

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,
EX REL. BRANCH CONSULTANTS, L.L.C.,

Plaintiff

VERSUS

ALLSTATE INSURANCE COMPANY, et. al.,

Defendants

CIVIL ACTION NO.: 06-4091

SECTION: "R" (1)

JUDGE: VANCE

MAGISTRATE: SHUSHAN

**LIBERTY MUTUAL FIRE INSURANCE COMPANY, THE STANDARD FIRE
INSURANCE COMPANY, AMERICAN RELIABLE INSURANCE COMPANY, AND
AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY'S
SUPPLEMENTAL OBJECTIONS TO BRANCH CONSULTANTS, LLC'S
FEBRUARY 26, 2010 RULE 30(b)(6) NOTICE OF CORPORATE DEPOSITION**

Pursuant to this Honorable Court's March 3, 2010 Order (R. Doc. No. 441), Liberty Mutual Fire Insurance Company ("Liberty Mutual"), The Standard Fire Insurance Company ("Standard Fire"), American Reliable Insurance Company ("American Reliable"), and American National Property And Casualty Company ("ANPAC") (collectively "Defendants") respectfully aver that the Rule 30(b)(6) Notice of Deposition of the Corporate Representative submitted by Branch Consultants, LLC ("Branch") on February 26, 2010 does not comply with

the Honorable Court's February 10, 2010 ESI Order.¹ Accordingly, Defendants submit the following objections.

GENERAL OBJECTIONS

1. Defendants object to the definitions contained in Branch's Rule 30(b)(6) Notice of Deposition of the Corporate Representative on the grounds that they purport to improperly include within those definitions persons or entities that are not Defendants or which are unaffiliated or unrelated to Defendants.
2. Defendants further object to Branch's Rule 30(b)(6) Notice of Deposition of the Corporate Representative insofar as the ESI notice purports to require Defendants to designate a corporate representative to address ESI related to claims under the flood policies at issue in plaintiff's First Amended Complaint that were serviced by unaffiliated non-parties² pursuant to contract, and documents related thereto are maintained by those non-parties.
3. Defendants further object to Branch's Rule 30(b)(6) Notice of Deposition of the Corporate Representative in that Defendants will not produce a corporate representative who will provide ESI related information required by this Honorable Court's Orders. Rather, Defendants have advised Branch of the appropriate unaffiliated non-parties who are the persons most knowledgeable regarding the ESI matters at issue in this Honorable Court's Orders and those unaffiliated non-parties will be produced.
4. There are no Standard Fire, ANPAC or American Reliable "wind"/homeowners' policies covering properties at issue in the First Amended Complaint.

¹ These supplemental objections are submitted to address certain additional issues unique to Liberty Mutual, Standard Fire, American Reliable, and ANPAC. Liberty Mutual, Standard Fire, American Reliable, and ANPAC incorporate the objections filed by all Defendants as if included herein *in extenso*.

² American Reliable used National Flood Services to maintain certain records and transmit information to the government. Otherwise, American Reliable keeps its flood claim files on paper. American Reliable also objects to offering ESI-related testimony regarding wind claim files because neither American Reliable nor any affiliate insured the example properties for damage caused by wind. Accordingly, Branch's examples are not "representative samples" of the alleged broader class of claims. See, *Bledsoe v. Community Health Systems*, 501 F.3d 493, 510 (6th Cir. 2007).

Respectfully submitted,

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**Attorneys for The Standard Fire Insurance
Company (*erroneously named as St. Paul
Travelers Co.*)**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has this date been served upon all parties to this suit through counsel by filing into the Court's electronic filing system and, for non-participants, via electronic mail, this 5th day of March, 2010.

/s/ Keith L. Magness

KEITH L. MAGNESS