hunter Twiford, III
One of its Attorneys

OF COUNSEL:

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Candy Burnette (MSB 100582)
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walkerj@howrey.com; serafinc@howrey.com

CERTIFICATE OF SERVICE

I, the undersigned H. Hunter Twiford, III, McGlinchey Stafford PLLC, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

Cameron M. Abel - cameron@tollisonlaw.com
Amy K. Averill – PHV - amy.averill@sablaw.com
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Harlan F. Winn , III - hwinn@bfgwc.com, lspice@bfgwc.com, arodgers@bfgwc.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

NONE

THIS, the 20th day of August, 2008.

s/ H. Hunter Twiford, III
H. HUNTER TWIFORD, III

Twiford, H. Hunter

From: Twiford, H. Hunter
Sent: Wednesday, August 20, 2008 11:46 AM
To: 'Harlan Winn'; Ben Mullen
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Lipsey, Christine; Hibey, Jim; matteisa@gilbertrandolph.com; Bob Battle; Serafin, Catherine; Chip Merlin; Weatherly, William B.; Tina L. Nicholson
Subject: RE: Rigsby Depositions

Harlan - thanks for your response. I did try to call you this morning to see whether we could work out a reasonable, amicable solution before involving the court yet again, and am sorry that I missed you. Renfroe agrees that it should not need an order to complete these depositions, which were previously properly noticed and are due to be completed, but it appears that we will have to seek one, if I interpret your email correctly. We understand that September 3 and 4 are not good for you or for your clients; they're not that great for Renfroe, either. However, they're the dates that you selected from the date range that Judge Walker ordered, and Renfroe's lawyers can (and will) rearrange our schedules to make these dates work. We intentionally waited to complete these depositions for several reasons: first, we waited until the issues regarding the cell phone records and Cori's crashed hard drive records had been resolved so as not to unnecessarily burden everyone with Renfroe's taking the continuing depositions and completing our questioning, and then, everyone having to come back yet again so that State Farm could finish its questioning on the cell phone, hard drive, etc. issues. We also waited so that the plaintiffs could obtain new counsel following the disqualification of the SKG/KLG, and new counsel could get at least partially up to speed. Apparently, particularly in this litigation, no good deed goes unpunished. We respectfully decline your offer of only one additional hour of questioning by Renfroe for each Rigsby sister following State Farm's one hour. Frankly, I think that we probably won't take the balance of Renfroe's allotted time, but at this stage, we are unwilling to voluntarily give up what is rightfully ours. We'll file our motion and take it up with the court. If you'd like to talk further about this, I, too, will be available this afternoon. Thanks. Hunter

From: Harlan Winn [mailto:HWinn@bfgwc.com]
Sent: Wednesday, August 20, 2008 10:33 AM
To: Twiford, H. Hunter; Ben Mullen
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Lipsey, Christine; Hibey, Jim; matteisa@gilbertrandolph.com; Bob Battle
Subject: RE: Rigsby Depositions

Hunter,

I understand you called. I will be available this afternoon to talk if you want to call but I wanted to let you know my initial thoughts in response to your email.

I understand that under normal circumstances Renfroe does not need an order to complete depositions that have been properly noticed and are due to be completed. However, I do not believe that is where we are. The dates of September 3 and 4 are not good for Cori and Kerri nor are they good for their lawyers. I tried in good faith to work out dates with State Farm and my last correspondence asking for suggestions did not even get a reply; instead a motion was filed. Consequently, Cori and Kerri have been ordered to appear to be deposed for one hour each by State Farm on September 3 and, of course, they will comply. However, with respect to Renfroe, this is the first time there has been any mention at all to me about continuing their depositions. There has been plenty of time to notice and schedule these depositions yet there has been no attempt by you to do so.

Cori and Kerri have given over approximately 21 hours of depositions in the McIntosh case alone with Renfroe asking almost 5 hours of questions. Renfroe has also taken approximately 11 hours of deposition testimony of the Rigsbys in the Renfroe v. Rigsby case. I believe there has also been approximately 20 hours of deposition testimony that was taken of them in the Marion case. At some point, y'all have got to run out of questions.

As a compromise, since we will be there on the 3rd, we will agree to an hour for each by Renfroe immediately following the State Farm questions. Let me know if this is acceptable. I look forward to hearing from you.

8/20/2008

EXHIBIT 1

Harlan Winn

From: Twiford, H. Hunter [mailto:HTwiford@mcglinchey.com]
Sent: Monday, August 18, 2008 7:11 PM
To: Harlan Winn; Ben Mullen
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Lipsey, Christine; Hibey, Jim; matteisa@gilbertrandolph.com; Bob Battle
Subject: RE: Rigsby Depositions

Harlan - with all due respect, I think the only thing you might be missing is the fact that Renfroe doesn't need a court order to continue and complete its questioning of the Rigsbys. When the Rigsbys were deposed in November for one full day each, Renfroe was not able to complete its questioning of either Cori or Kerri Rigsby because of scheduling constraints, and so it reserved the right to complete the depositions when reconvened. Renfroe had used only about an hour and a half when each day ended (we can check the deposition transcripts, as we put the amount of time, both used and left, on the record), and since Renfroe started with a total of 7 hours, it still has the remainder of its allotted time. State Farm, as you know, used virtually all of its time in the November depositions, and so, it went back to the court and asked for an additional hour on each of the sisters to complete its questioning, which Magistrate Judge Walker granted. Please take a look at the prior deposition transcripts, the orders and the other relevant portions of the record, and let us know whether that changes your position as stated below. If so, great, and we'll plan on finishing the questioning on September 3 (and 4, if necessary). If you continue to take the position that Renfroe, for some unknown reason, is not able to complete its questioning of the Rigsbys in the reconvened deposition, please let us know that, too, so we can take the matter up with the court immediately so as not to delay either the depositions or the trial. Please let us hear from you tomorrow on your position. And if I am missing something, please let me know that, too. Thanks. Hunter

From: Harlan Winn [mailto:HWinn@bfgwc.com]
Sent: Monday, August 18, 2008 5:20 PM
To: Twiford, H. Hunter; Ben Mullen
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Lipsey, Christine; Hibey, Jim; matteisa@gilbertrandolph.com; Bob Battle
Subject: RE: Rigsby Depositions

We intend to make Cori and Kerri available on September 3 for one hour each to be deposed by State Farm, which is what I read the Court's order to require. If I am missing something, please let me know.

Harlan Winn

From: Twiford, H. Hunter [mailto:HTwiford@mcglinchey.com]
Sent: Monday, August 18, 2008 11:40 AM
To: Harlan Winn; Ben Mullen
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Lipsey, Christine; Hibey, Jim; matteisa@gilbertrandolph.com; Bob Battle
Subject: RE: Rigsby Depositions

Harlan - this will advise that we think that Renfroe can probably complete its questioning of both Cori and Kerri Rigsby on September 3rd following State Farm's additional questioning, but, as you know, Renfroe still has approximately 6 hours left to question Cori and approximately that same length of time to question Kerri remaining from the November 19 and 20, 2007 depositions. If we can't finish both on the 3rd, then I'm sure we can finish whoever is left on the 4th. If you have any questions or comments, please let us know. Thanks. Hunter

From: Harlan Winn [mailto:HWinn@bfgwc.com]
Sent: Monday, August 18, 2008 10:05 AM
To: Ben Mullen
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Twiford, H. Hunter; Lipsey, Christine; Hibey, Jim; August Matteis (matteisa@gilbertrandolph.com); Bob Battle
Subject: RE: Rigsby Depositions

Ben, pursuant to the Court's order, I am advising that the Rigsbys will be available for their deposition on September 3.

8/20/2008

Harlan Winn

From: Ben Mullen [mailto:ben@bnsb.com]

Sent: Monday, August 11, 2008 4:50 PM

To: Harlan Winn; Bob Battle

Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Twiford, H. Hunter; Lipsey, Christine; Hibey, Jim

Subject: RE: Rigsby Depositions

Importance: High

Harlan,

That week is really no better for us. We have to have sufficient time in advance of trial to review the depositions and deal with any further objections or other matters which may arise during the depositions. May I ask what the problem is with dates between now and the first week in September? Please let me know.

Thanks.

Ben

H. Benjamin Mullen, Esq.
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 CASTIGLIOLA & BANAHAN, PLLC
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 Pascagoula, MS 39568-1529
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From: Harlan Winn [mailto:HWinn@bfgwc.com]

Sent: Monday, August 11, 2008 4:41 PM

To: Ben Mullen; Bob Battle

Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Twiford, H. Hunter; Lipsey, Christine; Hibey, Jim

Subject: RE: Rigsby Depositions

Ben, I can not do it on those dates. What about the week of Sept 22? (I have not asked the Rigsbys about this date, but thought I'd check with you first.)

Harlan Winn

From: Ben Mullen [mailto:ben@bnsb.com]

Sent: Monday, August 11, 2008 3:52 PM

To: Harlan Winn; Bob Battle

Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers; Twiford, H. Hunter; Lipsey, Christine; Hibey, Jim

Subject: RE: Rigsby Depositions

Importance: High

Harlan,

The dates you provided are too close to the scheduled trial set to begin in the October 6, 2008, term. Please provide me with dates which are reasonably well in advance of that trial date and more consistent with the following:

August 18-22

August 25-29

Sept 2, 3, 4

Please let me hear from you by noon tomorrow, August 12, 2008. As you know, the Rigsbys are under Court order to provide deposition testimony as set forth in the Court's order dated May 23,

2008 [Doc. 1196]. Additionally, we have had to wait an inordinately long time to receive court ordered documents and computer materials from the Rigsbys. We would like to avoid seeking further Court intervention, but we will do so if we do not have deposition dates for Cori and Kerri Rigsby agreed upon in the time frame contained in this email during the dates set forth herein.

Thanks.

Ben Mullen

H. Benjamin Mullen, Esq.
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From: Harlan Winn [mailto:HWinn@bfgwc.com]
Sent: Monday, August 11, 2008 9:54 AM
To: Ben Mullen; Bob Battle
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter; Amy Lavender Rodgers
Subject: RE: Rigsby Depositions

Ben, the Rigsbys can be available on Sept 30, Oct 1, 2 or 3.

Harlan Winn

From: Ben Mullen [mailto:ben@bnsch.com]
Sent: Wednesday, August 06, 2008 2:09 PM
To: Harlan Winn; Bob Battle
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter
Subject: RE: Rigsby Depositions

Thanks, Harlan.

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From: Harlan Winn [mailto:HWinn@bfgwc.com]
Sent: Wednesday, August 06, 2008 1:30 PM
To: Ben Mullen; Bob Battle
Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter
Subject: RE: Rigsby Depositions

I've been out of town. bob just left town. I will take a look at this and get back with you today or tomorrow.

Harlan Winn

From: Ben Mullen [mailto:ben@bnsch.com]
Sent: Wednesday, August 06, 2008 11:06 AM

To: Harlan Winn; Bob Battle

Cc: John Banahan; James Robie; dwebb@webbsanders.com; Roechelle Morgan; Matthew E. Perkins; Layna Lassiter

Subject: Rigsby Depositions

Importance: High

Harlan and Bob,

Any word on potential deposition dates? Please let me know. Thanks.

Ben

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

4 THOMAS C. AND PAMELA McINTOSH,
5 Plaintiffs,

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

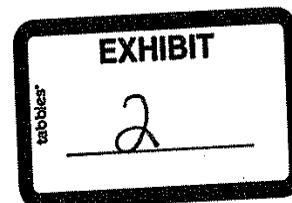
7
8 STATE FARM FIRE AND CASUALTY
9 COMPANY; AND FORENSIC ANALYSIS
10 & ENGINEERING CORP.,
11 Defendants.

12
13 VOLUME II
14 VIDEOTAPED DEPOSITION OF CORI RIGSBY

15
16 Taken at the Scruggs Law Firm, 4836 Main
17 Street, Moss Point, Mississippi, on
18 Monday, November 19, 2007, beginning
19 at 9:11 a.m.

20 REPORTED BY:

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



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

4 MR. BANAHAN:

5 Okay. Give me one minute.

6 VIDEO TECHNICIAN:

7 Off record at 2:09 p.m.

8 (Off the record.)

9 VIDEO TECHNICIAN:

10 On record at 2:16 p.m.

11 EXAMINATION

12 BY MS. LIPSEY:

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

16 A. No, we haven't.

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

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

1 deposition?

2 A. Yes, ma'am.

3 Q. Okay. And do you know if your sister,
4 Kerri, has paid for any representation having to
5 do with giving depositions in the McIntosh case?

6 A. I don't believe so, but you'd have to
7 confirm with her.

8 Q. Okay. We've talked about the Qui Tam
9 matter. The original representation by
10 Mr. Scruggs or possibly the Scruggs Katrina Group
11 in February 2006, when you said you retained
12 Mr. Scruggs, have you paid any bills with respect
13 to that representation?

14 A. No.

15 Q. Okay. Do you know if anybody has paid
16 any bills with respect to that representation?

17 A. I do not.

18 Q. Okay. All right. Back to my time line.
19 I digressed.

20 VIDEO TECHNICIAN:

21 Off record at 2:50 p.m.

22 (Off the record.)

23 VIDEO TECHNICIAN:

24 On record at 3:07 p.m.

25 MS. LIPSEY:

1 A. I think it was '03.

2 VIDEO TECHNICIAN:

3 Off record at 4:05 p.m.

4 (Off the record.)

5 VIDEO TECHNICIAN:

6 On record at 4:27 p.m.

7 MS. LIPSEY:

8 Q. Ms. Rigsby, it occurs to me that I
9 didn't give you the usual incantation about if you
10 don't understand any of my questions, let me know.
11 And I know we're kind of far into this for that
12 incantation, but if you don't understand any of my
13 questions, let me know.

14 A. Absolutely.

15 Q. I'll be glad to rephrase. Otherwise,
16 I'll assume we're on the same page.

17 A. Okay.

18 Q. Okay. I want to go back to a couple of
19 things you said earlier when we were talking about
20 the Code of Conduct and the decision not to tell
21 Gene or Jana Renfroe of your concerns about the
22 handling of claims post-Katrina. And you used the
23 word, we decided not to tell Gene or Jana. Who is
24 the "we"?

25 A. Kerri and I.

1 Katrina Group had.

2 Q. That related to a claim on her house?

3 A. Yes.

4 Q. Okay. Do you know apart from that
5 whether she's been paid sort of on the order of
6 the way that you and Kerri are being paid as
7 consultants?

8 A. No, she has not.

9 Q. She's not. And so you're unaware of any
10 kind of compensation that the Scruggs Law Firm or
11 Scruggs Katrina Group would have paid your mother?

12 A. Right. There's been none.

13 VIDEO TECHNICIAN:

14 Off the record at 5:01 p.m.

15 (Off the record.)

16 VIDEO TECHNICIAN:

17 On record at 5:06 p.m.

18 MS. LIPSEY:

19 Q. Just a few more questions for today.

20 A. Okay.

21 Q. Ms. Rigsby, did you ever back up your
22 home computer?

23 A. No.

24 Q. Okay. Did you ever transfer data from
25 your State Farm computer to your home computer?

1 capability?

2 A. Yes, ma'am.

3 MS. LIPSEY:

4 All right. We are going to adjourn for
5 now and then we'll deal with -- when we come back,
6 we'll deal with that later.

7 MR. TAYLOR:

8 Okay.

9 VIDEO TECHNICIAN:

10 Off the record at 5:15 p.m.

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

4 THOMAS C. AND PAMELA McINTOSH,
5 Plaintiffs,

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

7
8 STATE FARM FIRE AND CASUALTY
9 COMPANY; AND FORENSIC ANALYSIS
10 & ENGINEERING CORP.,
11 Defendants.

12
13 VOLUME II
14 VIDEOTAPED DEPOSITION OF KERRI A. RIGSBY

15
16 Taken at the Scruggs Law Firm, 4836 Main
17 Street, Moss Point, Mississippi, on
18 Tuesday, November 20, 2007, beginning
19 at 9:08 a.m.

20 REPORTED BY:

21 Lori R. Miguez, CSR No. 1245
22 Simpson Burdine & Miguez
23 Post Office Box 4134
24 Biloxi, Mississippi 39535
25 lmiguez@sbmreporting.com
 (228) 388-3130

1 VIDEOPHOTOGRAPHER:

2 Off record at 1:52 p.m.

3 (Off the record.)

4 VIDEOPHOTOGRAPHER:

5 On record at 2:13 p.m.

6 EXAMINATION

7 BY MS. LIPSEY:

8 Q. Ms. Rigsby, I'm Christine Lipsey. I
9 don't believe we've ever met before.

10 A. No. Hi.

11 Q. Hi. I represent Renfro, and I'm going
12 to have some questions for you today. I have some
13 questions that will be follow-up to some of the
14 questions that Mr. Robie asked you, and then I
15 have some other areas I'd like to touch on.

16 A. Okay.

17 Q. Okay. Thank you. You talked earlier
18 about a meeting that occurred on March 11th,
19 2006 in a trailer. And you listed several folks
20 that were there, all attorneys except for your
21 sister, I believe, and your mother --

22 A. Correct.

23 Q. -- at that meeting? At that meeting --

24 MR. TAYLOR:

25 I just want to be clear about one thing,

1 misplaced. I don't know where it is. You know,
2 it just -- it was pandemonium at the time.

3 Q. So beyond bringing it, the recording,
4 back to Cori's home, you don't remember -- you
5 don't remember your sister giving it to anyone?

6 A. No. I don't believe we gave it to
7 anyone. And I'm not sure that we even remembered
8 it. I can remember Cori was in a deposition and
9 came home and said, I just remembered today that
10 we had taped the discussion with Dave Randel.
11 Someone asked me if we had made a tape-recording,
12 and I went, oh, we did do that. I mean, it just
13 wasn't something we thought about again.

14 Q. I'm assuming Mr. Randel didn't know he
15 was being recorded?

16 A. Right. He didn't know.

17 Q. Where was the tape recorder?

18 A. In my purse.

19 MR. TAYLOR:

20 Would this be a good time to take a
21 short break?

22 MS. LIPSEY:

23 You bet.

24 VIDEOGRAPHER:

25 Off record at 3:00 p.m.

1 (Off the record.)

2 VIDEOGRAPHER:

3 On record at 3:09 p.m.

4 MS. LIPSEY:

5 Q. All right. I think we were talking
6 about, I think, the meeting with Mr. Randel, I
7 believe. Okay. And we talked about the meeting
8 being recorded. Whose tape recorder did you use
9 to record the meeting?

10 A. I don't know.

11 Q. Was it your tape recorder?

12 A. It was not mine. I believe it was
13 Cori's tape recorder, but it was not mine.

14 Q. Okay. You talked about what you and
15 Cori told Mr. Randel, that you had copied
16 documents, that you had provided a set, I believe,
17 to the U.S. attorney and a set to the Mississippi
18 attorney general?

19 A. Yes.

20 Q. Now, as I understand it, there was a
21 third set of documents that Michelle Lee kept for
22 a period of time?

23 A. Yes.

24 Q. Did you tell Mr. Randel about that third
25 set of documents?

1 then --

2 VIDEOGRAPHER:

3 Off record at 3:48 p.m.

4 (Off the record.)

5 VIDEOGRAPHER:

6 On record at 4:02 p.m.

7 MS. LIPSEY:

8 Q. Okay. Ms. Rigsby, you had talked
9 earlier about when you said that Cody Perry
10 brought you the October 12th report, and I
11 believe you said at that point you went to the
12 wind file. Why did you go to the wind file?

13 A. Because on the sticky note it said put
14 in the wind file.

15 Q. Did you ordinarily do that kind of
16 filing?

17 A. No.

18 Q. Who -- what was the ordinary practice in
19 the office for filing?

20 A. We had a group called CAPS that did all
21 the filing.

22 Q. Why wouldn't you have routed it to CAPS
23 to do the filing?

24 A. Because it said do not pay, do not
25 discuss and that's -- we normally pay the invoices

1 A. Oh, I don't remember.

2 Q. Okay. It's possible that it did?

3 A. It's possible.

4 MR. BACKSTROM:

5 Object to the form.

6 MS. LIPSEY:

7 Q. Okay. Did you call Mr. Goodin?

8 A. I did speak with Mr. Goodin. I don't
9 know if I spoke with him before or after the
10 e-mail, but I did speak with Don Goodin. And he
11 asked me what was going on, why they were
12 suspending me with pay, it's unprecedented. And I
13 explained that I just could not tell him at that
14 time. I could not talk about it.

15 Q. And was there ever a time that you did
16 talk to Mr. Goodin and explain what was going on?

17 A. No. I never got an opportunity to talk
18 to Mr. Goodin.

19 Q. Okay.

20 MR. BACKSTROM:

21 I think you're out of tape, Christine.

22 MS. LIPSEY:

23 Okay. We're out of tape.

24 VIDEOGRAPHER:

25 Off record at 4:22 p.m.

1 (Off the record.)

2 VIDEOGRAPHER:

3 On record at 4:23 p.m.

4 MS. LIPSEY:

5 Q. All right. We have a fresh tape.

6 Ms. Rigsby, you had talked about your
7 discussion with Mr. Goodin and how you couldn't
8 really provide him with an explanation for why you
9 were suspended with pay. Did you tell Mr. Goodin
10 that your lawyers had told you that you couldn't
11 talk with him or anyone associated with Renfroe
12 about why you had been suspended?

13 A. I don't recall if I told him my lawyers
14 said I couldn't talk about it. I just know I said
15 I cannot talk about it at this time. I could have
16 said my lawyers. I don't remember.

17 Q. Okay. When we talked a little bit
18 earlier, I asked you the question about did you
19 receive payment from the Scruggs Katrina Group
20 while you were still receiving wages from Renfroe.
21 And you said, no, that you were only paid for a
22 storm; you had ceased receiving payments from
23 Renfroe at the time that you started receiving
24 compensation from the Scruggs Katrina Group.

25 A. Correct.

1 MR. BACKSTROM:

2 Object to the form.

3 A. Yes.

4 MS. LIPSEY:

5 Okay. We are going to recess, and then
6 we'll come back on another day. Thank you very
7 much.

8 THE WITNESS:

9 Thank you.

10 VIDEOGRAPHER:

11 Off record at 4:26 p.m.

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