

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

UNITED STATES OF AMERICA EX	*	
REL. CORI RIGSBY AND KERRI	*	
RIGSBY	*	RELATORS
	*	
VS.	*	CASE NO. 1:06cv00433-LTS-RHW
	*	
STATE FARM INSURANCE	*	
COMPANY, ET. AL.	*	DEFENDANTS
	*	
* * * * *		

**HAAG ENGINEERING CO.’S PRELIMINARY OBJECTIONS
TO EXHIBITS LISTED BY RELATORS ON THEIR EXHIBIT LIST**

COMES NOW, Defendant, Haag Engineering Co. (“Haag”), who, in accordance with the Court’s Text Only Order dated May 13, 2009, hereby submits its objections to the exhibits listed by Relators (in **Exhibit A** attached hereto) for the May 20, 2009 hearing on Defendants’ dispositive motions as follows:

1. As an initial note, NONE of the Exhibits listed by Relators in **Exhibit A** are relevant to Relators’ claims against Haag, with the exception of P-3, the Haag Engineering Hurricane Katrina Storm Damage Survey (“the Survey”). Therefore, Haag objects to P-1, P-2 and P-4 through P-31 as having no relevance to any issue before the court, related to Haag, under FRCP Rule 402. In addition, even if relevant, Haag believes those exhibits’ probative value is far outweighed by the prejudice of their introduction and will lead to confusion of the issues, as they relate to Haag, under FRCP Rule 403.

2. With respect to the Survey (P-3), Haag objects to the incompleteness of that exhibit proffered by Relators and Bates numbered Rigsby-000354-466, and as such, requests that the Survey authenticated by Paul O’Connor via Affidavit (D-32, Exhibit A) be substituted for Relators’ Exhibit P-3.

3. Finally, Haag objects to the characterization of the Survey as a “report” because such a characterization is misleading. The publication was the result of aerial and ground surveys of the Louisiana and Mississippi Gulf coasts, and the purpose of the Survey was to document the extent to damage to buildings, determine the height of the water level from the storm surge, and to acquire wind data from various sources. See D-32, Exhibit A, pg. 1. The Survey was not a report on any one property, but instead, was a general survey of observations, photographs, and data collected by Haag.

4. Haag reserves the right to submit further objections in the future.

Respectfully submitted, this 14th day of May, 2009.

HAAG ENGINEERING CO.

By: /s/ Kathryn Platt
LARRY G. CANADA (MSB #10480)
KATHRYN BREARD PLATT (MSB#102141)
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CERTIFICATE OF SERVICE

This is to certify that the undersigned attorney for Galloway, Johnson, Tompkins, Burr & Smith, has this day served a copy of the above and foregoing upon all counsel of record and other interested persons via the Court’s Electronic Notification System.

THIS the 14th day of May, 2009.

/s/ Kathryn Platt
KATHRYN BREARD PLATT (MSB#102141)

RELATORS' EXHIBITS LIST

The following constitutes a list of potential exhibits for use by the Relators at the hearing commencing on May 20, 2009. The Relators reserve the right to offer or not offer any particular listed exhibit.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>BATES NO.(S)</u>
P-1	Ford Report 10/12	Rigsby-000323-332 SJ000856-865
P-2	Kelly Report 10/20	Rigsby-000333-343
P-3	Haag Engineering Report	Rigsby-000354-466
P-4	August 31 FEMA Memo	Rigsby-000226-228
P-5	September 1 FEMA Memo	Rigsby-000229
P-6	September 21 FEMA Memo	Rigsby-000230-242
P-7	September 13 Wind/Water Protocol	Rigsby-000243-000245
P-8	Portions of the Forensic file for the McIntosh claim	Rigsby-001937-1955
P-9	FEMA Coastal and Riverine High Water Mark Collection for Hurricane Katrina in Mississippi	Rigsby-000569-644
P-10	October 11, 2005, 10:41 AM, email from Forensic (Williams) to Kochan	Rigsby-001732 Shows-032
P-11	November 17, 2005, 11:45 PM email from Kochan to Forensic (Williams)	Rigsby-001734 Shows-034
P-12	October 11, 2005, 10:50 AM, email from Forbes to Sammis.	Rigsby-001739 Shows-039
P-13	October 13, 2005, 11:25 AM, email from Down to Forensic (Williams), cc'ed to Kochan	Rigsby-001747 Shows-047
P-14	October 13, 2005, 11:32 AM, email for Down to Sammis, cc'ed to Forbes, Kochan, Williams.	Rigsby-001749 Shows-049
P-15	October 17, 2005, 2:39 PM, email from Sammis to Kochan and Williams	Rigsby-001755-56 Shows-055-056
P-16	October 17, 2005, 8:52 PM, email from Ford to Kochan, recounting the King-Ford Conversation	Rigsby-001758 Shows-058

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>BATES NO.(S)</u>
P-17	October 17, 2005, 3:33 PM, email from King to Williams, cc'ed to Dave Randel (at State Farm); Sandy Schmidt (at State Farm); David Haddock (at State Farm); and Lecky King	Rigsby-001760 Shows-060
P-18	October 17, 2005, 7:51 PM, email for Kochan to Ford, cc'ed to Down and Williams	Rigsby-001764 Shows-064
P-19	October 18, 2005, 8:54 AM , email from Down to Kochan, cc'ed to Williams	Rigsby-001768 Shows-068
P-20	October 18, 2005, 6:37 PM, email from Kochan to Williams, Sammis and "Admin."	Rigsby-001775 Shows-075
P-21	January 10, 2006, 9:26 AM email from Kelly to Forbes, Kochan, Kelly and Forbes, cc'ed to Down, Williams.	Rigsby-001794 Shows-094
P-22	Wilcox Sample Engineering Report	Rigsby-000319-322 Shows-089-092
P-23	October 17, 2005, email from King to Nellie Williams re: Engineer Inspections	Rigsby-000348 Shows-060
P-24	October 24, 2005, email from King to Tracy Moreno re: Engineer's Reports	Rigsby-000353
P-25	Kelly Draft McIntosh report, Kelly Deposition	Rigsby-001956- 001957
P-26	October 4, 2005, email from Rick More to Kevin Peterson cc'ng Lecky King 10/4/05	Rigsby-001958
P-27	September 9, 2005, email string from Lecky King re: Wind vs Water	Rigsby-001959- 001960
P-28	September 10, 2005, email from Mike Tucker to Lecky King re Important NFIP proposal	Rigsby-001961
P-29	September 13, 2005, email from Jody Prince to Tracy Moreno re: Adjuster preliminary damage	Rigsby-001962
P-30	Declaration of Mike Church	Rigsby-001963-1964

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>BATES NO.(S)</u>
P-31	September 21, 2005, email from Mike Tucker to Lecky King re FW: NFIP update	Rigsby-001965

RELATORS' WITNESS LIST

The following constitutes a list of potential witnesses the Relators intend to call at the hearing commencing on May 20, 2009. The Relators reserve the right to call or not call a particular witness. The Relators also reserve the right to supplement this list with rebuttal or impeachment witnesses.

Experts

R. Ralph Sinno, PH.D.	P.O. Box 1798 Mississippi State University, MS 39762-1798
Dr. Pat Fitzpatrick	180B Lakeview Drive Slidell, LA 70458
David J. Favre, Sr	250 Citizen Street Bay St, Louis, MS 39501
Keith G. Blackwell, Ph.D	Dep't of Earth Science Coastal Weather Research Center Mitchell Center, Room 1623 University of S. Alabama Mobile, Alabama 36688

Non-Expert Witnesses

Cori Rigsby	2409 Cleveland Avenue Pascagoula, MS 39567
Kerri Rigsby	2916 North Fourth Street Ocean Spring, MS 39564
Jack Kelly	3904 Queen Elizabeth Drive Ocean Spring, MS 39565
Alexis King	9530 Lorikeet Lane Pensacola, FL 32507