

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

JUDY M. GUICE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:06cv1 LTS-RHW

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY and
STATE FARM FIRE AND CASUALTY
COMPANY**

DEFENDANTS

**MOTION TO STRIKE ERRATA SHEET MAKING SUBSTANTIVE CHANGES TO
SWORN DEPOSITION TESTIMONY OF STEVE BURKE**

COMES NOW, the Plaintiff, by and through undersigned counsel of record, and submits this *Motion To Strike Errata Sheet Making Substantive Changes to Sworn Deposition Testimony of Steve Burke*, and, in support thereof, states as follows:

1. On January 12, 2007, Counsel for Plaintiff conducted the video deposition of State Farm employee Steve Burke [183], in which Burke gave sworn testimony as to his knowledge, involvement and duties regarding the Plaintiff and similarly situated State Farm insureds' claims arising from Hurricane Katrina. Said sworn deposition testimony involved his knowledge of State Farm's implementation of *post-Katrina* claims polices and procedures, to intentionally wrongfully deny the total loss claims of the Plaintiff, and similarly situated State Farm insureds in coastal Mississippi following Hurricane Katrina.

2. On or about February 19, 2007, Mr. Burke, by and through State Farm's attorneys, submitted a deposition Errata sheet, wherein Burke / State Farm is seeking to substantively change the sworn deposition testimony of Steve Burke. No justifiable reason was offered to support the *post-deposition* substantive changes to material testimony. The proffered Errata

sheet(s) are attached hereto as “Exhibit A”, *Errata Sheet to Steve Burke Deposition with highlighted excerpts from deposition transcript*; and “Exhibit B”, *Errata Sheet to Steve Burke Deposition with highlighted excerpts from deposition transcript (Portion Subject to Protective Order)*.

3. Rule 30(e) of the Federal Rules of Civil Procedure expressly requires a deponent seeking to change his testimony to “sign a statement reciting such changes and the reasons by the deponent for making them.” F.R.C.P. 30(e).

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, **if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them.** The officer shall indicate in the certificate prescribed by subdivision (f)(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

F.R.C.P. 30(e).

4. Burke / State Farm failed to provide, within the thirty (30) days set forth in Rule 30(e), the requisite reason or justification for substantially changing the sworn testimony of Steve Burke. Said deposition of Steve Burke was certified by the court reporter on January 22, 2007, allowing Burke / State Farm until February 24, 2007, to provide the requisite reason or justification for said changes. See Court Reporter’s Certification attached hereto as “Exhibit C”.

5. Plaintiff submits the proffered Errata sheets should be stricken for Burke / State Farm’s failure to comply with Rule 30(e) as set forth above. Moreover, review of a sampling of the proffered changes suggests an improper attempt, by State Farm, to alter substantive testimony to hide the truth, and to avoid liability for State Farm’s misconduct. The Plaintiff will only address changes to the portions of the deposition of Steve Burke not subject to a protective order in this Motion. Plaintiff feels it is vital the Court be made aware of the lengths State Farm is willing to go

to hide the truth surrounding its *post*-Katrina misconduct. Consider the following proffered changes:

a. Page 27, Line 13 of Exhibit A:

Q: And you have seen this on several occasions when the winds were no more than 50 to 70 miles an hour, correct?

A: Yes, sir.

Q: You've seen trees blown down, correct?

A: Yes, sir

Q: You've seen houses totally demolished, haven't you?

A: **Yes, sir** (Answer under oath on January 12, 2007) Page 27, Line 13

Q: And based on your experience, that, indeed, is the power of wind, isn't it?

A: Yes, sir.

State Farm changed answer for Page 27, Line 13: “*Yes, sir, but not by winds of 50-75 miles an hour.*”

b. Page 51, Line 15 of Exhibit A:

Q: You saw many circumstances where it was impossible to distinguish between the flood water and wind; isn't that true?

Q: Between the flood water and the winds, correct?

Q: You saw that, didn't you? Didn't you?

A: **Yes** (Answer under oath on January 12, 2007) Page 51, Line 15

State Farm changed answer for Page 51, Line 15: “*Yes, I saw some situations where it was impossible for me to tell whether the damage was from wind or from water or from both.*”

c. Page 176, Line 17 of Exhibit A:

Q: In other words, you reviewed the file on September 21 and you made a determination that there was a need for an engineer; isn't that true?

A: That's true.

Q: Because you could not determine the difference between the wind damage and the flood damage by looking at the file; isn't that true?

Q: Isn't that true?

A: **At this point, yes.** (Answer under oath on January 12, 2007) Page 176, Line 17.

State Farm changed answer for Page 176, Line 17: *"At this point, yes, and because the procedure at that time was to request an engineer's inspection on all foundation only claims."*

d. Page 183-184, Line 7 of Exhibit A:

Q: But, obviously, as of October 1, 2005, you could not make a determination in the difference between flood and wind-related damages and also Joe Caruso could not determine the difference between flood and wind related damages, correct?

A: **Yes.** (Answer given under oath on January 12, 2007) Page 184, Line 7

State Farm changed answer for Page 184, Line 7: *"Yes, it is true that from looking at the file I could not make that determination. I don't know whether Joe Caruso used the words in the form because he couldn't make that determination or just because that was standard language in requesting an engineer's inspection."*

e. Page 207, Line 20 of Exhibit A:

Q: Let me ask the question, yes or no. She didn't get it, did she?

Q: Did she?

Q: You can explain, but that called for a yes or no. She (Plaintiff) did not get a fair, through and timely investigation did she?

A: **I would say no.** (Answer under oath on January 12, 2007) Page 207, Line 20

State Farm changed answer for Page 207, Line 20: My understanding was that this question referred to my review of the activity log. Based on that understanding, correct answer is "*I cannot tell just from looking at the activity log whether she got such an investigation.*"

f. Page 216, Line 24 of Exhibit A:

Q: Today. You couldn't tell the sequence of when the wind got there and when the water got there, could you?

Q: Could you?

A: No.

Q: That would be an impossibility, based on your experience; isn't that true?

Q: Based on your experience, isn't that true?

A: **Yes** (Answer given under oath on January 12, 2007) Page 216, Line 24

State Farm changed answer for Page 216, Line 24: "*Yes, it would be an impossible for me.*"

g. Page 218, line 25 of Exhibit A:

Q: You can't tell that by looking at the claims files today whether or not Judy Guice's house was standing when the water got there, could you? Can you?

A: No.

Q: And you've had an opportunity to look at all these files, and you are totally satisfied, based on your experience of 29 years with State Farm and as a catastrophe team manager that you could not establish that today, could you?

Q: Could you?

A: That's correct.

Q: That's correct?

A: **Yes** (Answer given under oath on January 12, 2007) Page 218, Line 25

State Farm changed answer for Page 218, Line 25: “*Yes I could not tell today whether Judy Guice’s home was standing when the water got there by looking at the claims files.*”

6. State Farm should not be allowed to substantially change and/or alter the substance of Steve Burke's sworn deposition testimony without sound justification. It appears that, rather than make valid corrections, State Farm is attempting to change answers it does not like, or to conform with anticipated defense counsel strategy in defending State Farm's *post*-Katrina acts and omissions toward the Plaintiff and similarly situated State Farm insured's on the Mississippi Gulf Coast.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Court enter its Order GRANTING Plaintiff's *Motion to Strike Errata Sheet Substantive Changes to Sworn Deposition Testimony of Steve Burke*, STRIKING said Errata sheets, and granting any and all additional relief, in favor of the Plaintiff, deemed appropriate by this Honorable Court.

Respectfully submitted, this the 8th day of March, 2007.

JUDY M. GUICE, PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered with the Court, that I mailed by United States Postal Service “sealed” exhibits to all Counsel of Record and the Court, and that I mailed by U.S. Mail the document to the non-ECF participants. The following is a list of all counsel of record or parties regardless whether electronically notified by the Court or sent via U. S. Mail by this firm:

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This the 8th day of March, 2007.

By: *W. Corban Gunn*
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ERRATA SHEET TO STEVE BURKE DEPOSITION

Page/Line	Changes
21/21-22	The correct complete answer is ", after reviewing my records, that I worked four storms that were categorized as "wind/hail/tornado": in 1999 in Virginia, in 2000 in Illinois, in 2001 in Illinois and in 2002 in North Carolina. Only the 2001 storm in Illinois actually produced tornados to the best of my knowledge."
24/2-4	Correct answer is "Sometimes they are isolated; other times they cover miles."
27/13	Correct answer is "Yes, sir, but not by winds of 50-75 miles per hour."
51/15	Correct answer is "Yes, I saw some situations where it was impossible for me to tell whether the damage was from wind or from water or from both."
93/20-21	Correct answer is "In the flood file we recognized that the home was a total loss due to flood."
176/17	Correct answer is "At this point, yes, and because the procedure at that time was to request an engineer's inspection on all foundation only claims."
184/7	Correct answer is "Yes, it's true that from looking at the file I could not make that determination. I don't know whether Joe Caruso used those words in the form because he couldn't make that determination or just because that was standard language in requesting an engineer's inspection."
187/6	"This is a short brief" should be "This is a short note."
194/25 - 195/1	"He is my trainer who I supervised on this file."
207/20	My understanding was that this question referred to my review of the activity log. Based on that understanding, correct answer is "I cannot tell just from looking at the activity log whether she got such an investigation."
216/24	Correct answer is "Yes, it would be impossible for me."
218/25	Correct answer is "Yes, I could not tell today whether Judy Guice's home was standing when the water got there just by looking at the claims files."

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1 Q. Have you ever flown in a helicopter
2 over the damage?
3 A. No, sir.
4 Q. Would you receive aerial photographs
5 or see aerial photographs of the damage on
6 TV?
7 A. No, sir. I don't recall.
8 Q. Have you ever seen any tornado
9 damage from the air?
10 A. No, sir.
11 Q. You've not received that in any of
12 your training?
13 A. No, sir.
14 Q. You've never looked at damage on TV
15 or in a magazine or in a newspaper or in
16 your training with State Farm aerial shots
17 of tornado damage?
18 A. I've seen pictures.
19 Q. Okay. So you have seen aerial shots
20 of tornado damage during your career with
21 State Farm, correct?
22 MR. GALLOWAY:
23 I object to the form of the
24 question.
25 MR. CLYDE GUNN:

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1 Q. Correct?
2 A. Yes.
3 Q. How many times?
4 MR. GALLOWAY:
5 Object to the form of the question.
6 It's --
7 MR. CLYDE GUNN:
8 I'll restate it.
9 MR. GALLOWAY:
10 It's not clear whether you are
11 talking about in connection with his work
12 or--
13 MR. CLYDE GUNN:
14 You've got your record. Don't make
15 a speech, Bob. Tell me --
16 MR. GALLOWAY:
17 Wait a minute, counsel. I'll make
18 my objections in the way that I want to.
19 Let's don't get off on the wrong foot.
20 MR. CLYDE GUNN:
21 You are getting off on the wrong
22 foot. You know, you are making an improper
23 objection, and you know it, and I'm not
24 going to tolerate it. You might get away
25 with that kind of stuff with some people,

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1 but not me, Bob, and I don't think you'll
2 get away with it with this judge. Now, I
3 told you I'd restate the question. Your
4 objection was to form and that's all you
5 need to say.
6 Q. Now, Mr. Burke, have you seen aerial
7 photographs of tornado damage since you've
8 been working for State Farm?
9 A. Yes.
10 MR. GALLOWAY:
11 Object to the form of the question.
12 MR. CLYDE GUNN:
13 What's wrong with the form?
14 MR. GALLOWAY:
15 It's not clear as to whether you are
16 talking about in connection with his work or
17 just seeing them on TV.
18 MR. CLYDE GUNN:
19 I didn't ask him whether or not it
20 was in connection. I just asked him whether
21 or not he'd seen them. And I'll get him to
22 answer both of those for you. Okay?
23 Q. Have you seen aerial photographs of
24 tornado damage in connection with your work?
25 A. Yes, sir.

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1 Q. Have you seen aerial photographs of
2 tornado damage on TV?
3 A. Yes, sir.
4 Q. You watch the news, don't you?
5 A. Yes, sir.
6 Q. You've personally seen the kind of
7 destruction that tornados make, correct?
8 A. Yes, sir.
9 Q. You've been down at ground zero
10 observing tornado damage, haven't you?
11 A. Yes, sir.
12 Q. And you've personally been a claims
13 team manager adjusting tornado claims,
14 correct?
15 A. Yes, sir.
16 Q. What years were you investigating
17 tornado damages in North Carolina? You told
18 me you've investigated two. And give me --
19 and, again, your best estimate will be fine
20 here.
21 A. It would be approximately around
22 2000, 2001, in those years.
23 Q. Both of them within about a two-year
24 time period?
25 A. Yes, sir.

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<p>1 Q. What about the one in Virginia?</p> <p>2 Approximately when was that?</p> <p>3 A. Probably 1999.</p> <p>4 Q. And the one in Illinois?</p> <p>5 A. 2002.</p> <p>6 Q. Tell me about wind catastrophes</p> <p>7 where you have served as a claims team</p> <p>8 manager. How many different wind</p> <p>9 catastrophes have you been to?</p> <p>10 A. I don't recall.</p> <p>11 Q. Several?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And explain to me what a wind</p> <p>14 catastrophe is, separate and apart from a</p> <p>15 tornado and a hurricane.</p> <p>16 A. A wind catastrophe is minor to</p> <p>17 severe damage, where shingles are blown off,</p> <p>18 roofs can be blown off, siding can be blown</p> <p>19 off, windows can be knocked out, and that's</p> <p>20 the -- trees can be blown onto homes.</p> <p>21 Q. And what part of the country do</p> <p>22 these wind catastrophes normally hit that</p> <p>23 you have worked?</p> <p>24 A. Midwest to the east coast.</p> <p>25 Q. From the Midwest to the east coast,</p>	<p>1 area in a community?</p> <p>2 A. They're isolated. If they're</p> <p>3 inland, if they're on the coast, it could be</p> <p>4 -- it could be miles.</p> <p>5 Q. Okay. If they're on the coast, it</p> <p>6 could be miles?</p> <p>7 A. Yes.</p> <p>8 Q. You are talking about at the east</p> <p>9 coast?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Are we talking about winds blowing</p> <p>12 off of the Atlantic?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Does that phenomenon have a name</p> <p>15 that you know of, like a great northerner or</p> <p>16 something like that?</p> <p>17 A. I don't know.</p> <p>18 Q. So you've worked wind catastrophes</p> <p>19 along the Atlantic coast?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What states have you worked wind</p> <p>22 catastrophes?</p> <p>23 A. South Carolina, North Carolina,</p> <p>24 Virginia, Florida.</p> <p>25 Q. But these were not named hurricanes</p>
<p>Page 23</p> <p>1 what you are talking about -- are you</p> <p>2 talking about events that are separate and</p> <p>3 apart from tornados and hurricanes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Is there a particular time of year</p> <p>6 that the wind catastrophes are more</p> <p>7 prevalent?</p> <p>8 A. It used to be predictable. It's</p> <p>9 around May and June.</p> <p>10 Q. During thunderstorm times?</p> <p>11 A. Yes, sir.</p> <p>12 Q. When you go work a wind catastrophe</p> <p>13 -- and I've never been in a situation like</p> <p>14 that. I've been to the Midwest, I've been</p> <p>15 up to the east coast, but I've never lived</p> <p>16 in either place. And you have a wind</p> <p>17 catastrophe, based on your experience, about</p> <p>18 what area would these -- what size area</p> <p>19 would these wind catastrophes hit?</p> <p>20 A. Size like in miles or --</p> <p>21 Q. Yes, but let's just -- size, like in</p> <p>22 the size of a 20 square mile county or are</p> <p>23 we talking about size like in -- over an</p> <p>24 area of 100 square miles, or maybe</p> <p>25 concentrated to just an area of -- one-mile</p>	<p>Page 25</p> <p>1 or tropical storms that you were working,</p> <p>2 correct? And I don't want to put words in</p> <p>3 your mouth. I'm asking you for things</p> <p>4 separate and apart from tropical storms</p> <p>5 right now. I'm asking you about wind</p> <p>6 catastrophes.</p> <p>7 A. Okay. Virginia and North Carolina,</p> <p>8 those two states.</p> <p>9 Q. Okay. On the tornados that you've</p> <p>10 worked as a claims team manager, would you</p> <p>11 get reports about how high the winds were</p> <p>12 when you would go work those?</p> <p>13 A. No.</p> <p>14 Q. When you go to wind catastrophes, do</p> <p>15 you get reports of about how high the winds</p> <p>16 were?</p> <p>17 A. No.</p> <p>18 Q. Are we talking about 50 mile an hour</p> <p>19 winds or 60 mile an hour winds?</p> <p>20 A. We're in that vicinity, between 50</p> <p>21 and 70.</p> <p>22 Q. Between 50 and 70 miles an hour is</p> <p>23 sort of a range that you all would call a</p> <p>24 wind catastrophe?</p> <p>25 A. Yes, sir.</p>

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1 Q. And these wind catastrophes that
 2 you've told us generally occur in the
 3 Midwest and across the United States to the
 4 east coast can cause anywhere from a minor
 5 to severe damage to homes?
 6 A. Yes, sir.
 7 Q. And some of that damage may include
 8 tearing the roofs off of homes?
 9 A. Yes, sir.
 10 Q. And when somebody's home -- when the
 11 roof is torn off the home, the home is
 12 substantially damaged or destroyed, correct?
 13 A. Yes.
 14 MR. GALLOWAY:
 15 Object to the form of the question.
 16 MR. CLYDE GUNN:
 17 Q. You have seen total economic losses,
 18 in your experience, when the roof has been
 19 blown off the home in a wind storm
 20 catastrophe, correct?
 21 MR. GALLOWAY:
 22 Object to the form of the question.
 23 MR. CLYDE GUNN:
 24 Q. Correct? He's just objecting.
 25 A. Yes.

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1 Q. And you've seen this on several
 2 occasions when the winds were no more than
 3 50 to 70 miles an hour, correct?
 4 A. Yes, sir.
 5 Q. You've seen trees blown down,
 6 correct?
 7 A. Yes, sir.
 8 Q. You've seen roofs blown off of
 9 houses?
 10 A. Yes, sir.
 11 Q. You've seen houses totally
 12 demolished, haven't you?
 13 A. Yes, sir.
 14 Q. And based on your experience, that,
 15 indeed, is the power of wind, isn't it?
 16 A. Yes, sir.
 17 Q. I asked you about some wind storms
 18 that you worked on the east coast and I'm
 19 kind of curious about -- let's move towards
 20 the Midwest. Tell me what states you've
 21 worked them in the Midwest.
 22 A. Oklahoma, Texas.
 23 Q. How many times in Oklahoma?
 24 A. Many times.
 25 Q. In other words, that's almost an

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1 annual event in Oklahoma?
 2 A. Yes, sir.
 3 MR. GALLOWAY:
 4 Let me ask for clarification. Are
 5 you asking still just as a cat team manager
 6 or are you asking during his entire career?
 7 MR. CLYDE GUNN:
 8 I'm talking about as a cat team
 9 manager right now, in the past -- which
 10 would be for a period of time from, what,
 11 1987 to present.
 12 Q. Have you been -- you are a claims
 13 team manager, correct?
 14 A. Yes, sir.
 15 Q. How long have you been a cat team
 16 manager? Or, excuse me, what's the
 17 difference between a claims team manager and
 18 a cat team manager?
 19 A. A cat team manager works for the
 20 catastrophe department. Claims team manager
 21 could work for the region.
 22 Q. How long have you been a cat team
 23 manager?
 24 A. Since 1999.
 25 Q. And how long -- but you've been a

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1 claims team manager since 1987, correct?
 2 A. Yes, sir.
 3 Q. Working as a cat team manager, a
 4 catastrophe team manager since 1999, how
 5 many windstorms, windstorm catastrophes have
 6 you worked in the Midwest part of the United
 7 States?
 8 A. I'd say four.
 9 Q. Total?
 10 A. Yes.
 11 Q. How many windstorm catastrophes have
 12 you worked all total, whether it was as a
 13 claims representative or a claims team
 14 manager or a catastrophe teams manager?
 15 A. I don't recall.
 16 Q. It's been a large number, hasn't it?
 17 A. I would say large.
 18 Q. You, working on behalf of State
 19 Farm, whether it was as a claims
 20 representative or claims team manager or
 21 catastrophe team manager have worked a large
 22 number of wind catastrophes in the midwest
 23 part of the United States, correct?
 24 A. Correct.
 25 Q. And you cannot recall what that

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1 correct?
2 A. I don't recall.
3 Q. You don't remember whether or not
4 you were on a catastrophe team following
5 Hurricane Katrina?
6 A. I was.
7 MR. GALLOWAY:
8 Object to the form of the question.
9 MR. CLYDE GUNN:
10 Q. Did the catastrophe teams that you
11 were a part of following Hurricane Katrina
12 deny homeowners claims?
13 A. I only know what I did.
14 Q. What did you do?
15 A. We handled losses down there.
16 Q. You saw people lost their -- you saw
17 people that had substantial losses following
18 Hurricane Katrina, didn't you?
19 A. Yes.
20 Q. You saw people that had substantial
21 wind losses following Hurricane Katrina,
22 didn't you?
23 A. Yes.
24 Q. And you saw some water damage,
25 didn't you?

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1 A. Yes.
2 Q. You saw many circumstances where it
3 was impossible to distinguish between the
4 flood water and wind water; isn't that true?
5 MR. GALLOWAY:
6 Object to the form of the question.
7 MR. CLYDE GUNN:
8 Q. Between the flood water and the
9 winds, correct?
10 MR. GALLOWAY:
11 Object to the form of the question.
12 MR. CLYDE GUNN:
13 Q. You saw that, didn't you? Didn't
14 you?
15 A. Yes.
16 Q. Have you been subpoenaed to appear
17 before the Grand jury?
18 MR. GALLOWAY:
19 I object and instruct the witness he
20 doesn't have to answer that question.
21 That's not relevant.
22 MR. CLYDE GUNN:
23 I think he does have to answer the
24 question.
25 MR. GALLOWAY:

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1 But he's not going to.
2 MR. CLYDE GUNN:
3 Well, we asked the same question of
4 mister -- Mr. Defendant is what I call them
5 all. I can't remember.
6 Q. Have you been subpoenaed to appear
7 before the Grand Jury?
8 MR. GALLOWAY:
9 Don't answer that question. It's
10 not relevant.
11 MR. CLYDE GUNN:
12 Q. Are you going to take his
13 instruction on that?
14 A. Yes, sir.
15 Q. Have you had documents subpoenaed by
16 either the federal or state investigators in
17 conjunction with the investigation following
18 Hurricane Katrina?
19 MR. GALLOWAY:
20 Same objection and the same
21 instruction that you don't have to answer.
22 MR. CLYDE GUNN:
23 What's the basis of your
24 instruction? What's the basis of your
25 instruction? I'm entitled to know which one

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1 of these people have been subpoenaed before
2 the Grand Jury. I think it's calculated to
3 lead to the discovery of admissible
4 evidence.
5 MR. GALLOWAY:
6 Well, in my opinion, it's not
7 relevant. Also, anything in connection with
8 any criminal or Grand Jury investigations is
9 confidential, according to my understanding,
10 and those are my directions to the witness,
11 not to discuss those subjects.
12 MR. CLYDE GUNN:
13 Well, the question is not whether or
14 not it's relevant because you don't get to
15 make that call. The question is whether
16 it's calculated to lead to the discovery of
17 admissible evidence, and you are instructing
18 this witness at your own peril. But my
19 question is very clear. I want to know
20 whether or not this witness, who
21 participated in the claim of Judy Guice, has
22 been subpoenaed to appear before any Grand
23 Jury.
24 MR. GALLOWAY:
25 I instructed the witness not to

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1 A. The report was filled out by the
2 claim rep. From there, it was supposed to
3 go to the team manager for approval and
4 sign-off, and then that copy was sent to
5 David Haddock.
6 Q. Did you ever sign -- was there a
7 Request For Engineer filled out by a claim
8 rep, Joe Caruso, on Judy Guice's claim?
9 A. I saw one in the flood file.
10 Q. Did you approve it?
11 A. No, I didn't.
12 Q. Why not?
13 A. I was never involved with that file.
14 Q. Did you -- are you saying you never
15 approved it because you were never involved
16 with the file?
17 A. Yes, sir. I never saw the file.
18 Q. Who was the team manager at the
19 time?
20 A. I was the team manager at the time,
21 but I had a trainer, and the trainer was
22 assisting me and the trainer handled the
23 flood file.
24 Q. Who was the trainer?
25 A. Bruce O'Neal.

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1 Q. Well, would trainers sign off on the
2 engineering request forms?
3 A. On that one, the trainer did. They
4 had authority to also assist the team
5 manager.
6 Q. Did Bruce O'Neal sign off on Judy
7 Guice's engineering request form?
8 A. No, he did not.
9 Q. Why not?
10 A. I don't know.
11 Q. Did it just slip through the cracks?
12 A. I don't know.
13 Q. Didn't Joe Caruso say on his
14 engineering request form that he couldn't
15 distinguish between wind and water?
16 MR. GALLOWAY:
17 Object to the form of the question.
18 The document speaks for itself as to what it
19 says.
20 MR. CLYDE GUNN:
21 Q. Didn't it?
22 MR. GALLOWAY:
23 If you recall what it says.
24 MR. CLYDE GUNN:
25 Q. Didn't it? You can answer.

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1 MR. GALLOWAY:
2 If he knows the answer.
3 A. Yes.
4 MR. CLYDE GUNN:
5 Q. Because Joe Caruso couldn't make the
6 determination, could he?
7 MR. GALLOWAY:
8 Object to the form of the question.
9 MR. CLYDE GUNN:
10 Q. Could he?
11 A. That's what the request says.
12 Q. Yet, the request never was signed
13 off by a team manager, correct?
14 A. That's correct.
15 Q. Can you take a look at the Judy
16 Guice claim file today?
17 A. On the flood file?
18 Q. Whether flood or homeowner file.
19 MR. GALLOWAY:
20 Listen to his question.
21 MR. CLYDE GUNN:
22 Q. Listen to my question. Have you
23 looked at the homeowner file today?
24 A. No.
25 Q. Have you looked at the flood file

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1 today?
2 A. No.
3 Q. Have you looked at either one of
4 them in preparation for your testimony?
5 A. Yes.
6 Q. Which one is the Engineer Request
7 Form contained in?
8 A. The flood file.
9 Q. What all did you review in the flood
10 file?
11 A. I reviewed it from top to bottom.
12 Q. And, as you sit here today, based on
13 your review of the flood file, can you tell
14 me what part of Judy Guice's damages were
15 caused by wind and what part of her damages
16 were caused by flood?
17 A. You are talking about the flood
18 file?
19 Q. Yes, sir.
20 A. The flood file was totalled -- the
21 home was totalled by the flood.
22 Q. Excuse me?
23 A. The home was totalled by the flood,
24 from the flood file.
25 Q. My question is, can you make a

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1 file, correct?
 2 A. Yes.
 3 Q. You will notice that each one of
 4 these pages has a Bates stamp number down in
 5 the right-hand corner. Do you see that?
 6 A. Yes, sir.
 7 Q. All right. Turn to Page 138.
 8 Excuse me, Page 38.
 9 A. Okay.
 10 Q. Have you got it there in front of
 11 you?
 12 A. Yes, sir.
 13 Q. Now, the way these things, these
 14 files are set up is they kind of go from
 15 back to front on the date of the activity
 16 logs, correct?
 17 A. Correct.
 18 Q. So take a look at Entry Number 13,
 19 up toward the top.
 20 A. Yes.
 21 Q. Do you see that?
 22 A. Yes, sir.
 23 Q. And it's an entry that maybe is made
 24 by Joe Caruso on the 18th of September,
 25 2005?

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1 A. Yes.
 2 Q. And it says, claim rep inspect this
 3 loss on September 12th, 2005, or 9/12/05
 4 with the flood policy, and it gives the
 5 policy number. "The risk has the pylons
 6 left only and the slab to the detached
 7 garage. On 9/17/05 met with insured at the
 8 catastrophe office and advanced \$6,000
 9 against ALE." Do you see that?
 10 A. Yes, sir.
 11 Q. And then three days later, on
 12 September 21st, 2005, at Entry Number 14, we
 13 see your name, and there's an entry by Steve
 14 Burke, correct?
 15 A. Correct.
 16 Q. Did you actually input this message?
 17 A. Yes, I did.
 18 Q. So you say OFR. What is OFR?
 19 A. I'm doing an open file review,
 20 electronically open file review.
 21 Q. Okay. And you put a notation in
 22 there to please be sure to mention ALE
 23 letter given to insured, request engineer is
 24 needed, correct?
 25 A. Correct.

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1 Q. In other words, you reviewed the
 2 file on September 21 and you made a
 3 determination that there was a need for an
 4 engineer; isn't that true?
 5 A. That's true.
 6 MR. GALLOWAY:
 7 Object to the form of the question.
 8 MR. CLYDE GUNN:
 9 Q. Because you could not determine the
 10 difference between the wind damage and the
 11 flood damage by looking at the file; isn't
 12 that true?
 13 MR. GALLOWAY:
 14 Object to the form of the question.
 15 MR. CLYDE GUNN:
 16 Q. Isn't that true?
 17 A. At this point, yes.
 18 Q. And so you suggested that an
 19 engineer be requested based on your review
 20 of the file on September 21, 2005, correct?
 21 A. Yes.
 22 MR. GALLOWAY:
 23 Same objection.
 24 MR. CLYDE GUNN:
 25 Q. Now, looking back over in Exhibit

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1 135, just turn back to your left, please,
 2 sir, and take a look at Page 23.
 3 A. On 35, you say?
 4 Q. Yes, sir, 135 at Page 00023. Have
 5 you got that?
 6 A. Yes.
 7 Q. You said, on your open file review,
 8 back at 136, "Please be sure to mention ALE
 9 letter given to insured." Now, at Page 23
 10 in Exhibit 135, is this the ALE letter that
 11 you are referring to?
 12 A. Yes.
 13 Q. Okay. So what was your message to
 14 the claim rep; just to make sure that he
 15 entered -- made an entry in here that the
 16 ALE letter had, indeed, been given to the
 17 insured? Was that the basis of your
 18 notation there?
 19 A. The basis of my notation there is
 20 that I realized that he advanced \$6,000 to
 21 the insured, and I wanted to make sure that
 22 the insured had this letter, also.
 23 Q. And so this is the letter that you
 24 are referring to, correct?
 25 A. Yes, I am.

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1 Q. It might be spelled wrong, but you
2 told me earlier that you were not the team
3 manager, didn't you?
4 MR. GALLOWAY:
5 Object to the form of the question.
6 MR. CLYDE GUNN:
7 Q. Were you the team manager on this
8 file?
9 A. On the flood file, yes, I was.
10 Q. Were you the team manager on the
11 homeowner file?
12 A. At one point, until I left, and then
13 it was turned over to a new team manager.
14 Q. So, indeed, you were the team
15 manager on the Judy Guice file, whether it
16 was flood or wind at some point, correct?
17 A. Correct.
18 Q. And did you follow some sort of
19 procedure where you would initial or sign
20 off or approve or pass on this Request For
21 Engineer form?
22 MR. GALLOWAY:
23 Object to the form of the question.
24 A. Yes, I did.
25 MR. CLYDE GUNN:

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1 Q. Did you do it?
2 A. I never saw this engineer's report.
3 Q. You say you never saw it. This is
4 not an engineer report. This is a Request
5 For Engineer. Are you saying you never saw
6 it?
7 A. I never saw this engineer request.
8 Q. Well, you've seen it before today,
9 correct?
10 A. Now, I have. Well, yes.
11 Q. Can you tell us whether or not it
12 ever got to David Haddock before a
13 determination was made to cancel engineering
14 requests?
15 MR. GALLOWAY:
16 Object to the form of the question.
17 A. No, I cannot.
18 MR. CLYDE GUNN:
19 Q. The file doesn't reflect that, does
20 it?
21 A. No, it doesn't.
22 Q. But, obviously, as of October 1,
23 2005, you could not make a determination in
24 the difference between flood and
25 wind-related damages and also Joe Caruso

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1 could not determine the difference between
2 flood and wind-related damages, correct?
3 MR. GALLOWAY:
4 Object to the form of the question.
5 MR. CLYDE GUNN:
6 Q. Correct?
7 A. Yes.
8 Q. And there's nothing in the file --
9 and I'm asking you this based on your review
10 because I'm trying to save time. Based on
11 your review in preparation for your
12 deposition today, there's nothing in the
13 file to reflect that anybody ever made a
14 determination between the wind damage and
15 the flood damage, correct?
16 MR. GALLOWAY:
17 Object to the form of the question.
18 MR. CLYDE GUNN:
19 Q. Correct?
20 A. I don't know.
21 Q. You looked at the file, didn't you?
22 A. Yes. While I was managing, I did.
23 Q. When you were preparing for this
24 deposition, you looked at the files,
25 correct?

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1 A. Right.
2 Q. And you didn't see anything in the
3 files that reflected that anybody ever made
4 a determination or -- of the difference
5 between the flood damage and the water
6 damage on the Judy Guice claim, correct?
7 MR. GALLOWAY:
8 The file speaks for itself.
9 MR. CLYDE GUNN:
10 Q. Correct?
11 A. Not while I was in the file. After
12 it left me, I don't know. I can't tell. I
13 can't speak for them.
14 Q. Well, what I'm asking you is, based
15 on your review of the files in preparation
16 for your testimony here today, did you see
17 anything in the files to indicate to you
18 that anybody ever made a determination of
19 the difference between wind damage and flood
20 damage on the Judy Guice claims?
21 MR. GALLOWAY:
22 Same objection.
23 MR. CLYDE GUNN:
24 Q. That's all I'm asking you. Did you
25 see anything?

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1 Q. "... from insured. Applied
 2 depreciation. Both the dwelling and content
 3 ACV..." that's actual cash value losses,
 4 "... exceeded policy limits. Request final
 5 authority of policy limits in the amount of
 6 \$327,300 less prior payment of \$2,500.
 7 Request additional authority of..." and it's
 8 got some amounts there? Do you see that?
 9 A. Yes, sir.
 10 Q. And then it also says, "Also request
 11 to have an engineer to be assigned to
 12 determine the damage between wind and
 13 flood-related damages." Do you see that?
 14 A. Yes, sir.
 15 Q. So this is another entry in the Judy
 16 Guice files indicating that a request has
 17 been made for an engineer to determine the
 18 damage between -- the difference in the
 19 damage between wind and flood-related
 20 damages, correct?
 21 A. Yes.
 22 Q. Now, on September 24, 2005, there's
 23 an entry by somebody named Bruce O'Neal.
 24 Who is Bruce O'Neal?
 25 A. He is my trainer who supervised me

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1 under this file.
 2 Q. And it says, "Reviewed file. Okay
 3 to issue drafts. Payment amount above my
 4 authority. Steve will need authority on
 5 this one." Is he referring to you?
 6 A. Yes.
 7 Q. So you had another opportunity to
 8 look at the Judy Guice file, correct?
 9 MR. GALLOWAY:
 10 Object to the form of the question.
 11 MR. CLYDE GUNN:
 12 Q. Correct?
 13 A. Yes.
 14 Q. And look over at the next page,
 15 which is Page 45, coming forward. On
 16 October 6th, 2005, you made an entry,
 17 "Reviewed file. Okay to close." Correct?
 18 A. Yes.
 19 Q. And you made an entry there okay to
 20 close the file when you knew the engineering
 21 request form had not been forwarded and
 22 there was -- and no determination had been
 23 made about the difference between the water
 24 damage versus the wind damage, correct?
 25 MR. GALLOWAY:

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1 Object to the form of the question.
 2 MR. CLYDE GUNN:
 3 Q. Correct?
 4 A. No.
 5 Q. Well, you had the file right there
 6 in front of you, didn't you?
 7 A. I had the file in front of me, yes.
 8 Q. You had every opportunity to look at
 9 it, didn't you?
 10 A. I did.
 11 Q. And you've already seen where you
 12 were aware of the impending Request For
 13 Engineer, correct?
 14 A. I never saw that.
 15 Q. You didn't look, did you?
 16 A. I never saw it.
 17 Q. You never looked. It was in there,
 18 wasn't it?
 19 A. I don't know.
 20 Q. It was there, wasn't it?
 21 A. I don't recall.
 22 Q. Well, this is October 6th, 2005,
 23 correct?
 24 A. Correct.
 25 Q. We've already looked at both those

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1 -- at least two entries where you -- you
 2 don't recall today, but we've looked at at
 3 least two entries where you personally were
 4 aware of a request for engineer, correct?
 5 A. Correct.
 6 Q. Take a look at Page 44, coming
 7 forward, please, sir. On 10/18, this is
 8 after you had indicated it was okay to close
 9 the file, Entry Number 27, Joe Caruso
 10 received call from insured -- that's Judy
 11 Guice -- inquiring about the engineer's
 12 report. And on that date, it appears that
 13 Joe Caruso advised that the claim rep has
 14 not received it as of this date, correct?
 15 A. Right.
 16 Q. You didn't tell her that you all had
 17 cancelled them and she wasn't going to get
 18 it, did he? Did he?
 19 MR. GALLOWAY:
 20 Object to the form of the question.
 21 A. I can't tell.
 22 MR. CLYDE GUNN:
 23 Q. The file doesn't reflect that, does
 24 it?
 25 A. No.

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1 A. Well, it was typed on 10/1, and that
 2 weekend, I went home for the weekend, so I
 3 wasn't in town to even see that report on
 4 10/1. So somewhere along the line, Bruce,
 5 if it was typed in the file, he would have
 6 forwarded it on to me when I got back.
 7 Q. Well, was it put in a basket at your
 8 desk?
 9 A. It should have been or clipped to
 10 the outside of the file when he closed it.
 11 Q. And are you saying that you never
 12 saw it or are you the one that dropped it
 13 through the cracks?
 14 A. I never saw it.
 15 Q. That's not Judy Guice's fault, is
 16 it?
 17 A. No, it's not.
 18 Q. Judy Guice was entitled to a fair
 19 and thorough and timely investigation of her
 20 claim, wasn't she?
 21 A. That's correct.
 22 MR. GALLOWAY:
 23 Object to the form of the question.
 24 MR. CLYDE GUNN:
 25 Q. She didn't get it, did she?

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1 MR. GALLOWAY:
 2 Object to the form of the question.
 3 MR. CLYDE GUNN:
 4 Q. Did she?
 5 A. There were a lot of --
 6 Q. Let me ask the question, yes or no.
 7 She didn't get it, did she?
 8 MR. GALLOWAY:
 9 Object to the form of the question.
 10 MR. CLYDE GUNN:
 11 Q. Did she?
 12 MR. GALLOWAY:
 13 Same objection.
 14 MR. CLYDE GUNN:
 15 Q. You can explain, but that called for
 16 a yes or no. She did not get a fair,
 17 thorough and timely investigation, did she?
 18 MR. GALLOWAY:
 19 Object to the form of the question.
 20 A. I would say no.
 21 MR. CLYDE GUNN:
 22 Let's take a break for just a
 23 minute, please.
 24 (Off the record.)
 25 MR. GALLOWAY:

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1 By agreement, we're going to
 2 substitute a replacement page in Exhibit
 3 222, and the page number that we're
 4 substituting is 3727. The page that's being
 5 substituted is redacted everything above the
 6 line that's got -- this is part of the
 7 August 2005 calendar, and we're redacting
 8 everything except the block for August 31st
 9 and the things to do category out beside
 10 that, and we're removing the other Page 3727
 11 that's got information about earlier dates
 12 in August, due to the witness's testimony
 13 that he was not contacted about going to
 14 work on Katrina claims until August 30th.
 15 Thank you, Mr. Gunn, for that
 16 agreement.
 17 MR. CLYDE GUNN:
 18 I agree.
 19 (Off the record.)
 20 MR. CLYDE GUNN:
 21 Q. Mr. Burke, you told me earlier
 22 today, when we started this deposition, that
 23 some of the catastrophes that you, as a team
 24 manager, have to be called out to on a
 25 fairly regular basis are windstorms,

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1 correct?
 2 A. Right.
 3 Q. And you've told us that these
 4 windstorms, which occur primarily in the
 5 Midwestern part of the United States, across
 6 to the east coast, primarily occur in the
 7 spring of the year when the thunderstorm
 8 activity is so high?
 9 A. That's correct.
 10 Q. So it may be a wind event that is
 11 not actually a tornado, correct?
 12 A. Correct.
 13 Q. And on those situations, it's been
 14 your experience that you all have three
 15 severity codes, Severity Code 1, 2, 3,
 16 correct?
 17 A. Yes.
 18 Q. And Severity Code 1 is where the
 19 houses are uninhabitable, correct?
 20 A. Yes.
 21 Q. And that's where they've received so
 22 much damage that it's unsafe or unhealthy to
 23 live in the house, correct?
 24 A. Yes.
 25 Q. And they get the top priority,

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1 Object to the form of the question.
 2 MR. CLYDE GUNN:
 3 Q. To the extent that some houses were
 4 gone, some houses were standing, correct?
 5 MR. GALLOWAY:
 6 Same objection.
 7 A. Yes.
 8 MR. CLYDE GUNN:
 9 Q. Moreover, some trees are gone and
 10 some trees are standing, correct?
 11 MR. GALLOWAY:
 12 The photo shows what it shows about
 13 trees.
 14 MR. CLYDE GUNN:
 15 Q. Correct? Correct? Correct?
 16 A. Yes.
 17 Q. And these are the same type or
 18 similar indicators that you see when you see
 19 the results of severe tornadic activity in
 20 the Midwest, correct?
 21 MR. GALLOWAY:
 22 Object to the form of the question.
 23 MR. CLYDE GUNN:
 24 Q. Correct?
 25 A. Yes.

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1 Q. Thank you. Now, if you went out to
 2 Ms. Guice's property today -- I believe you
 3 told me earlier that you haven't been there
 4 before, have you?
 5 A. That's correct.
 6 Q. But if you went out to her property
 7 today and stood out on her slab, here it is,
 8 a year-and-a-half after Hurricane Katrina,
 9 you could not tell or prove what caused the
 10 loss; isn't that true?
 11 MR. GALLOWAY:
 12 I object to the form of the
 13 question.
 14 MR. CLYDE GUNN:
 15 Q. Isn't that true?
 16 A. We could tell that there was
 17 flooding involved with her house, but no
 18 wind.
 19 Q. You couldn't tell that there was no
 20 wind there, could you?
 21 A. That's correct.
 22 Q. And you couldn't tell what the
 23 sequence was of what time the wind got there
 24 and what time the water that got there,
 25 could you?

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1 MR. GALLOWAY:
 2 Object to the form of the question.
 3 MR. CLYDE GUNN:
 4 Q. Could you?
 5 MR. GALLOWAY:
 6 Are you asking him just by going and
 7 standing on the slab?
 8 MR. CLYDE GUNN:
 9 Q. Today. You couldn't tell the
 10 sequence of when the wind got there and when
 11 the water got there, could you?
 12 MR. GALLOWAY:
 13 Object to the form of the question.
 14 MR. CLYDE GUNN:
 15 Q. Could you?
 16 A. No.
 17 Q. That would be an impossibility,
 18 based on your experience; isn't that true?
 19 MR. GALLOWAY:
 20 Object to the form of the question.
 21 MR. CLYDE GUNN:
 22 Q. Based on your experience, isn't that
 23 true?
 24 A. Yes.
 25 Q. And even if you took a claim file

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1 out there and stood out there on her
 2 property today and whatever information is
 3 in the claim file, you still couldn't prove
 4 what caused the loss, could you?
 5 MR. GALLOWAY:
 6 Object to the form of the question.
 7 MR. CLYDE GUNN:
 8 Q. Could you?
 9 A. We could prove what happened to the
 10 flood loss, but the homeowners loss --
 11 MR. CLYDE GUNN:
 12 Q. You couldn't prove anything other
 13 than the documents that you've got, could
 14 you?
 15 MR. GALLOWAY:
 16 Same objection.
 17 MR. CLYDE GUNN:
 18 Q. You couldn't prove how much of the
 19 house was lost by wind, could you?
 20 MR. GALLOWAY:
 21 Same objection.
 22 A. No.
 23 MR. CLYDE GUNN:
 24 Q. And you couldn't prove what -- you
 25 couldn't prove whether or not the house was

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1 even standing at the time the water got
 2 there, could you?
 3 MR. GALLOWAY:
 4 Same objection.
 5 MR. CLYDE GUNN:
 6 Q. Could you?
 7 A. No.
 8 Q. You can't tell that by looking at
 9 the claims files today whether or not Judy
 10 Guice's house was standing when the water
 11 got there, could you? Can you?
 12 A. No.
 13 Q. And you've had an opportunity to
 14 look at all these files, and you are totally
 15 satisfied, based on your experience of 29
 16 years with State Farm and as a catastrophe
 17 team manager that you could not establish
 18 that today, could you?
 19 MR. GALLOWAY:
 20 Same objection.
 21 MR. CLYDE GUNN:
 22 Q. Could you?
 23 A. That's correct.
 24 Q. That's correct?
 25 A. Yes.

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1 physical loss, if State Farm cannot prove an
 2 excluded event caused the loss, then you owe
 3 a hundred percent of the claim; isn't that
 4 correct?
 5 MR. GALLOWAY:
 6 Object to the form of the question.
 7 It calls for a legal conclusion.
 8 MR. CLYDE GUNN:
 9 Q. Correct? If you can't prove that an
 10 excluded event caused the loss, you owe 100
 11 percent of the claim; isn't that true?
 12 MR. GALLOWAY:
 13 Same objection.
 14 A. I can't answer that.
 15 MR. CLYDE GUNN:
 16 Q. Why not?
 17 A. I don't know.
 18 Q. Well, if you don't know, if it's not
 19 clear in your mind at the end of the
 20 investigation, based on your experience, you
 21 owe the claim, correct?
 22 MR. GALLOWAY:
 23 Object to the form of the question.
 24 MR. CLYDE GUNN:
 25 Q. Correct?

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1 Q. Based on your experience with State
 2 Farm and based on the scenario that we've
 3 been talking about, about taking the claim
 4 files and going out to Judy Guice's
 5 property, it would still, as of this day, be
 6 an impossibility to make a determination
 7 about the difference in the damages, whether
 8 caused by wind or caused by flood, correct?
 9 MR. GALLOWAY:
 10 Object to the form of the question.
 11 That's been asked and answered.
 12 MR. CLYDE GUNN:
 13 Q. Correct?
 14 MR. GALLOWAY:
 15 Same objection.
 16 A. I don't have any information today,
 17 no.
 18 MR. CLYDE GUNN:
 19 Q. But based on your experience as a
 20 catastrophe team manager, based on your
 21 experience as a team manager with State
 22 Farm, when you are dealing with an insured,
 23 such as Judy Guice, who has an accidental
 24 direct physical loss policy, when the
 25 insured suffers an accidental direct

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1 MR. GALLOWAY:
 2 Same objection.
 3 A. I don't know.
 4 MR. CLYDE GUNN:
 5 Q. You don't know, even as you sit here
 6 today, with your 29 years experience, if
 7 there's a question in your mind as to
 8 whether or not the claim was to be paid, you
 9 don't know whether or not State Farm has a
 10 duty to pay it?
 11 MR. GALLOWAY:
 12 Same objection; calls for a legal
 13 conclusion.
 14 A. I don't know. I can't answer that.
 15 MR. CLYDE GUNN:
 16 Q. Well, based on your experience, it
 17 is true that all doubts get resolved in
 18 favor of coverage; isn't that true?
 19 MR. GALLOWAY:
 20 Object to the form of the question.
 21 It also calls for a legal conclusion.
 22 MR. CLYDE GUNN:
 23 Q. Isn't that true?
 24 A. I don't know.
 25 Q. If Judy Guice's house was a total

EXHIBIT B

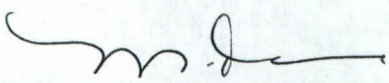
**ERRATA SHEET TO STEVE BURKE DEPOSITION
(PORTION SUBJECT TO PROTECTIVE ORDER)**

CERTIFICATE OF COURT REPORTER

I, MONICA SCHROEDER, Court Reporter and Notary Public, in and for the County of Jackson, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the proceedings, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the 22nd day of January, 2007.



Monica Schroeder, RPR, CRR, CSR #1285

My Commission Expires July 11, 2007