

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

**STATE FARM FIRE AND CASUALTY COMPANY'S
NOTICE OF SUPPLEMENTAL EVIDENTIARY AND ISSUE SUBMISSION
BY MEANS OF ATTACHMENT TO [96] MOTION FOR SUMMARY JUDGMENT
ON RELATORS' CLAIM FOR RETALIATORY DISCHARGE**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company, incorrectly denominated in the First Amended Complaint as "State Farm Mutual Insurance Company" ("State Farm"), submits this Notice of Supplemental Evidentiary and Issue Submission by Means of Attachment to [96] Motion for Summary Judgment on Relators' Claim for Retaliatory Discharge. State Farm would show:

1. On June 18, 2009, this Court entered its [337] Order Granting Motion to Amend.
2. That same day, State Farm promptly filed its [338] First Amended Answer, Defenses and Counterclaim to Relators' Personal Claims in Relators' First Amended Complaint ("Amended Answer").
3. State Farm's Amended Answer pled a new affirmative defense, as follows:

SEVENTY-SECOND DEFENSE

The Rigsbys have released all claims against State Farm by virtue of their execution and delivery of that certain Settlement Agreement and Mutual Release dated as of April 21, 2009, a copy of which is attached as Exhibit "A."

([338] at 42.)

4. The Settlement Agreement and Mutual Release dated April 21, 2009 ("Rigsbys/Renfroe Settlement Agreement"), Exhibit A, is an additional basis for the summary judgment requested by State Farm in [96]; and further is one that has only recently arisen.

5. Pursuant to Fed. R. Civ. P. 7 & 56, State Farm formally associates the Rigsbys/Renfroe Settlement Agreement with [96] and supplements said motion with that agreement as an additional basis for the summary judgment requested therein.

6. Additionally, also pursuant to Fed. R. Civ. P. 7 & 56, as well as Miss. Unif. Dist. Ct. R. 7.2 and this Court's (5/22/2009 3:20 p.m. CM/ECF-text only Minute Entry), State Farm incorporates by reference in further support of [96]: [320]; [336]; its "Post-Summary Judgment Hearing Memorandum," which was e-mailed to the Court's Chambers e-mail address on June 8, 2009; as well as any forthcoming rebuttal served in reference to that submission.

WHEREFORE, PREMISES CONSIDERED, State Farm would show that for all the reasons set forth in [96] & [97], as well as those set forth and referenced herein, there is no genuine issue as to any material fact and State Farm is entitled to judgment as a matter of law on the Rigsbys' retaliatory discharge claims under 31 U.S.C. § 3730(h).

This the 18th day of June, 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)
E. Barney Robinson III (MSB # 09432)
Benjamin M. Watson (MSB # 100078)

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC
Post Office Drawer 4248
Gulfport, MS 39502
(P)(228) 575-3019
(E) bob.galloway@butlersnow.com

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC
17th Floor, Regions Plaza
Post Office Box 22567
Jackson, Mississippi 39225-2567
(P) (601) 948-5711
(F) (601) 985-4500
(E) jeff.walker@butlersnow.com
(E) barney.robinson@butlersnow.com
(E) ben.watson@butlersnow.com

Michael B. Beers (ASB-4992-S80M), PHV
BEERS, ANDERSON, JACKSON, PATTY & FAWAL, P.C.
Post Office Box 1988
Suite 100
250 Commerce Street (36104)
Montgomery, Alabama 36102
(P) (334) 834-5311
(F) (334) 834-5362
(E) mbeers@beersanderson.com

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:

C. Maison Heidelberg
Ginny Y. Kennedy
MAISON HEIDELBERG P.A.
795 Woodlands Parkway, Suite 220
Ridgeland, MS 39157
(P) (601) 351-3333
(F) (601) 956-2090
(E) maison@heidlebergpa.com

August J. Matteis, Jr.
Craig J. Litherland
Benjamin R. Davidson
GILBERT OSHINSKY LLP
11 New York Avenue, NW
Suite 700
Washington, DC 20005
(E) matteisa@gotofirm.com
(E) litherlandc@gotofirm.com
(E) davidsonb@gotofirm.com

COUNSEL FOR CORI RIGSBY AND KERRI RIGSBY

Jeffrey S. Bucholtz
Joyce R. Branda
Patricia R. Davis
Jay D. Majors
UNITED STATES DEPARTMENT OF JUSTICE
Civil Division
P.O. Box 261
Ben Franklin Station
Washington, DC 20044
(P) (202) 307-0264
(F) (202) 514-0280

Stan Harris
Alfred B. Jernigan, Jr.
Felicia C. Adams
UNITED STATES ATTORNEY'S OFFICE
Southern District of Mississippi
Suite 500
188 East Capitol Street
Jackson, MS 39201
(P) (601) 965-4480
(F) (601) 965-4409

ATTORNEYS FOR THE UNITED STATES

Larry G. Canada
Kathryn Breard Platt
GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH
701 Poydras Street
Suite 4040
New Orleans, LA 70139
(P) (504) 525-6802
(F) (504) 525-2456

ATTORNEYS FOR HAAG ENGINEERING CO.

Robert D. Gholson
Daniel D. Wallace
GHOLSON, BURSON, ENTREKIN & ORR, P.A.
535 North 5th Avenue (39440)
P.O. Box 1289
Laurel, MS 39441-1289
(P) (601) 649-4440
(F) (601) 649-4441

ATTORNEYS FOR FORENSIC ANALYSIS ENGINEERING CORPORATION

This the 18th day of June, 2009.

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