

**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. 1:06-cv-433-LTS-RHW

STATE FARM MUTUAL
INSURANCE COMPANY, et al. DEFENDANTS/COUNTER-PLAINTIFFS

**RELATORS' EXPEDITED MOTION TO COMPEL HAAG ENGINEERING CO.
TO PRODUCE DOCUMENTS AND ANSWER INTERROGATORIES PRIOR TO
THE DEPOSITIONS OF TIM MARSHALL AND PAUL O'CONNOR**

Cori and Kerri Rigsby ("Relators"), by and through counsel, and pursuant to Federal Rules of Civil Procedure 37(b) and 45 and Local Civil Rules 37 and 7(b)(8), hereby move the Court for an order compelling Haag Engineering Co. ("Haag") to respond fully to the Relators' Interrogatory Nos. 1, 2, 3, 5, and 8, and Document Request Nos. 1, 2, 3, and 4 (the "Contested Discovery") prior to the depositions of Tim P. Marshall and Paul O'Connor, which have been noticed by Haag for April 5, and April 6, 2010.¹ The Relators attach as Exhibit A to this motion the parties' Good Faith Certificate indicating that this motion is necessary.

I. Introduction

Haag has taken the unusual step of noticing the depositions of two of its own employees, Tim Marshall and Paul O'Connor. While the Relators generally would have no objection to this approach, Haag's behavior is quite objectionable here because: (1) Haag improperly refuses to

¹ The Relators respectfully request that they be relieved of having to file a separate memorandum of authorities because a separate memorandum would be duplicative of the content of this motion.

produce documents and answer interrogatories that relate in any way to events that occurred after October 4, 2005, the date on which the McIntosh flood claim was closed; and (2) Haag insists that the depositions of its two employees occur on April 5-6, without regard to whether the parties and/or the Court will be able to resolve this discovery dispute before those dates.

As set forth in Section II, below, Haag's bright line objection to all discovery requests that relate in any way to events that occurred after October 4, 2005 is improper and the Relators are entitled to the Contested Discovery prior to the depositions of the Haag employees.

Accordingly, for the reasons set forth below, the Relators respectfully request that the Court order Haag to produce responsive documents and answer the contested interrogatories at least seven days prior to the depositions at issue. Because Haag has noticed the depositions for April 5-6, the Relators request that the Court order Haag to produce responsive documents by March 29, 2010. However, if that time frame is not reasonable and convenient, Relators request that the Court either (1) require Haag to reschedule the depositions for at least one week after Haag produces the contested documents and answers the contested interrogatories; or (2) allow the Relators to depose the witnesses again after Relators receive the discovery information at issue.

II. The Relators are Entitled to the Contested Documents and Interrogatory Answers.

The parties' dispute over the Contested Discovery is quite simple. Haag refuses to provide any documents created after October 4, 2005, and any other discovery that relates to any events that occurred after October 4, 2005. Haag's categorical position that no discoverable information exists after the date the McIntosh flood claim was paid is indefensible.

In this action, the Relators allege that the defendants engaged in a conspiracy to defraud the government by improperly inflating the amount of flood damage in claims submitted to the NFIP after Katrina. The conspiracy consisted of, among other things, (1) State Farm telling its

adjusters that Katrina was a water storm; (2) State Farm training its adjusters to hit the limits of the flood policy immediately and quickly close the flood claim while keeping open the homeowner's claim, only to deny it much later; (3) State Farm influencing engineers to change their conclusions of the cause of damage in order to support State Farm's fraudulent flood claims; and (4) Haag conspiring to support State Farm's theory that Katrina was just a "water storm" by creating false reports that the storm surge preceded the strongest winds.

The McIntosh flood claim is the quintessential example of a specific fraudulent claim that arose out of that conspiracy. Because State Farm told Kerri Rigsby and the other adjusters that Katrina was a water storm and trained them to hit the flood policy limits, the adjusters did just that with the McIntosh claim prior to doing any real investigation to determine the actual cause of loss. Indeed, the McIntosh flood claim was adjusted and the file closed as quickly as possible (October 4, 2005). Well after that date (October 20, 2005), Lecky King forced Forensic Engineering to change the initial engineering conclusions, which found that the McIntosh house was damaged primarily by wind. And only long after those events, State Farm predictably denied the homeowner's claim.

Accordingly, the Court's August 10, 2010 Order denying the defendants' myriad motions to dismiss and for summary judgment recognizes that many of the material facts in dispute and at issue occurred after October 4, 2005. For example, the Court found that the question of Lecky King's motive behind ordering a second engineering report "creates a genuine issue of material fact that cannot be resolved summarily."² Memorandum Opinion at 8 [343]. Indeed, Haag already made the argument after a full evidentiary hearing in this matter that its motion for

² Similarly, this Court's February 12, 2010 Order compelled State Farm to produce documents reflecting procedures that would have been used by engineers in adjusting the McIntosh homeowner claim, notwithstanding the fact that adjustment of the homeowner claim occurred after the date the flood claim was paid. *See* Order Granting In Part Motion for Protective Order [413] at 3.

summary judgment should be granted because “the [Haag Report] did not exist until after the McIntosh flood claim was investigated, adjusted, paid, and closed.” [347] at 7 (emphasis removed).³ This Court squarely rejected Haag’s argument and denied its motions. Order [344] at 1.

Finally, as the Relators have previously noted, State Farm in any event would have been required to reimburse the National Flood Insurance Program if it realized that it made an overpayment under the McIntosh flood policy, regardless of when it made that determination. Lecky King admitted in her deposition that if State Farm accepted the conclusions in Brain Ford’s report, that the McIntosh home was destroyed by wind, State Farm would have been required to reimburse the NFIP.⁴ King Depo 136:1-14. Therefore, even if the entire conspiracy and cover-up ended on October 4 (which it did not), events that occurred after that date still could be relevant to the claims.

Thus, as described more specifically below for each contested discovery request, the Relators are entitled to the Contested Discovery.

III. The Specific Contested Discovery Requests

Discovery is permitted as to any nonprivileged matter that is relevant to any party’s claim or defense” Fed. R. Civ. P. 26(b). Courts have “traditionally construed relevance broadly: information is relevant if it encompasses any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.” *Coughlin v. Lee*, 946

³ Haag claims to have shipped the report on October 24, 2005, but State Farm claims to have received the report “on or about October 19, 2005.” *Compare* [347] at 2 *with* State Farm’s Answer to the Relators’ Second Interrogatory.

⁴ Support for King’s admission can also be found in FEMA Memos directed to Write Your Own carriers. For example, Memoranda W-3029 directs insurers that “[w]hen an overpaid loss is discovered, please notify your Program Coordinator in writing as soon as possible” and it provides two separate methods for the insurers to reimburse the NFIP for the overpayment. Attached as Exhibit B.

F.2d 1152, 1159 (5th Cir. 1991) (internal quotation omitted). Although district courts are afforded “wide discretion in handling discovery matters,” the Fifth Circuit will not uphold a ruling which has “failed to adhere to the liberal spirit of the Rules.” *Id.* Haag should be required to produce responses to the Contested Discovery because the responses could lead to admissible evidence regarding whether Haag conspired with State Farm to submit false claims.

Interrogatory No. 1: “Identify any surveys, reports, or other analyses of weather conditions during Hurricane Katrina or damage caused by Hurricane Katrina that you Provided to State Farm.”

Haag’s Response: “Counsel for Haag objects to this Interrogatory as overly broad, vague, unduly burdensome, and seeking information that is confidential or privileged. Without waiving these objections, Haag responds: Haag did not provide any surveys, reports or other analyses of weather conditions during or damage caused by Hurricane Katrina specific to the McIntosh property or ‘similar properties’ before October 5, 2005.”

Reasons Supporting Motion: Haag’s objection that the interrogatory is “overly broad,” “vague,” and “unduly burdensome” is without merit. The question is straightforward: identify any surveys reports or analyses of the weather conditions during or damage caused by Hurricane Katrina. Although the Relators are familiar with the “Haag Report” they seek to discover whether there are any other similar reports Haag provided. Haag’s objection that the request seeks confidential or privileged information can be addressed by providing an appropriate privilege log.

The weather information Haag provided State Farm could lead to admissible evidence regarding whether Haag conspired with State Farm to submit false claims. As explained above, the Relators are entitled to discover weather information Haag provided State Farm related to

Hurricane Katrina, even if the information was provided after October 5, 2005.

Interrogatory No. 2: “Identify each Person with knowledge relating to the Haag Report, including, without limitation, knowledge of the reasons the Haag Report was prepared, the actual preparation and drafting of the Haag Report, any initial drafts or revisions to the Haag Report, any comments or input solicited or received with respect to drafts of the Haag Report, and/or knowledge of any distribution to State Farm of the contents or conclusions of the Haag Report, whether in draft or final form.”

Haag’s Response: “Counsel for Haag objects to this Interrogatory as overly broad, unduly burdensome, vague, and compound in that it asks multiple questions in one interrogatory. Counsel further objects to the extent this Interrogatory seeks information which is proprietary and trade secrets of Haag. Without waiving these objections, Haag responds as follows, noting that as to those individuals currently or formerly employed by Haag, counsel for Haag asserts that any *ex parte* contact with such individuals would violate the applicable federal, civil and ethical rules, and, therefore, any communication directed to any such individuals should be made only through Haag's counsel. . . The following persons were involved in the preparation and/or drafting of the Haag Survey before October 5, 2005....”

Reasons Supporting Motion: Haag’s objection that the interrogatory is “vague” “overly broad” “unduly burdensome” and “compound” is without merit. The Relators seek the identity of persons with knowledge relating to the Haag Report. The Relators’ explanation of the types of knowledge they seek does not make the interrogatory compound. Haag’s objection that the interrogatory seeks information that is proprietary and trade secrets is invalid because the interrogatory only seeks the identity of knowledgeable persons.

As explained above, the Relators are entitled to discover the identity of Haag employees

with knowledge of the Haag report, even if their involvement began after October 5, 2005.

Interrogatory No. 3: “Identify each Person with knowledge relating to any survey, report, or other analysis identified in response to Interrogatory No. 1 above, including, without limitation, knowledge of the reasons the survey, report, or other analysis was prepared, the actual preparation and drafting of the survey, study, or other analysis, any initial drafts or revisions to the survey, study, or other analysis, any comments or input solicited or received with respect to drafts of the survey, study, or other analysis, and/or knowledge of any distribution to State Farm of the contents or conclusions of the survey, study, or other analysis, whether in draft or final form.”

Haag’s Response: “Counsel for Haag objects to this Interrogatory as vague, overly broad, unduly burdensome, and compound as it asks multiple questions in one interrogatory. Counsel for Haag further incorporates its objections to Interrogatory No. 1 above as if same were set forth here verbatim. Counsel further objects to the extent this Interrogatory seeks information which is proprietary and trade secrets of Haag. Without waiving these objections, Haag responds as follows: See Response to Interrogatory No. 1”

Reasons Supporting Motion: Haag’s objection that the interrogatory is “vague” “overly broad” “unduly burdensome” and “compound” is without merit. The Relators seek the identity of persons with knowledge relating to any surveys identified in their first interrogatory. The Relators’ explanation of the types of knowledge they seek does not make the interrogatory compound. Haag’s objection that the interrogatory seeks information that is proprietary and trade secrets is invalid because the interrogatory only seeks the identity of knowledgeable persons.

As explained above, the Relators are entitled to discover each person with knowledge

relating to any survey, report, or analysis even if their knowledge was obtained after October 5, 2005.

Interrogatory No. 5: “Describe any training You provided to State Farm regarding the weather conditions during Hurricane Katrina. In answering this interrogatory identify each person who provided training, the subject(s) of that training, the date(s) of that training, and the persons who attended that training.”

Haag’s Response: “Counsel for Haag objects to this Interrogatory as overly broad, unduly burdensome, vague and compound. Without waiving these objections, Haag responds: Haag provided no training to State Farm regarding the weather conditions during Hurricane Katrina before October 5, 2005.”

Reasons Supporting Motion: Haag’s objection that the interrogatory is “overly broad” “vague” “unduly burdensome” and “compound” is without merit. The Relators seek a description of the training Haag provided State Farm regarding the weather conditions during Hurricane Katrina. Explaining that a description should include the dates, subjects, and people present does not make the interrogatory compound.

As explained above, the Relators are entitled to discover training Haag provided State Farm regarding the weather conditions during Hurricane Katrina even if the training was provided after October 5, 2005.

Interrogatory No. 8: “Identify each Haag Employee who Communicated with State Farm regarding the Haag Report or any surveys, studies, reports, or analyses identified in Interrogatory No. 1 above.”

Haag’s Response: “Counsel for Haag objects to this Interrogatory as overly broad, unduly burdensome, vague and seeking information that is confidential and privileged. Counsel

for Haag further incorporates its objections to Interrogatory No. 1 above as if same were set forth here verbatim. Without waiving these objections and limiting its response to the Haag Survey, Haag responds: Only Haag employee Tim Marshall communicated with State Farm concerning the Survey before October 5, 2005. Mr. Marshall should be contacted through Haag's counsel."

Reasons Supporting Motion: Haag's objection that the interrogatory is "overly broad" "unduly burdensome" and "vague" is without merit. The interrogatory simply asks for the identity of Haag employees who communicated with State Farm regarding the Haag Report or any other surveys identified in response to their first interrogatory. Haag's objection that the request seeks confidential or privileged information can be addressed by providing an appropriate privilege log.

As explained above, Haag should be required to provide the identity of all individuals who communicated with State Farm regarding the Haag Report, even if those communications took place after October 5, 2005.

Document Request No. 1: "The Haag Report, including but not limited to any prior drafts or subsequent revisions."

Haag's Response: "Counsel for Haag objects to this request as overly broad and not properly limited in scope and time. Without waiving this objection, Haag responds. Haag will produce at a mutually agreeable time, date and location the first draft of the Haag Survey, which is the only draft that existed before October 5, 2005."

Reasons Supporting Motion: As explained above, the Relators are entitled to discover all drafts of the Haag Report even if those drafts were prepared after October 5, 2005.

Document Request No. 2: "All documents related to the Haag Report, including but not limited to all documents or notes created by Haag Employees such as Tim Marshall, documents

relating to ‘damage surveys’ of damage caused by Hurricane Katrina, and secondary sources cited in the Haag Report.”

Haag’s Response: “Counsel for Haag objects to this request as overly broad, unduly burdensome, compound, vague, and not properly limited in scope and time. Counsel also objects to the extent this request seeks proprietary, confidential and/or privileged information. As for secondary sources cited in the Survey, same are part of public information and may be obtained from public sources. Without waiving these objections, Haag responds: Haag will produce a [sic] mutually agreeable time, date and location the documents created before October 5, 2005 by Haag Employees such as Tim Marshall related to the Haag Survey.”

Reasons Supporting the Motion: Haag’s objection that the document request is “overly broad” “unduly burdensome” “vague” and “compound” is without merit. The Relators are seeking documents in Haag’s possession that are related to the Haag report. Providing a description of the types of documents that may be responsive does not make the interrogatory compound. Haag’s objection that the request seeks proprietary, confidential, or privileged information can be addressed by providing an appropriate privilege log.

As explained above, the Relators are entitled to discover all documents related to the Haag report even if those documents were created after October 5, 2005.

Document Request No. 3: “All communications with State Farm relating to Hurricane Katrina. This request includes but is not limited to invoices and orders relating to the Haag Report, communications relating to the scope of the Haag Report, the Haag Report’s content and/or the Haag Report’s conclusions, and training materials and other information interpreting, summarizing, and/or explaining the Haag Report.”

Haag’s Response: “Counsel for Haag objects to this request as overly broad, unduly

burdensome, compound, vague, and not properly limited in scope and time. Counsel for Haag further objects to this request to the extent it seeks documents that are confidential or privileged. Without waiving these objections, Haag Responds: Haag will produce at a mutually agreeable time, date and location the documents concerning communications with State Farm before October 5, 2005 which reference or mention the survey being prepared by Haag.”

Reasons Supporting Motion: Haag’s objection that the document request is “overly broad” “unduly burdensome” “vague” and “compound” is invalid. The Relators seek communications with State Farm related to Hurricane Katrina. Explaining the types of communications that may be responsive does not make this document request compound.

As explained above, the Relators are entitled to discover all communications with State Farm relating to Hurricane Katrina, even if those communications took place after October 5, 2005.

Document Request No. 4: “All documents relating to any training given to State Farm and its employees by You regarding weather conditions during or related to Hurricane Katrina. This request includes but is not limited to any slideshow presentations and other visuals, any written materials used in connection with presentations, and any communications concerning State Farm that relate to the content of training.”

Haag’s Response “Counsel for Haag objects to this request as overly broad, unduly burdensome, compound, vague, and not properly limited in scope and time. Without waiving these objections, Haag responds: Haag did not provide any training to State farm and its employees regarding the weather conditions of Hurricane Katrina before October 5, 2005. Accordingly Haag is not producing any documents in response to this request.”

Reasons Supporting Motion: Haag’s objection that the document request is “overly

broad” “unduly burdensome” “vague” and “compound” is without merit. The Relators seek documents relating to training given to State Farm employees. Explaining the types of information that may be responsive to the document request does not make it compound.

As explained above, Haag should be required to provide documents relating to training it gave State Farm employees even if the training took place after October 5, 2005

IV. Conclusion

Haag has been unreasonably non-cooperative in scheduling the deposition dates of Tim Marshall and Paul O’Connor. On March 4, 2010 Haag notified counsel that “it appears that the only dates” Tim Marshall and Paul O’Connor are available for deposition are March 25 and 26, 2010. Attached as Exhibit C. After Relators’ counsel asked Haag to provide later dates for those depositions Haag’s counsel responded that “It appears that the only other days that Tim Marshall and Paul O’Connor are available are April 5-6, 2010.” Attached as Exhibit D. The Relators are willing to accommodate Tim Marshall and Paul O’Connor’s busy schedules, but they are unwilling to depose them before Haag has complied with their discovery requests. Accordingly, the Relators request that the Court order Haag to produce responsive documents by March 29, 2010, which is seven days before the first noticed deposition. However, if that time frame is not reasonable and convenient, Relators request that the Court either (1) require Haag to reschedule the depositions to dates after the documents are produced; or (2) allow the Relators to depose the witnesses again after the documents are produced.

THIS the 19th day of March 2010

Respectfully, submitted,

/s/ C. Maison Heidelberg
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CERTIFICATE OF SERVICE

I, C. Maison Heidelberg, attorney for Cori Rigsby and Kerri Rigsby, do hereby certify that I have this day caused the foregoing document to be filed with the Court's CM/ECF system, which will cause notice to be delivered to all counsel of record.

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Exhibit A

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. 1:06-cv-433-LTS-RHW

STATE FARM MUTUAL
INSURANCE COMPANY et al

DEFENDANT/COUNTER-PLAINTIFF

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

- Motion to Compel Haag Engineering Co. to Produce Documents and Information Prior to the Depositions of Tim Marshall and Paul O'Conner

Counsel further certify that:

✓ as appropriate:

- ___ 1. The motion is unopposed by all parties.
- ___ 2. The motion is unopposed by:
- ✓ 3. The motion is opposed by: Haag Engineering Co.
- ___ 4. The parties agrees that replies and rebuttals to the motion will be submitted to the magistrate judge in accordance with the time limitations stated in Uniform Local Rule 7.2

This the 19th day of March, 2010

Maison Heidelberg

Signature of Relators' Attorney*

Larry Canada

Signature of Defendant's Attorney*

C. Maison Heidelberg MSB#9559

Typed Name and Bar Number

Larry. G. Canada MSB #102141

Typed Name and Bar Number

* Signed with Maison Heidelberg and Larry Canada's Permission

Exhibit B



NATIONAL FLOOD INSURANCE PROGRAM

Bureau and Statistical Agent

W-03029

MEMORANDUM TO: Write Your Own (WYO) Principal Coordinators,
The NFIP Servicing Agent & Vendors

FROM: WYO Clearinghouse

DATE: June 18, 2003

SUBJECT: Financial Processing for Claims Overpayments from
W2RCINVD Report

The Ineligible/Invalid Loss Report (W2RCINVD) was developed by FIMA to assist WYO Companies with identifying statistical information where the reported "Amount Paid" for a loss exceeded the reported "Policy Limit" for the policy. This report is distributed on a monthly basis to the WYO Company and vendor, if applicable.

In most cases, the statistical data has been incorrectly reported to the Bureau. However, in some cases, an overpaid loss is discovered. The enclosed procedures provide two options for WYO Companies to use in resolving this matter with FIMA.

When an overpaid loss is discovered, please notify your Program Coordinator in writing as soon as possible. In addition, identify the option your company will use to resolve the overpayment. Please include the reporting month you plan to resolve the overpaid loss issue in your correspondence to the Program Coordinator.

FIMA is closely monitoring the handling of these matters. If Option #2 is selected, but the procedures are not properly followed, FIMA reserves the right to revoke your privilege to use this option, and require you to follow Option #1.

Please contact your Program Coordinator with any questions.

cc: IBHS, FIPNC, WYO Marketing Committee, Government Technical Representative

Suggested Routing: Accounting, Claims, Data Processing

7700 HUBBLE DRIVE • LANHAM, MD 20706 • (301) 731-5300

COMPUTER SCIENCES CORPORATION, under contract to the FEDERAL EMERGENCY MANAGEMENT AGENCY,
is the Bureau and Statistical Agent for the National Flood Insurance Program

**WYO Company Options for Financial Processing of Claim Overpayments
(as identified in the W2RCINVD report)**

Option 1:

1. Reduce the claim payment, Exhibit I, Line 115, by the overpaid amount on the financial statement.
2. Reduce the claim payment by the overpaid amount on the TRRP statistical data.
3. Cut a manual check in the amount of the overpayment. Record the manual check as a disbursement to the U. S. Treasury and report on Exhibit VIII-B.
4. Submit the manual check and supporting documents (policy number, date of loss, original loss payment, adjusted loss payment, original error code generated, and original error code date) to:

NFIP Bureau & Statistical Agent
Attn: Kevin Montgomery (FIMA)
7700 Hubble Drive
Lanham, MD 20706

Option 2:

1. Reduce the claim payment, Exhibit I, Line 115, by the overpaid amount on the financial statement.
2. Reduce the claim payment by the overpaid amount on the TRRP statistical data.
3. Send a disbursement for the overpayment amount to the U.S. Treasury via ACH, Internet, or Wire Transfer. Report the disbursement on the appropriate Exhibit VIII schedule.
4. Submit supporting documents (policy number, date of loss, original loss payment, adjusted loss payment, original error code generated, and original error code date) to:

NFIP Bureau & Statistical Agent
Attn: Kevin Montgomery (FIMA)
7700 Hubble Drive
Lanham, MD 20706

Exhibit C

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J. MICHAEL JOHNSON (1946-2001)
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HOUSTON, TEXAS 77010
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BUILDING A SUITE 175
LAFAYETTE, LOUISIANA 70503
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TELECOPY (337) 993-0933

7730 CARONDELET AVENUE, SUITE 110
ST. LOUIS, MISSOURI 63105
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TELECOPY (314) 725-71

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March 4, 2010

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RE: *Rigsby Qui Tam*
USDC for the Southern District of Mississippi, Southern Division
Cause No. 1:06-cv-433-LTS-RHW
Our File No. MS1133-018

Counselors:

We would like to notice the depositions of Tim Marshall and Paul O'Connor. Unfortunately, it appears that the only days within which to do so are March 25 and 26, 2010. The depositions would take place at Thompson Coe in Dallas, Texas. Unless we hear an objection to these dates by Tuesday, March 9, 2010, we will proceed to notice same.

Sincerely yours,



Larry G. Canada
Kathryn Breard Platt

LGC/KBP:kbp

Exhibit D

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March 8, 2010

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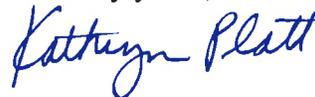
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USDC for the Southern District of Mississippi, Southern Division
Cause No. 1:06-cv-433-LTS-RHW
Our File No. MS1133-018

Counselors:

After providing you with the dates of March 25 and 26 for the depositions of Tim Marshall and Paul O'Connor, we were informed by Maison that those dates are no good for the Relators' counsel. Therefore, we obtained new dates. It appears that the only other days Tim Marshall and Paul O'Connor are available are April 5-6, 2010. The depositions would take place at Thompson Coe in Dallas, Texas. Unless we hear an objection to these dates by Friday, March 12, 2010, we will proceed to notice their depositions.

Sincerely yours,



Larry G. Canada
Kathryn Breard Platt

LGC/KBP:kbp