

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

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM MUTUAL INSURANCE COMPANY

DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
EXPONENT, INC.; HAAG ENGINEERING CO.;
JADE ENGINEERING; RIMKUS CONSULTING GROUP INC.;
STRUCTURES GROUP; E.A. RENFROE, INC.;
JANA RENFROE; GENE RENFROE; and
ALEXIS KING

DEFENDANTS

**DEFENDANT/COUNTER-PLAINTIFF
STATE FARM FIRE AND CASUALTY COMPANY'S
NOTICE OF THE RIGSBYS' UNILATERAL
CANCELLATION OF [291] PREVIOUSLY
NOTICED DEPOSITION OF NONPARTY BRIAN FORD**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company, improperly denominated in the First Amended Complaint as "State Farm Mutual Insurance Company" ("State Farm"), submits this Notice of the Rigsbys' Unilateral Cancellation of [291] Previously Noticed Deposition of Nonparty Brian Ford. State Farm would show:

1. In their [264] Relators' Consolidated Pre-hearing Response to All Dispositive Motions, the Rigsbys argued that "they [should] be allowed to depose individuals with direct knowledge of the damage to the McIntosh home and its claims adjustment. Specifically, the Court should allow the Relators to depose: ...Brian Ford..." ([264] at 21.)
2. Similarly, in their [273] Relators' Response to State Farm's Memorandum to this Court, the Rigsbys argued that the "Relators should be allowed to have independent counsel depose [Brian] Ford..." ([273] at 5.)

3. In its [274] Order, this Court granted the Rigsbys' request and ordered in part that "Relators should have a full and fair opportunity to examine ...[Brian] Ford ...under oath about the investigation and adjustment of the flood claim, the explanation for its payment, or any other associated legitimate areas of inquiry." ([274] at 3.)

4. Soon thereafter, the Rigsbys served their [291] Notice to Take Deposition of Brian Ford, noticing his deposition for Friday, May 8, 2009 at 11:00 a.m. at the offices of Elizabeth Gallo Court Reporting, 2600 Century Parkway, Suite 100, Atlanta, GA 30345. ([291] at 1.)

5. In a May 6, 2009 9:03 p.m. e-mail, one of the Rigsbys' counsel e-mailed all counsel of record and stated:

From: Sugimura, Derek [sugimurad@gotofirm.com]
Sent: May 06, 2009 9:03 PM
To: beth.mcclain@friedfrank.com; wallace@gbeolaw.com; lpatrick@gbeolaw.com; mmcgill@gbeolaw.com; Barney Robinson; Joyce Smith; felicia.adams@usdoj.gov; robin.fish@usdoj.gov; htwiford@mcglinchey.com; kbmillar@mcglinchey.com; kcallais@mcglinchey.com; mmason@mcglinchey.com; Jeff Walker; Connie Lubonovic; john.boese@friedfrank.com; beth.mcclain@friedfrank.com; michael.anstett@friedfrank.com; sima.bhakta@friedfrank.com; kplatt@gjtbs.com; lcanada@gjtbs.com; msoleto@gjtbs.com; mbeers@beersanderson.com; tina@beersanderson.com; Bob Galloway; Kathy Gray; gholson@gbeolaw.com
Cc: Matteis, August; Litherland, Craig; Davidson, Benjamin; Maison Heidelberg; Hahn, Ryan
Subject: Rigsby v. State Farm Fire & Cas. Co., et al. - notice of cancellation of deposition

Counsel,

In light of the information and testimony obtained during the past two days' depositions, the Relators will not need to take the deposition of Brian Ford on Friday in Atlanta. Accordingly, we are canceling the deposition and have informed Mr. Ford that he will not need to appear.

Please note that this email is being sent to all counsel of record and all individuals who receive ECF notices; if anyone from your offices was planning to attend this deposition and does not receive such notices, we ask that you forward the message.

Sincerely,
Derek Y. Sugimura
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(May 6, 2009 E-mail from Derek Y. Sugimura to all counsel, Ex. 1 hereto.)

6. In light of this Court's [274] Order, State Farm hereby gives record notice of the foregoing to the Court.

WHEREFORE, PREMISES CONSIDERED, State Farm hereby gives record notice of the foregoing to the Court.

This the 7th day of May, 2009.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

By: s/E. Barney Robinson III (MSB # 09432)
Robert C. Galloway (MSB # 4388)
Jeffrey A. Walker (MSB # 6879)
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PRO HAC VICE

CERTIFICATE OF SERVICE

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the means directed by the Court's Electronic Filing System:

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ATTORNEY FOR FORENSIC ANALYSIS ENGINEERING CORPORATION

This the 7th day of May, 2009.

s/ E. Barney Robinson III (MSB # 09432)
E. Barney Robinson III (MSB # 09432)

Jackson 3933833v.1

Barney Robinson

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