

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 EXCHANGE OF LIST OF POTENTIAL WITNESSES
AND DEPOSITION TESTIMONY, EXHIBIT LIST
AND OBJECTIONS TO RIGSBYS' EXHIBIT LIST FOR HEARING**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company, improperly denominated in the First Amended Complaint as "State Farm Mutual Insurance Company" ("State Farm"), in accordance with this Court's May 13, 2009 Minute Entry, submits this Notice of Exchange of List of Potential Witnesses and Deposition Testimony, Exhibit List and Objections to Rigsbys' Exhibit List for Hearing. State Farm would show:

E. Barney Robinson III, one of the attorneys for State Farm, hereby gives notice to the Court and to counsel that State Farm on May 14, 2009 served via e-mail, on all counsel of record and on the Court, a copy of its: (1) updated list of potential witnesses and designated deposition testimony; (2) updated list of potential exhibits; and (3) objections to the Plaintiffs' potential exhibits, all for the upcoming hearing commencing on May 20, 2009.

In order to preserve its position in the record, State Farm herein restates its objections previously served on May 14, 2009 to Plaintiffs' proposed exhibits:

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>BATES NO.(S)</u>	<u>OBJECTIONS</u>
P-1	Ford Report 10/12	Rigsby-000323-332 SJ000856-865	Relevance, Rule 403
P-2	Kelly Report 10/20	Rigsby-000333-343	Relevance
P-3	Haag Engineering Report	Rigsby-000354-466	Completeness, Relevance, Rule 403, Inaccurate copy) ¹
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	Relevance
P-7	September 13 Wind/Water Protocol	Rigsby-000243-000245	Relevance
P-8	Portions of the Forensic file for the McIntosh claim	Rigsby-001937-1955	Relevance, Rule 403
P-9	FEMA Coastal and Riverine High Water Mark Collection for Hurricane Katrina in Mississippi	Rigsby-000569-644	Relevance
P-10	October 11, 2005, 10:41 AM, email from Forensic (Williams) to Kochan	Rigsby-001732 Shows-032	Relevance, Rule 403
P-11	November 17, 2005, 11:45 PM email from Kochan to Forensic (Williams)	Rigsby-001734 Shows-034	Relevance, Rule 403
P-12	October 11, 2005, 10:50 AM, email from Forbes to Sammis.	Rigsby-001739 Shows-039	Relevance, Rule 403
P-13	October 13, 2005, 11:25 AM, email from Down to Forensic (Williams), cc'ed to Kochan	Rigsby-001747 Shows-047	Relevance, Rule 403
P-14	October 13, 2005, 11:32 AM, email for Down to Sammis, cc'ed to Forbes, Kochan, Williams.	Rigsby-001749 Shows-049	Relevance, Rule 403
P-15	October 17, 2005, 2:39 PM, email from Sammis to Kochan and Williams	Rigsby-001755-56 Shows-055-056	Relevance, Rule 403
P-16	October 17, 2005, 8:52 PM, email from Ford to Kochan, recounting the King-Ford Conversation	Rigsby-001758 Shows-058	Relevance, Rule 403

¹ State Farm will withdraw its completeness and accuracy objections to P-3, if the Rigsbys actually offer a proper copy, as their counsel has represented will take place.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>BATES NO.(S)</u>	<u>OBJECTIONS</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	Relevance, Rule 403
P-18	October 17, 2005, 7:51 PM, email for Kochan to Ford, cc'ed to Down and Williams	Rigsby-001764 Shows-064	Relevance, Rule 403
P-19	October 18, 2005, 8:54 AM, email from Down to Kochan, cc'ed to Williams	Rigsby-001768 Shows-068	Relevance, Rule 403
P-20	October 18, 2005, 6:37 PM, email from Kochan to Williams, Sammis and "Admin."	Rigsby-001775 Shows-075	Relevance, Rule 403
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	Relevance, Rule 403
P-22	Wilcox Sample Engineering Report	Rigsby-000319-322 Shows-089-092	Relevance, Rule 403
P-23	October 17, 2005, email from King to Nellie Williams re: Engineer Inspections	Rigsby-000348 Shows-060	Relevance, Rule 403
P-24	October 24, 2005, email from King to Tracy Moreno re: Engineer's Reports	Rigsby-000353	Relevance, Rule 403
P-25	Kelly Draft McIntosh report, Kelly Deposition	Rigsby-001956-001957	Relevance, Rule 403
P-26	October 4, 2005, email from Rick More to Kevin Peterson cc'ng Lecky King 10/4/05	Rigsby-001958	Relevance, Rule 403
P-27	September 9, 2005, email string from Lecky King re: Wind vs Water	Rigsby-001959-001960	Relevance, Rule 403
P-28	September 10, 2005, email from Mike Tucker to Lecky King re Important NFIP proposal	Rigsby-001961	Relevance, Rule 403
P-29	September 13, 2005, email from Jody Prince to Tracy Moreno re: Adjuster preliminary damage	Rigsby-001962	Relevance, Rule 403
P-30	Declaration of Mike Church	Rigsby-001963-1964	Relevance, Rule 403
P-31	September 21, 2005, email from Mike Tucker to Lecky King re FW: NFIP update	Rigsby-001965	Relevance, Rule 403

OBJECTIONS TO RIGSBYS' WITNESS LIST

State Farm reserves the right to object to any proffered testimony or witness at the hearing. State Farm further incorporates by reference all its pending motions that seek to exclude testimony and/or any particular witness(es).

This the 15th day of May, 2009.

Respectfully submitted,

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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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This the 15th day of May, 2009.

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