

# EXHIBIT “G”

**James J. Ficene**

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**From:** James J. Ficene  
**Sent:** Thursday, November 13, 2008 10:47 AM  
**To:** 'Jesse Hearin'  
**Subject:** RE: Gagne v. SF, 1:06cv711, P6369 - 6370

Jesse,

There were no "draft reports". As I said below, the document attached to Joey's e-mail was in the form of a memorandum organized similarly to the final reports. Once any report (whether in the form of a memorandum or a final report) was transmitted it became part of Exponent's file for that property.

None of the interim reports involved Calvin Thomas and none involved slab claims.

Jim

-----Original Message-----

**From:** Jesse Hearin [mailto:jbhearin@gmail.com]  
**Sent:** Thursday, November 13, 2008 3:30 AM  
**To:** James J. Ficene  
**Cc:** hearinlicadmin@gmail.com  
**Subject:** Re: Gagne v. SF, 1:06cv711, P6369 - 6370

Jim,

This is the first time I have confirmed that Exponent and State Farm were communicating about substance via draft reports. State Farm and Exponent employees have certainly left a different impression when testifying. Did Exponent provide any interim reports that involved Calvin Thomas? Did Exponent provide any interim reports involving slab claims? If so, what kinds of communications occurred after the interim reports were forwarded?

Jesse

On Wed, Nov 12, 2008 at 7:37 PM, James J. Ficene <[JFicene@sellarlaw.com](mailto:JFicene@sellarlaw.com)> wrote:

Jesse,

You are correct that you did not receive that e-mail from me. It appears to have another case name at the bottom in the form that State Farm has used when producing documents. We would only have the e-

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mail from Joey to Mark Wilcox and would not be privy to State Farm's intra-office e-mail.

The reason why we did not produce that e-mail is that it does not relate to Mr. Gagne's claim. It does not appear to concern a similar claim and the property was not inspected by Calvin and Roger. From the e-mail you have produced, it is apparent that the claim referenced involved a house that was still standing. I recall that you and I did spend some time talking about this request and my problems with the phrase "relevant to the Plaintiff's claims."

You are also correct that it does not refer to a report memorializing the state of engineering assignments. Exponent initially (for about the first ten claims assigned to Exponent) attempted to provide an interim report to State Farm, but quickly discovered that the amount of effort required to provide an interim report was not significantly different than the effort required to finalize a report. The interim reports were in the form of a memorandum organized similarly to a final report. Joey's e-mail appears to attach an interim report (she is using the phrase status report). Since it was not efficient to provide interim reports, Exponent abandoned that approach fairly quickly, after about 10 interim reports.

Jim

-----Original Message-----

**From:** Jesse Hearin [mailto:[jbhearin@gmail.com](mailto:jbhearin@gmail.com)]

**Sent:** Wednesday, November 12, 2008 1:34 PM

**To:** James J. Ficenec

**Subject:** Gagne v. SF, 1:06cv711, P6369 - 6370

Jim:

We may have a deficiency on one of your client's responses to our request for documents. We have asked for the following:

20. Any and all documents, emails, logs, notes, diaries, journals or any other form of

memorialized communication (including emails) between any of the named defendants, their employees, agents and/or representatives and any other named defendant, their employees, agents and/or representatives, that related in any way to a Katrina claim and that are relevant to the Plaintiff's claims and allegations as outlined in his lawsuit.

I am in possession of an email dated October 19, 2005 from Joanna Meldrum to Mark Wilcox. The subject line is Status Report and then my version is blacked out. We supplemented our production and produced these as P. 6369-70. I don't believe we received this email from your client. Their also appears to be a status report attached that was some sort of draft report. If you look at the reactions of the State Farm personnel, it seems clear to me that this was an engineering report and not a report memorializing at what stage various engineering assignments were at. Can you forward me the originals on this? I have attached the docs so you don't have to dig through our supplemental responses.

12/17/2008

-----Original Message-----

**From:** Jesse Hearin [mailto:[jhearin@lsc.state.tx.us](mailto:jhearin@lsc.state.tx.us)]

**Sent:** Thursday, November 13, 2008 12:32 PM

**To:** James J. Ficenec

**Subject:** Re: Gagne v. SF, 1:06cv711, P6369 - 6370

Jim:

I am okay with that arrangement (docs to be used at trial) as long as it is reciprocal.

On the interim reports, from the email I have, one can see Lecky King being critical of the interim report but it is unclear what happens after that. I am immersed in this stuff and I'm familiar with other files where Lecky was very aggressive in seeking changes on engineering reports when she disagreed with them during this October 2005 time period. Raises some questions to me. I take you at your word that the interim reports did not involve slabs or Calvin Thomas. **Do you know if any were in South Diamondhead?**

Jesse

On Thu, Nov 13, 2008 at 1:28 PM, James J. Ficenec <[jficene@lsc.state.tx.us](mailto:jficene@lsc.state.tx.us)> wrote:

I'm still not seeing how you get from a) an interim report to State Farm to b) conclude that Exponent took direction from State Farm reach a certain conclusion.

On a less interesting note, do you want me to send out supplemental interrogatory responses regarding the documents intended to be used a trial? It looks like State Farm has listed everything ever produced in this case. I could put together something similar, but it would not be very illuminating. I'm not going to use anything that has not already been produced in this case. I don't want to waste your time (or mine), but I don't want to end up with some argument that because I did not supplement my responses to list everything that I am precluded from introducing something that has been produced in this litigation. Here we just usually save identification of documents for the pretrial conference, once issues have been sorted by dispositive motions. Please just let me know what you prefer and I will proceed accordingly.

Thanks,

Jim

-----Original Message-----

**From:** Jesse Hearin [mailto:[jhearin@lsc.state.tx.us](mailto:jhearin@lsc.state.tx.us)]

**Sent:** Thursday, November 13, 2008 11:09 AM