

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 HEARING EXHIBITS AND
NOTICE OF PRODUCTION OF POTENTIAL HEARING EXHIBITS**

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 Exchange of List of Potential Hearing Exhibits and Notice of Production of Potential Hearing Exhibits. State Farm would show:

Nothing in this submission constitutes consent by State Farm to the Rigsbys serving as witnesses or Relators in this Action or to the use or introduction by them of any stolen evidence. State Farm does not waive the protections provided by prior Orders of this Court in *Thomas C. McIntosh and Pamela McIntosh v. State Farm Fire & Casualty Co., et al.*; in the United States District Court for the Southern District of Mississippi, Southern Division, no. 1:06cv1080-LTS-RHW and in this Action.

Subject to the above, E. Barney Robinson III, one of the attorneys for State Farm, hereby gives notice to the Court and to counsel that the following constitutes a list of potential exhibits¹ for use by State Farm at the hearing commencing on May 20, 2009 and further that – except as indicated to the contrary below – the following materials were served today on all counsel listed on this Notice’s Certificate of Service, on DVD:

- D-1 Certified copy of the McIntoshes’ Flood Policy, Policy Number 24-RB2784-6 (SJ000762 – SJ000851);
- D-2 Certified copy of the McIntoshes’ Homeowners Policy, Policy Number 24-BX-4847-7 (SJ000621 – SJ000761);
- D-3 Updated McIntosh Flood File (SJ000867 – SJ001373);
- D-4 Summary McIntosh Flood File (SJ000076 – SJ000223);
- D-5 McIntosh Homeowner File (SJ000224 – SJ000366);
- D-6 NFIP WYO Arrangement for 2004 – 2005 (SJ001398 – SJ001430);
- D-7 Composite of Photos;
- D-7A Photos from Homeowner claim file (SJ000456 – SJ000512);
- D-7B Photos from Flood file (SJ000410 – SJ000455);
- D-7C Photos produced by McIntoshes (SJ000513 – SJ000620);
- D-7D Photos of McIntosh residence, Ex. 5 to K. Rigsby April 30, 2007 deposition in McIntosh (SJ SJ000369 – SJ000399);
- D-7E Aerial photo of South Shore Drive, Ex. 2 to P. McIntosh August 21, 2007 deposition in McIntosh (SJ000368);
- D-7F Photos of McIntosh residence, Ex. 9 to T. McIntosh August 20, 2007 deposition (SJ000400 – SJ000405);
- D-7G Aerial photo of South Shore Drive (SJ000367);

¹ State Farm reserves the right to not offer or offer any particular listed exhibit. State Farm believes that – with the exception of Exhibit D-7H, which is a substitute map for the D-7H map previously physically produced to the Rigsbys – all Exhibits herein have been previously produced in this Action. However, State Farm is today producing them again, now identified by exhibit number.

- D-7H Map of South Shore Drive (SJ000406);
- D-8 Unsworn Declaration of Mike Church (SJ001374 – SJ001376);
- D-9 “Mike Church” Video 1 (SJ000407);
- D-10 “Mike Church” Video 2 (SJ000408);
- D-11 “Mike Church” Video 3 (SJ000409);
- D-12 Drawing of the McIntosh Residence Overall Perspective View (Front) (SJ001377);
- D-13 Drawing of the McIntosh Residence Overall Perspective View (Rear) (SJ001378);
- D-14 Drawing of the McIntosh Residence Overall Perspective View (Side) (SJ001379);
- D-15 Drawing of the McIntosh Residence Front Elevation (East) (SJ001380);
- D-16 Drawing of the McIntosh Residence Shear Wall Plan – Transverse (SJ001381);
- D-17 Drawing of the McIntosh Residence Shear Wall Plan – Longitudinal (SJ001382);
- D-18 Powerpoint slides “Water is More Powerful than Wind” (SJ001383 – SJ001387);
- D-19 FEMA 2005 Press Release, Ex. 2-A to K. Rigsby deposition dated April 30 – May 1, 2007 in *McIntosh* (SJ001388 – SJ001389);
- D-20 McVadon Spreadsheet of repair costs to the McIntosh residence dated October 15, 2007 (SJ001390 – SJ001397);
- D-21 [1312] Motion for Dismissal With Prejudice of All Extra-contractual and Punitive Damages Claims in *Thomas C. McIntosh and Pamela McIntosh v. State Farm Fire & Casualty Co., et al.*; in the United States District Court for the Southern District of Mississippi, Southern Division, no. 1:06cv1080-LTS-RHW;
- D-22 [1315] Order and Judgment of Dismissal of all extra-contractual and punitive damages claims in *Thomas C. McIntosh and Pamela McIntosh v. State Farm Fire & Casualty Co., et al.*; in the United States District Court for the Southern District of Mississippi, Southern Division, no. 1:06cv1080-LTS-RHW;
- D-23 All charts, diagrams and other media contained in or appended to the [275] April 20, 2009 Expert Report of Kurtis R. Gurley, Ph.D (previously provided);
- D-24 All charts, diagrams and other media contained in or appended to the [275] April 20, 2009 Expert Report of Robert G. Dean, Sc.D. (previously provided);

- D-25 All charts, diagrams and other media contained in or appended to the [275] April 20, 2009 Expert Report of Mark Watson, P.E., SECB (previously provided);
- D-26 All charts, diagrams and other media contained in or appended to the [275] April 20, 2009 Expert Report of Gary Dailey (previously provided);
- D-27 “Tommy Luke” Video;
- D-28 “Kevin Abraham” Video (copyrighted, Rigsbys must therefore purchase their own copy);
- D-29 “Battle at the Beachfront” Video (copyrighted, Rigsbys must therefore purchase their own copy);
- D-30 Settlement Agreement and Mutual Release in *E.A. Renfroe & Company, Inc. v. Cori Rigsby Moran and Kerri Rigsby* in the United States District Court Northern District of Alabama, Southern Division, no. 2:06-cv-1752-WMA (SJ001431 – SJ001440);
- D-31 Composite Photograph Exhibit With Orientation Key Page Created by John B. Kelly and Produced by FAEC (GBEO-Forensic-14 – GBEO-Forensic-45); and
- D-32 Affidavit of Paul O’Conner (with its Exhibit A) (previously produced by Haag Engineering, via e-mail on May 8, 2009).

This the 8th day of May, 2009.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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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 8th day of May, 2009.

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