

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 FIRE AND CASUALTY COMPANY

DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
HAAG ENGINEERING CO.; and ALEXIS KING

DEFENDANTS

**STATE FARM FIRE AND CASUALTY COMPANY'S
MOTION TO COMPEL PRODUCTION OF COMPUTERS PROVIDED
BY THE SCRUGGS LAW FIRM TO RELATORS**

Expedited Consideration Requested

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company (“State Farm”) respectfully submits this Motion to Compel Production of Computers Provided by The Scruggs Law Firm to Relators Cori and Kerri Rigsby (“the Rigsbys”).

1. State Farm has recently learned that in June of 2006, the Scruggs Law Firm (“Scruggs”) issued laptop computers to the Rigsbys for their use during the time that they were employed by Scruggs as “consultants.” Counsel for State Farm has also learned that the Rigsbys apparently still have these computers in their possession.

2. State Farm’s discovery requests required the Rigsbys to identify and produce the laptop computers that were given to them by Scruggs. Specifically, State Farm’s November 23, 2009 Document Request No. 5 seeks the following:

REQUEST NO. 5:

All Materials regarding or concerning any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that you received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

(11/23/09 First Discovery to Relators at p. 10-11, Ex. C to State Farm’s Motion) (emphasis added.)

State Farm specifically defined “Materials” to include “things”:

(o) “Materials” means Documents, including ESI, or things.

(*Id.* at 4.)

3. A computer is a thing. The computers definitely have value as demonstrated by invoices produced by Scruggs several days ago that state that Scruggs paid at least \$3,049.80 for these computers. (Invoices Dated July 2006, Ex. E to State Farm's Motion.) Despite the fact that these computers were clearly requested by State Farm, they still have not been produced by the Rigsbys.

4. Additionally, Interrogatory No. 2 (also served on November 23, 2009) asks the following:

INTERROGATORY NO. 2:

Identify any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

(*Id.* at 5-6) (emphasis added.)

5. It was not until May 25, 2010 that the Rigsbys first disclosed that they had been issued laptop computers by Scruggs and that they are still in possession of the computers.

6. State Farm respectfully requests that Relators be required to produce the laptop computers given to them by Scruggs. Although State Farm believes that all of the information stored on these computers is discoverable as they were provided to the Rigsbys as part of their

“sham” consulting arrangements with Scruggs, State Farm is nevertheless willing to work to ensure that potentially irrelevant personal information is not intruded upon. Therefore, State Farm respectfully requests that the Court follow procedures similar to those employed in the *McIntosh* litigation and enter the proposed Order attached to State Farm’s Motion as Exhibit D for the preservation and production of the information contained on these laptop computers.

7. Although the Rigsbys contend that State Farm has not conferred in good faith concerning this discovery dispute, the correspondence attached to the Declaration of Benjamin M. Watson (Exhibit A hereto) demonstrates that State Farm has made a good faith attempt to resolve these issues.

8. State Farm incorporates herein its accompanying Memorandum of Authorities as well as Exhibits A through E to this Motion.

WHEREFORE, State Farm respectfully requests:

- (1) That the Court grant its Motion to Compel and order the Rigsbys to produce the two laptop computers given to them by Scruggs;
- (2) That the Court enter the proposed Order attached to State Farm’s Motion as Ex. D in order to provide for the preservation and production of the information stored on these laptop computers; and
- (3) Expedited consideration given the upcoming dispositive motion deadline.

State Farm seeks such further, supplemental and alternative relief as may be appropriate in the premises.

This the 30th day of June, 2010.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

By: s/Benjamin M. Watson (MSB # 100078)
Robert C. Galloway (MSB # 4388)
Jeffrey A. Walker (MSB # 6879)
E. Barney Robinson III (MSB #09432)
Benjamin M. Watson (MSB #100078)
Amanda B. Barbour (MSB # 99119)

ITS ATTORNEYS

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PRO HAC VICE

CERTIFICATE OF SERVICE

I, Benjamin M. Watson, 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 CM/ECF System:

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ATTORNEYS FOR FORENSIC ANALYSIS ENGINEERING CORPORATION

THIS the 30th day of June, 2010.

By: s/Benjamin M. Watson (MSB #100078)
Benjamin M. Watson (MSB #100078)

Jackson 5311988v1

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 FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
HAAG ENGINEERING CO.; and ALEXIS KING

DEFENDANTS

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY
(PURSUANT TO 28 U.S.C. § 1746)
OF BENJAMIN M. WATSON**

Benjamin M. Watson deposes and says:

1. My name is Benjamin M. Watson. I am over twenty-one years of age and of sound mind. I am competent to testify about all of the matters set out in this Unsworn Declaration Under Penalty of Perjury.

2. I am an attorney practicing law in Ridgeland, Mississippi with the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC.

3. I am counsel of record for Defendant/Counter-Plaintiff State Farm Fire and Casualty Company in the above-captioned action.

4. The following statements are based upon my personal knowledge and/or upon my review of certain business records and associated records and the information they contain. Those records are reports, records or data compilations, made at or near the time by, or from information transmitted by, persons with knowledge, and are kept in the normal course of my law firm's business. It is a regularly conducted business activity of my law firm to keep such

business records. I have made a personal review of certain business records of my law firm.

5. Attached hereto as Ex. 1 is a true and correct copy of a June 2, 2010 letter from Jeffrey A. Walker to Derek Y. Sugimura.

6. Attached hereto as Ex. 2 is a true and correct copy of a June 3, 2010 letter from Craig J. Litherland to Jeffrey A. Walker.

7. Attached hereto as Ex. 3 is a true and correct copy of a June 8, 2010 letter from Jeffrey A. Walker to Craig J. Litherland.

8. Attached hereto as Ex. 4 is a true and correct copy of a June 9, 2010 letter from Craig J. Litherland to Jeffrey A. Walker.

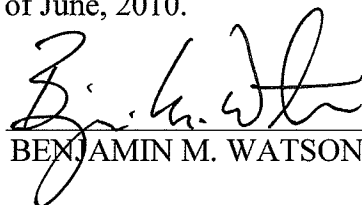
9. Attached hereto as collective Ex. 5 is a true and correct copy of e-mails exchanged June 9 and 10, 2010 between Craig J. Litherland and Jeffrey A. Walker.

10. Attached hereto as Ex. 6 is a true and correct copy of an e-mail from Melissa Baltz to counsel for Relators in this action.

11. Attached hereto as collective Ex. 7 is a true and correct copy of e-mails exchanged between counsel for Relators and State Farm between June 28, 2010 and June 30, 2010.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on this the 30th day of June, 2010.


BENJAMIN M. WATSON

BUTLER | SNOW

June 2, 2010

VIA E-MAIL (sugimurad@gotofirm.com)
Derek Y. Sugimura, Esq.
Gilbert LLP
1100 New York Avenue, N.W., Suite 700
Washington, DC 20005

Re: *United States ex rel. Cori Rigsby and Kerri Rigsby v. State Farm Fire and Casualty Company, et al.*; Civil Action No. 1:06cv433-LTS-RHW

Dear Derek:

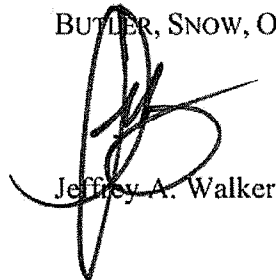
Cal Mayo, on behalf of his client SLF, Inc., has informed us that Cori Rigsby and Kerri Rigsby were provided computers either by the Scruggs Law Firm, the Scruggs Katrina Group or some related entity or lawyers. Cal Mayo further advises that, to the best of his knowledge, the computers were not returned by Cori Rigsby or Kerri Rigsby. Notwithstanding the fact that disclosure of these computers was required by State Farm's discovery requests in this and the *McIntosh* case, those computers have neither been produced nor disclosed to State Farm.

We ask that your clients' prior discovery responses be immediately supplemented and that State Farm be granted access to both computers immediately. Given the fact that certain technical assistance may be necessary, we ask that your clients respond to this letter by the close of business on June 3.

Please let me know if you have any questions.

Yours very truly,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC



Jeffrey A. Walker

JAW:csl

Exhibit 1 to Declaration

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BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

Derek Y. Sugimura, Esq.
June 2, 2010
Page 2

cc: C. Maison Heidelberg, Esq.
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Scott D. Gilbert, Esq.
August J. Matteis, Jr., Esq.
Craig J. Litherland, Esq.
Benjamin R. Davidson, Esq.
Michael B. Beers, Esq.
James R. Robie, Esq.
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Kathryn Breard Platt, Esq.
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LitherlandC@gotofirm.com

June 3, 2010

VIA ELECTRONIC MAIL

Jeffrey A. Walker, Esq.
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
1300 25th Avenue, Suite 204
Gulfport, MS 39502

Re: *United States ex rel. Rigsby v. State Farm Mutual Insurance Co., et al.*, No. 1:06-cv-433
(S.D. Miss.)

Dear Jeff:

I write in response to your June 2 letter to Derek Sugimura. Derek is traveling this week for depositions in this case and thus I am responding.

Your statement related to a failure to disclose to State Farm the existence of computers provided by The Scruggs Law Firm to Kerri and Cori Rigsby is inaccurate. The fact that computers were provided to the Rigsbys was specifically referenced in the supplemental response to Interrogatory No. 2 contained in the Relators' Revised Supplemental Responses and Objections to Defendant/Counter-Plaintiff State Farm Fire and Casualty Company's First Interrogatories dated May 25, 2010.

We are not aware of any other discovery request in this case that would have required "disclosure" of these computers. If there is some other such discovery request, perhaps you can identify it specifically.

We have no knowledge of what discovery requests may have been propounded in the McIntosh case as we were not counsel to any party in that matter. That case has, I believe, been closed for some time. So, we will not attempt to respond to any contentions regarding any purported discovery issues in that case.

The information and documents that are stored on these computers were taken into account as we responded to discovery requests in this case. In response to your request, we have reviewed again the materials on the computers to verify that we have made all reasonable efforts to identify information responsive to discovery requests. We have located one additional group of documents that may be responsive. We are not certain that this additional group of documents has been produced and will

Jeffrey A. Walker, Esq.
June 3, 2010
Page 2



produce them shortly. The documents are invoices indicating services provided by the Zuckerman Spaeder firm to the Rigsbys. We will redact the invoices in a manner similar to the previous such invoices that we produced. We expect to be able to produce this group of documents tomorrow. Beyond this supplemental production, it does not appear that any further supplementation of discovery responses is required from information on these computers.

You also indicate that State Farm should be given access to these computers. We are not aware of any outstanding discovery request or other requirement that would mandate that the Rigsbys turn over to State Farm any computers they may have used or may be using. If there is such a request or requirement, would you please identify it specifically.

Sincerely,



Craig J. Litherland

cc: E. Barney Robinson, III, Esq.
Benjamin M. Watson, Esq.
Robert C. Galloway, Esq.
Amanda B. Barbour, Esq.
James Robic, Esq.
Michael B. Beers, Esq.

BUTLER | SNOW

June 8, 2010

VIA ELECTRONIC MAIL

Craig J. Litherland, Esq.
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11 New York Avenue, NW
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Washington, DC 20005
litherlandc@gotofirm.com

Re: *United States of America ex rel. Cori Rigsby and Kerri Rigsby v. State Farm Fire & Casualty Company*; Civil Action No. 1:06cv433-LTS-RHW

Computers Provided To Rigsby Sisters By Scruggs

Dear Craig:

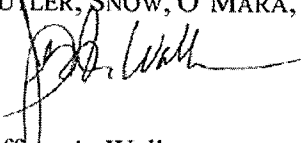
This is in reply to your June 3, 2010 letter concerning the computers provided to Cori Rigsby and Kerri Rigsby by Richard Scruggs or his associates. We look forward to receiving the additional documents referenced in that letter.

As to the prior requests for these materials, on November 23, 2009, State Farm served Request for Production of Documents No. 5. The "Materials" requested included "any thing of value . . . in any form whatsoever – whether in cash . . . property . . . or otherwise – that you received from the Scruggs Law Firm, P.A." and other Scruggs related individuals and entities. "Materials" was specifically defined to include "things." A computer is a "thing" and has value, and the computers were admittedly received by the Relators. We can certainly work with you on the process of the production, but the computers must be produced.

Please let us have your final position as soon as possible but no later than the close of business tomorrow. If we cannot come to an agreement, please sign and return the enclosed Good Faith Certificate immediately.

Yours very truly,

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC



Jeffrey A. Walker

JAW:csf
Enclosure

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BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

Exhibit 3 to Declaration

Craig J. Litherland, Esq.

June 8, 2010

Page 2

cc: C. Maison Heidelberg, Esq. (*all via e-mail*)
August J. Matteis, Jr. Esq.
Ginny Y. Kennedy, Esq.
Scott D. Gilbert, Esq.
Derek Y. Sugimura, Esq.
Benjamin R. Davidson, Esq.
Michael B. Beers, Esq.
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Benjamin M. Watson, Esq.

Jackson 5216736v1

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 FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
HAAG ENGINEERING CO.;

DEFENDANTS

GOOD FAITH CERTIFICATE

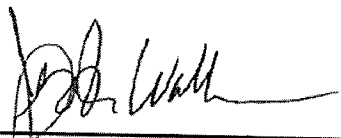
Counsel for Relators Cori and Kerri Rigsby and State Farm Fire and Casualty Company (“State Farm”) certify that they have conferred in good faith to resolve the discovery issues in question and that is necessary for State Farm to file the following motion:

Motion to Compel Production of the Computers Richard Scruggs Gave to Relators Cori and Kerri Rigsby

Counsel further certify that:

1. The motion is unopposed by all parties.
2. The motion is unopposed by:
3. The motion is opposed by: Relators
4. The parties agree that replies and rebuttals to the motion shall be submitted to the magistrate judge in accordance with the time limitations stated in Uniform Local Rule 7(b)(4).
5. The parties agree to resolve this matter on an expedited briefing schedule in light of the July 1, 2010 discovery deadline.

This the ____ day of June, 2010.



Jeffrey A. Walker
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June 9, 2010

VIA ELECTRONIC MAIL

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Re: *United States ex rel. Rigsby v. State Farm Mutual Insurance Co., et al.*, No. 1:06-cv-433
(S.D. Miss.)

Dear Jeff:

I write in response to your June 8 letter related to the computers provided to Cori and Kerri Rigsby.

I admit that I had initially read the State Farm requests as requests for the production of documents. But, I accept that perhaps a broader request was intended.

In any event, we have searched the computers for all responsive documents or materials. In light of the fact that the Rigsbys have used these computers for several years as their personal computers, there are numerous completely irrelevant and in some cases personal documents that are stored on the computers. Therefore, we continue to believe that the actual production of the computers, as opposed to responsive documents stored thereon, is unduly burdensome.

Your letter indicates a willingness to work with us regarding the production of the computers. It is certainly possible that if there is some procedure that you have in mind that would protect the confidential, irrelevant, or even privileged information that may be on the computers, while allowing reasonable access to, I assume, verify that we have produced all appropriate materials and data, we would certainly be willing to continue to try to resolve this dispute. However, if your offer to work with us was simply an effort to be polite or to deal with mechanics only, then I do not want to delay your ability to seek Court intervention. If you do not think there is a meaningful possibility of resolving these issues, let me know and I will return your requested good faith certificate. If you wish that I return the certificate, you can just send a reply in an email text as I will be traveling this afternoon and tomorrow.

Jeffrey A. Walker, Esq.
June 9, 2010
Page 2



Let me know if you think there might be some room to resolve our disputes.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Litherland', with a long horizontal flourish extending to the right.

Craig J. Litherland

cc: E. Barney Robinson, III, Esq.
Benjamin M. Watson, Esq.
Robert C. Galloway, Esq.
Amanda B. Barbour, Esq.
James Robie, Esq.
Michael B. Beers, Esq.

Ben Watson

From: Litherland, Craig [litherlandc@gotofirm.com]
Sent: Thursday, June 10, 2010 5:21 PM
To: Jeff Walker; Carr, Kathleen
Cc: Barney Robinson; Ben Watson; Bob Galloway; Amanda Barbour; jrobie@romalaw.com; mbeers@beersanderson.com; mheidelberg@heidelbergharmon.com; Matteis, August; Davidson, Benjamin; Sugimura, Derek; Greenfield, Juanita
Subject: RE: United States ex rel. Rigsby v. State Farm Mutual Insurance Co.

Jeff,

I must admit that I am a bit fuzzy regarding the procedure used in McIntosh case. And, we do not really think anything is necessary given the fact that we have produced what we believe to be the responsive documents on these computers. I assume that there was difficulty in doing that with crashed computers and perhaps that is why use of a third party vendor was necessary.

But, if it resolves a dispute or minimizes some concern on your client's part, I am willing to suggest to the Rigsby's that they agree to the following:

1. State Farm can retain the expert / vendor who did the work on the crashed computer previously;
2. The vendor / expert will be given access to the two computers to make a mirror image of the drives;
3. The vendor / expert would produce to us, alone, a log of the files on the drives and we would have a period, maybe 10 days or 2 weeks, to make any objections to production of any materials on the drive images - based on irrelevance to this suit, privilege, confidentiality or whatever, with such objection to contain enough information relating to the log description of the item objected to and the basis of our objection to permit you to make a reasonable determination as to whether you wish to challenge our objection; and
4. The vendor / expert could produce to you all materials on the drives as to which we raise no objection or based on an order of the court after consideration of any dispute over our objections.

While this would impose some additional obligations on us, it would seem to be manageable.

I have been in depositions and traveling, so I have not been able to discuss this with our clients. But, I would recommend it to them if it would resolve our dispute. I pass this on before waiting to talk to our clients as I understand you are under some time pressure.



Craig Litherland

litherlandc@gotofirm.com

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From: Jeff Walker [mailto:Jeff.Walker@butlersnow.com]
Sent: Thursday, June 10, 2010 11:50 AM
To: Carr, Kathleen

Cc: Barney Robinson; Ben Watson; Bob Galloway; Amanda Barbour; jrobie@romalaw.com; mbeers@beersanderson.com; mheidelberg@heidelbergharmon.com; Litherland, Craig; Matteis, August; Davidson, Benjamin; Sugimura, Derek; Greenfield, Juanita
Subject: RE: United States ex rel. Rigsby v. State Farm Mutual Insurance Co.

Craig – Thanks for your letter. We have in mind a process similar to the process used by Judge Walker in *McIntosh* in connection with Cori Rigsby's crashed computer. We would certainly expect that the hard drives on both the Scruggs-issued computers to Cori and Kerri Rigsby would be mirrored as a part of that process. Please let me know as soon as possible if this course is generally worth pursuing. In any event, please confirm that you and your clients have taken all steps necessary to preserve the data and computers themselves. Thanks. Jeff

From: Carr, Kathleen [mailto:carrk@gotofirm.com]
Sent: Wednesday, June 09, 2010 10:59 AM
To: Jeff Walker
Cc: Barney Robinson; Ben Watson; Bob Galloway; Amanda Barbour; jrobie@romalaw.com; mbeers@beersanderson.com; mheidelberg@heidelbergharmon.com; Litherland, Craig; Matteis, August; Davidson, Benjamin; Sugimura, Derek; Greenfield, Juanita
Subject: United States ex rel. Rigsby v. State Farm Mutual Insurance Co.

Please see the attached correspondence from Craig Litherland.



Kathleen P. Carr
Legal Secretary
carrk@gotofirm.com

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Ben Watson

From: Melissa Baltz
Sent: Monday, June 28, 2010 10:17 AM
To: mheidelberg@heidelbergharmon.com; mattiesa@gotofirm.com; sugimurad@gotofirm.com; davidsonb@gotofirm.com
Cc: Jeff Walker; Barney Robinson; Ben Watson; Amanda Barbour
Subject: Proposed order re: computers
Attachments: 5245957_3.pdf; image001.gif

Counsel,

Jeff asked me to send this on to you for your review.

Melissa

M. Melissa Baltz

Butler, Snow, O'Mara, Stevens & Cannada, PLLC
Direct: (601) 985-4413
Fax: (601) 985-4500

melissa.baltz@butlersnow.com

BUTLER | SNOW

About Butler Snow

Bio

V-Card

P.O. Box 6010
Ridgeland, MS 39158-6010

Suite 1400
1020 Highland Colony Parkway
Ridgeland, MS 39157

Exhibit 6 to Declaration

Ben Watson

From: Ben Watson
Sent: Wednesday, June 30, 2010 1:54 PM
To: 'Litherland, Craig'; Jeff Walker
Cc: lcanada@gjtbs.com; Barney Robinson; gholson@gbeolaw.com; Cecil Maison Heidelberg; Sugimura, Derek; Davidson, Benjamin; Matteis, August
Subject: RE: Computers

Craig-

It is interesting that you accuse State Farm of delay. As you are well aware, State Farm's November 23, 2009 discovery requests called for the production of these computers. Instead of timely producing or identifying them, your clients did not disclose their existence until their May 25, 2010 "revised" supplemental discovery responses. Had your clients not delayed in identifying these computers, we would have been discussing these issues much earlier than June 2010.

In any event, thank you for letting me know your position. We will be filing our motion to compel.

-----Original Message-----

From: Litherland, Craig [mailto:litherlandc@gotofirm.com]
Sent: Wednesday, June 30, 2010 1:25 PM
To: Ben Watson; Jeff Walker
Cc: lcanada@gjtbs.com; Barney Robinson; gholson@gbeolaw.com; Cecil Maison Heidelberg; Sugimura, Derek; Davidson, Benjamin; Matteis, August
Subject: RE: Computers

Ben,

At this point, with discovery concluding tomorrow, no, I do not think that there is anything to discuss. Two weeks or so ago, there certainly was an opportunity. But, the failure to address the matter in the ensuing period has eliminated that opportunity. As you yourself have repeatedly pointed out, things are very busy now. The idea that we could squeeze some procedure in to deal with these computers in the day and a half remaining is of course crazy.

But, the failure to reach resolution is not because there was not an opportunity to reach resolution through good faith negotiation. The reason that resolution is not possible is because of the failure to address the issue promptly. I am sure that your client will file some motion. We will likely oppose that motion in part based upon the fact that your clients delay prevented this from being completed within the discovery period. I will not sign a good faith certificate that is false and inconsistent with one of the responses we will likely make with respect to your motion.

As I said before, I am happy to sign a certificate that acknowledges that there is an impasse between the parties on this issue. I would sign a certificate that says that today there is no time left within which a resolution of this issue is possible since discovery closes tomorrow. I will not sign a certificate that suggests there was a process of good faith negotiation that just failed to reach a successful conclusion.

I would also point out that there is no reason at this point to address this matter on an expedited schedule. There is no way the parties can fairly raise and respond to this matter before tomorrow. And once we are past the discovery deadline anyway, there is no reason for a rush.

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-----Original Message-----

From: Ben Watson [mailto:Ben.Watson@butlersnow.com]
Sent: Wednesday, June 30, 2010 12:48 PM
To: Litherland, Craig; Jeff Walker
Cc: lcanada@gjtbs.com; Barney Robinson; gholson@gbeolaw.com; Cecil Maison Heidelberg; Sugimura, Derek; Davidson, Benjamin; Matteis, August
Subject: RE: Computers

Craig-

If we are at an "impasse" as you suggest, what more can be done to resolve this matter? Are you willing to work with us to develop a procedure to search the computers? If so, we are certainly willing to work with you. We have circulated to you a proposed order and are open to considering any suggestions or modifications that you may have.

If you are not willing to work with us to develop a procedure, then I am not sure what is left to discuss. The extensive correspondence between the parties on this issue establishes that there has been a good faith attempt to resolve this issue and we will present that record to the Court if you are unwilling to sign a Good Faith Certificate.

I would appreciate it if you would let me know your position as soon as possible.

-----Original Message-----

From: Litherland, Craig [mailto:litherlandc@gotofirm.com]
Sent: Wednesday, June 30, 2010 11:36 AM
To: Ben Watson; Jeff Walker
Cc: lcanada@gjtbs.com; Barney Robinson; gholson@gbeolaw.com; Cecil Maison Heidelberg; Sugimura, Derek; Davidson, Benjamin; Matteis, August
Subject: RE: Computers

Ben,

It does seem that perhaps we are at an impasse with respect to this issue. But, I do not agree that the impasse occurs after good faith negotiations have failed.

I did indicate on June 10 that we were willing to work toward a procedure to address the issue that was raised. That June 10 email was quite specific as to the terms that we would consider reasonable but also specifically stated that I would need to get my clients approval as I was doing my best to respond promptly to the issue that had been raised. Between June 10 and June 28, a span of well more than two weeks, there was no reply to my email and no

communication at all. We assumed that the issue was no longer of interest. Then, on June 28, only days before the close of discovery, a proposed order was circulated that suggested a procedure that is quite materially different from what I had proposed on June 10.

Since that time, there has been no actual discussion at all on the issue despite the fact that I was actually, physically present in your offices yesterday. This is not a course of good faith discussion or negotiation. This is simply your desire to file a motion to compel without bothering with any good faith discussion.

If you want me to sign a certificate that says we appear to be at an impasse, I will do so promptly if you send one. But, I will not represent to the court that the impasse follows a good faith discussion aimed at resolving this issue.

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-----Original Message-----

From: Ben Watson [mailto:Ben.Watson@butlersnow.com]
Sent: Wednesday, June 30, 2010 11:51 AM
To: Litherland, Craig; Jeff Walker
Cc: lcanada@gjtbs.com; Barney Robinson; gholson@gbeolaw.com; Cecil Maison Heidelberg; Sugimura, Derek; Davidson, Benjamin; Matteis, August
Subject: RE: Computers

Craig-

Jeff is in a deposition today and asked me to respond to your e-mail. As you know, we sent you a letter and a good faith certificate on this issue on June 8, copies of which is attached. Instead of returning the good faith certificate, you sent the attached e-mail stating that you were willing to work with us to develop a procedure to search the computers. Relying on your anticipated cooperation, we developed the proposed order (also attached) that was circulated a couple of days ago. If you are now saying that you will not work with us in formulating a procedure to search the computers, I am again attaching the good faith certificate and ask you to sign it and return it to me immediately as we will be filing a motion to compel today.

-----Original Message-----

From: Litherland, Craig [mailto:litherlandc@gotofirm.com]
Sent: Tuesday, June 29, 2010 6:36 PM
To: Jeff Walker; Ben Watson
Cc: lcanada@gjtbs.com; Barney Robinson; gholson@gbeolaw.com; maison@heidbergpa.com; Sugimura, Derek; Davidson, Benjamin; Matteis, August

Subject: Computers

Jeff,

It is unfortunate that travel schedules have prevented us from actually discussing this matter. Perhaps I am just confused.

But, we have no interest in filing a motion asking Judge Walker to authorize a procedure to preserve data on computers in the Rigsbys' possession. I do not recall ever having discussed filing any such motion. We see no need for such a step.

Perhaps you can explain the origin of this concept.

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----- Original Message -----

From: Jeff Walker <Jeff.Walker@butlersnow.com>
To: Litherland, Craig; Melissa Baltz <Melissa.Baltz@butlersnow.com>; Ben Watson <Ben.Watson@butlersnow.com>
Cc: 'lcanada@gjtbs.com' <lcanada@gjtbs.com>; Barney Robinson <Barney.Robinson@butlersnow.com>; 'gholson@gbeolaw.com' <gholson@gbeolaw.com>; Cecil Maison Heidelberg; Sugimura, Derek; Davidson, Benjamin; Matteis, August
Sent: Mon Jun 28 15:23:41 2010
Subject: Re: Resending re Computers

Craig - Apologies on not sending the proposed order to you. I am also on the road today and was not around to send it.

----- Original Message -----

From: Litherland, Craig <litherlandc@gotofirm.com>
To: Melissa Baltz; Jeff Walker; Ben Watson
Cc: lcanada@gjtbs.com <lcanada@gjtbs.com>; Barney Robinson; gholson@gbeolaw.com <gholson@gbeolaw.com>; maison@heidelbergpa.com <maison@heidelbergpa.com>; Sugimura, Derek <sugimurad@gotofirm.com>; Davidson, Benjamin <davidsonb@gotofirm.com>; Matteis, August <matteisa@gotofirm.com>
Sent: Mon Jun 28 13:40:59 2010
Subject: Resending re Computers

Jeff,

I gather that you may have today sent some letter related to the discussion we were having several weeks ago regarding computers supplied to the Rigsbys. For some reason, I also gather you did not copy me on any such letter despite the fact that I was the one who was dealing with these issues.

I am currently traveling to Mississippi for one of the depositions scheduled for tomorrow. If you want me to consider any letter related to this issue, I would suggest that you have a copy of the correspondence available for me at the deposition in Ridgeland tomorrow.

Given State Farm's repeated complaints over the last few weeks that the discovery already scheduled makes any additional discovery impossible, I assume that you would not seriously suggest that some process as we were discussing several weeks ago be commenced now. But, whatever the request, I will consider it tomorrow.

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**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 FIRE AND
CASUALTY COMPANY, et al.

DEFENDANTS/COUNTER-PLAINTIFFS

**RELATORS' REVISED SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
DEFENDANT/COUNTER-PLAINTIFF
STATE FARM FIRE AND CASUALTY COMPANY'S FIRST INTERROGATORIES**

Relators Cori Rigsby and Kerri Rigsby (collectively, "Relators") serve the following revised supplemental responses to Defendant/Counter-Plaintiff State Farm Fire and Casualty Company's First Interrogatories to Cori and Kerri Rigsby dated November 23, 2009. These responses supplement the objections and responses served on January 11, 2010, and are produced pursuant to the Court's Order dated May 5, 2010.

GENERAL RESERVATIONS

1. Relators are answering only on their own behalf, not on behalf of their former counsel or any other individuals or entities. Relators are providing information and documents that are in their possession; Relators do not have control over or access to documents in the possession of their former counsel.

2. Relators' responses are based on the information and documents available and known to Relators at this time. Further investigation and analysis may disclose additional information responsive to the discovery requests. In addition, future events may affect or otherwise be relevant to the responses herein. Relators reserve the right to amend, supplement,

or withdraw any response to the discovery requests as necessary or appropriate in light of information or knowledge obtained during the course of discovery in this matter.

3. Materials that might have contained information responsive to these discovery requests were stored in a storage facility in that was burglarized and vandalized in November or December 2008. Those materials were never recovered, and Relators have been unable to reconstruct most of those records.

4. The responses set forth below are subject to and do not waive:

- a. all questions or objections as to (i) the competency, relevancy, materiality, privilege, or admissibility of evidence or (ii) the use of any of the responses given herein or documents produced or the subject matter thereof in any subsequent proceeding or trial in this or any other action or for any other purpose;
- b. the right to object to other discovery proceedings involving or related to the subject matter of the request to which these responses are directed; and
- c. the right at any time to revise, correct, add to, or clarify any or all of the responses, all of which are given subject to correction of any such omissions or errors.

OBJECTIONS TO GENERAL INSTRUCTIONS

Relators renew the Objections to General Instructions asserted in their objections and responses served on January 11, 2010.

OBJECTIONS TO DEFINITION OF TERMS

Relators renew the Objections to Definitions of Terms asserted in their objections and responses served on January 11, 2010.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

Interrogatory No. 2: Identify any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

Supplemental Response to Interrogatory No. 2: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators refer Defendant to their tax returns for the 2006 through 2008 period, which are being provided herewith. Relators further state that their records indicate that they received the following things of value or compensation:

Date	Item	Amount/Value (if known)
2006	Use of Dell Inspiron Laptops for work purposes	unknown
April 2009	Payment as provided in No Assignment Agreement with Richard Scruggs and Scruggs Law Firm	\$50,000.00
May 2009	Airfare to Washington DC for hearing preparation	\$2564.80
May 2009	Meals and lodging in Washington DC for hearing preparation	\$2266.68

May 2009	Dinner in Gulfport, MS	\$136.17
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Relators further received legal counsel from lawyers and law firms, including Richard Scruggs, the Scruggs Law Firm, Zuckerman Spaeder LLP, Battle Fleenor Green Winn & Clemmer, LLP (now known as Battle Winn Clemmer LLP), and possibly including White Arnold & Dowd, P.C., for which payment may have been made by entities or individuals listed above. Relators do not know the value of those services, except to the extent they are referenced or identified in the invoices contained in the documents produced by Relators in this matter.

In addition, Gilbert LLP represents the Relators in connection with this case. A copy of Gilbert LLP's retention agreement has been produced bearing the bates-numbers Rigsby-002023—Rigsby002028.

In addition, Relators may have received other items of nominal value, including food, office supplies, a coffee mug, and shipping materials for use in preparation for or during hearings or depositions in this matter.

Interrogatory No. 3: Identify any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that any relative of yours by blood or marriage or any corporation or other legal entity in which such relative is a member or shareholder (excluding publicly traded corporations), has received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

Supplemental Response to Interrogatory No. 3: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators state that their mother, Patricia Lobrano, reached a confidential settlement with State Farm for her claim for damage to her home during Hurricane Katrina. The Relators believe the payment may have been delivered through one or more of the individuals listed in Interrogatory No. 3, who were serving as Mrs. Lobrano's counsel.

In addition, Gilbert LLP has corresponded with State Farm regarding Mrs. Lobrano's claim for insurance coverage in a matter not related to Hurricane Katrina and has represented Mrs. Lobrano in a limited basis in connection with discovery arising from this case.

Interrogatory No. 4: Identify all sources of income or other financial support of any nature for you and any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), since August 29, 2005. For each source of income, please state the approximate dates that such income was received and the total amount of such income.

Supplemental Response to Interrogatory No. 4: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators refer Defendant to their tax returns for the 2006 through 2008 period, which have been produced as documents bearing the bates-numbers Rigsby-002033—Rigsby-002159, as well as 2009 tax documents bearing the bates-numbers Rigsby-002160—Rigsby-002161 and Rigsby002404—002420. Relators further state that they were directly employed by E.A. Renfroe & Co. for the period from August 29, 2005 to June 2006. Relators further state that they received \$25,000 each in a confidential

settlement in May 2009 from Richard Scruggs, which is referenced in the Supplemental Response to Interrogatory No. 2 above.

Interrogatory No. 5: Identify every bank, thrift, savings and loan, credit union, stock brokerage or other financial or investment institution or entity with whom you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), have held, jointly or individually, an account, trust, fund, or investment of any type since August 29, 2005.

Supplemental Response to Interrogatory No. 5: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objections, Relators state that they have held, or believe they have held, accounts in the following institutions:

- Keesler Federal Credit Union
- Regions Bank (C. Rigsby only)
- The Cornerstone Group/LPL Financials (K. Rigsby only)
- Merchants & Marine Bank (Peyton Properties)

Interrogatory No. 6: Identify each Person, firm, partnership, joint venture, limited partnership, professional association, professional limited liability company, mutual company, corporation or other legal entity of any kind, for whom you have performed services – either as employee or independent contractor – from August 29, 2005 to the present.

Supplemental Response to Interrogatory No. 6: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objections, Relators state that they have performed services for the following companies or entities:

- E.A. Renfroe & Co.

- State Farm Fire & Casualty Co.
- The Scruggs Law Firm
- Ocean Springs Family Medical Clinic
- Coldwell Bankers United Realty (C. Rigsby only)
- Becker & Co. (K. Rigsby only)
- CleanHarbors Environmental Services (C. Rigsby only)

Interrogatory No. 7: Identify by phone number and service provider (i.e., telecommunications company carrier), each and every cellular or satellite telephone over which you had primary use since August 29, 2005, whether or not the account was being carried in your name. For each such cellular or satellite telephone, state the inclusive dates during which you used said device and the identity of the account name.

Supplemental Response to Interrogatory No. 7: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators state that they had the following cell phone numbers during the October 12, 2005 through February 28, 2006 period:

Phone Number	Dates of Use	User	Provider
228-324-████	8/29/05-present	(C. Rigsby)	AT&T (Cingular)
228-324-████	8/29/05-present	(K. Rigsby)	AT&T (Cingular)

Relators do not have any cell phone records for the period between October 12, 2005 through February 28, 2006.

Relators further state that they have had access to other cell phones, including but not limited to cell phones by provided Richard Scruggs and/or the Scruggs Law Firm between April 2006 and April 2008, but that they do not recall and cannot locate the phone numbers or service provider(s) for those phones.

REDACTED

Interrogatory No. 8: Identify all computer technicians, computer forensic experts, hackers and any other information technology personnel of any nature (collectively “I.T. Person”), whom you or any of your counsel have permitted at any time since August 29, 2005 to examine, use, inspect or possess any computer issued you by State Farm, or State Farm or Renfroe maintained computer or computer system. Your response should include, but not be limited to, the identity of the “hacker for Dickie” testified about by Dana Lee in her July 18, 2008 Deposition on pages 79-80 of her transcript and the “hacker” testified about by Tammy Hardison in her July 18, 2008 Deposition on pages 46-47, which are of record in this Action as [195-1] and [195-2], respectively. For each such I.T. Person, state the date(s) of such examination(s), inspection(s) or possession(s).

Supplemental Response to Interrogatory No. 8: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators state that they have no specific information about any person responsive to this Interrogatory. Relators further state that a female person acting on behalf of Richard Scruggs and/or the Scruggs Law Firm accessed a laptop computer in the possession of Cori Rigsby sometime in early 2006. Relators believe this person was a relative of Charlene Bosarge, but they have no knowledge as to her qualifications as a computer technician, computer forensic expert, “hacker,” or information technology personnel and understand that she had no special experience or training in those matters.

Interrogatory No. 9: Identify each and every contact between you or any one acting on your behalf, including any public relations person or firm on the one hand and any public relations person or firm, or representative or member of the print or electronic news media, Website or a Weblog on the other hand, regarding this Action, the existence of this Action or the subject matter of this Action, since August 29, 2005, including but not limited to any contacts relating to the McIntosh property.

Supplemental Response to Interrogatory No. 9: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators state that they appeared on “20/20” in August 2006. Relators further state that they were featured in an article in *Glamour*

magazine in June 2007. Relators further state they spoke with Anita Lee, a reporter for the Biloxi-Gulfport and South Mississippi *Sun Herald*, as well as a reporter for the Associated Press. Relator Kerri Rigsby also appeared in a commercial related to State Farm's claims-handling practices.

Relators further refer State Farm to their production in this action and to the deposition testimony they provided in *McIntosh v. State Farm*, No. 1:06cv1080 (S.D. Miss.), *Marion v. State Farm*, No. 1:06cv969 (S.D. Miss.), and *E.A. Renfroe & Co. v. Rigsby*, No. 06-WMA-1752 (S.D. Ala.). The Relators further state that they may have occasionally spoken to reporters and other persons regarding this Action, the existence of this Action, or the subject matter of this Action. However, Relators did not keep track of such other contacts and cannot identify or list all such other contacts.

Interrogatory No. 11: Identify each and every Internet Service Provider ("ISP") you have used at any time since August 29, 2005, as well as each and every e-mail account and instant messenger account, internet telephone account, or voice over internet protocol account, you have held at any time since August 29, 2005, e.g., Comcast, Time Warner, Hughes Net, Hotmail, Gmail, Yahoo Mail, AOL, Skype, Vonage and Gizmo5, etc. This request seeks all such accounts, whether Web-based, e.g., Gmail or Personal Information Manager based, e.g., Outlook account with BellSouth or Comcast. For each such account, give your registration name, e-mail address, account number, instant messenger user name and the dates such account was active.

Supplemental Response to Interrogatory No. 11: Relators object to this interrogatory on the basis that it is vague and ambiguous.

Subject to and without waiving their objection, Relators state that they have accounts with America On-Line ("AOL") and have had accounts with AOL since before August 29, 2005. Their email addresses are krigsby111@aol.com (K. Rigsby) and crigsby888@aol.com (C. Rigsby). Relator Cori Rigsby further states that she used the email addresses

rigsby8888@aol.com, moran2058@aol.com, and moran2058@bellsouth.net. The precise dates of use for those accounts are unknown; in total, those accounts probably span the period before Hurricane Katrina through approximately June 2008, but Relator no longer can access any of those three accounts.

Relators further state that they were provided with email addresses by State Farm before Hurricane Katrina. Kerri Rigsby's State Farm email address was Kerri.Rigsby.HVWZ@StateFarm.com and Cori Rigsby's State Farm Farm email address was Cori.Rigsby.HYNZ@StateFarm.com. Those accounts were terminated or suspended sometime in 2006.

This the 25th day of May, 2010

Respectfully, submitted,

/s/ C. Maison Heidelberg
C. MAISON HEIDELBERG, MB #9559
GINNY Y. KENNEDY, MB #102199

OF COUNSEL

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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 a true and correct copy of the foregoing instrument to be delivered to the following, via electronic and United States mail, where available:

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FOR MISSISSIPPI
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Jackson, MS 39201

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ATTORNEYS FOR FORENSIC ANALYSIS
ENGINEERING CORPORATION

/s/ C. Maison Heidelberg

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;
HAAG ENGINEERING CO.;

DEFENDANTS

**DEFENDANT/COUNTER-PLAINTIFF
STATE FARM FIRE AND CASUALTY COMPANY'S
FIRST DISCOVERY TO CORI AND KERRI RIGSBY**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company, improperly denominated in the First Amended Complaint as “State Farm Mutual Insurance Company” (“State Farm”), respectfully submits this First Set of Discovery to Plaintiffs/Counter-Defendants Cori and Kerri Rigsby (collectively “the Rigsbys”) *to be answered separately by each of them* in accordance with the Federal Rules of Civil Procedure. Said interrogatories are to be answered under oath within thirty days, and the requested ESI, documents and things are to be made available for inspection, examination, copying and photographing at the offices of the undersigned attorneys within thirty days or at such other time and place as may be agreed upon by counsel.

I. GENERAL INSTRUCTIONS

1. If any of these discovery requests cannot be answered in full, then you should answer to the extent possible and specify the reasons for your inability to answer the remainder, and should state whatever information or knowledge you have concerning the unanswered portion. For example, in answer to the interrogatories concerning witnesses and documentary evidence, please identify as many witnesses and proposed exhibits as possible, rather than stating “unknown at this time.”

2. In answering these discovery requests, please furnish such information as is known or is available to you regardless of whether this information is obtained directly by, or known to, or obtained by, any of your attorneys or other agents or representatives.

II. DEFINITION OF TERMS

Throughout this discovery, including the definition of terms, the words used in the masculine gender include the feminine; words used in the singular include the plural and vice versa; the connectives “and” and “or” shall be construed either disjunctively and conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope; and where the word “include” or “including” appears, the meaning intended is “including, but not limited to.”

As used throughout this discovery, the following terms have the following meanings indicated:

(a) “Date” means the exact day, month and year, if ascertainable, or if not, the best approximation (including relationship to other events).

(b) “Person” means any individual, corporation, proprietorship, partnership, association or any other natural or legal entity.

(c) “Document,” is defined to be synonymous in meaning and equal in scope to the usage of this term in Rule 34 of the Federal Rules of Civil Procedure, including all writings, records, tapes, drawings, graphs, charts, photographs, phonorecords, computerized data, electronically stored information (ESI), and other data compilations from which information can be obtained or translated, and any drafts or copies thereof.

(d) “Action” means the instant lawsuit.

(e) “State Farm” means State Farm Fire and Casualty Company.

(f) "Office of the Attorney General" shall mean Attorney General Jim Hood, any Assistant Attorney General, Deputy Attorney General, Special Assistant Attorney General, or any member of the office or staff of the Attorney General for the State of Mississippi.

(g) "Scruggs Katrina Group" or "SKG" shall mean any attorney currently or formerly practicing with: The Scruggs Law Firm, P.A.; The Barrett Law Office, P.A.; The Lovelace Law Firm, P.A.; Nutt & McAlister, PLLC; or Jones, Funderburg & Sessums PLLC, and without limiting the generality of the foregoing, shall specifically include the following individuals associated with the firms that comprise or comprised the SKG: Richard Scruggs; Zach Scruggs; Don Barrett; Sid Backstrom; Marshall Smith, Jr.; David McMullan, Jr.; Dewitt Lovelace; David Nutt; Mary E. McAlister; Derek Wyatt; John Jones; and Steven Funderberg.

(h) "You" (and any form thereof, including "your") shall refer to Cori Rigsby and Kerri Rigsby, including: (a) experts whom the Rigsbys expect to call as witnesses at trial or any hearing; (b) attorneys retained by the Rigsbys; and (c) Persons who have access to the requested information or from whom the Rigsbys can obtain such information.

(i) "Scruggs Law Firm, P.A." means Scruggs Law Firm, P.A. and all successor entities or associations, including its current and former attorneys, paralegals, employees, partners, officers, directors, consultants, investigators and agents.

(j) "Renfroe Litigation" means E. A. Renfroe & Company, Inc. v. Cori Rigsby Moran and Kerri Rigsby; Civil Action No. 06-AR-1752-S (N.D. Ala.).

(k) "Renfroe" means E.A. Renfroe & Company, Inc., including Renfroe's officers and directors, such as Jana and Gene Renfroe.

(l) “ESI” means electronically stored information, including data in any electronic media whatsoever, regardless of whether such is stored, reflected or maintained in electronic, digital, laser or electro-optical, magnetic or some other electronic form, and wherever and to the greatest extent possible with the original metadata intact.

(m) “Identify” has the following meanings in the following contexts:

- (1) When used with respect to a Person or Persons, to “identify” means to provide each such Person’s name, age, last known residence address, last known business address, home telephone number, work telephone number, employer, and place of employment.
- (2) When used with respect to a place, to “identify” means to provide the address, city or town, county, and state where that place is located.
- (3) When used with respect to a document, to “identify” means to provide that document’s current location, author, and date; the identity of each recipient; and the subject of the document.
- (4) When used with respect to an expert witness, to “identify” means to provide the subject matter on which the expert is expected to testify; the substance of the facts upon which or about which the expert is expected to testify; the substance of the opinion or opinions as to which such expert is expected to testify; and a summary of the grounds for each opinion as to which each such expert is expected to testify.
- (5) When used with respect to an act, circumstance, occurrence, occasion, meeting, transaction, or conversation (an “act”), to “identify” means to set forth the event or events constituting such an act; the act’s location; its date and the Persons participating, present, or involved; the substance of what was said by each such Person identified; and the documents relating or referring in any way thereto.

(n) “Accessed” means accessed, run, executed, observed, collected, mined, taken, removed, imaged, downloaded, viewed, copied, replicated, mirrored, destroyed, deleted, altered, transferred, printed or otherwise obtained, as well as the insertion or activation of programs, Trojans, viruses, worms, trackers, MRU objects, malware, tracking cookies, spyware, commands, queries, searches, characters, key strokes, key ghosters or scripts.

(o) “Materials” means Documents, including ESI, or things.

(p) “Party” means any current or former party to this Action.

(q) “Surveillance” means investigative, intelligence or espionage services or methods, whether personal, electronic, recorded, software-based, retransmitted, remotely sensed, electro-magnetic, computer, computer system, video, photographic, bugging or other by some other surveillance method, device or tool.

III. SUPPLEMENTATION OF RESPONSES

Answers to these discovery requests are sought on a continuing basis during the pendency of this Action.

IV. INTERROGATORIES

INTERROGATORY NO. 1:

Identify each and every Person from whom you or anyone acting on your behalf (including, without limitation, your attorneys, any investigator(s) working for your attorneys, or you, or any other Person) have obtained a statement, declaration or affidavit of any type (e.g. written, recorded or otherwise) concerning any fact, matter or event having any connections or relevance to the matters at issue in this lawsuit.

INTERROGATORY NO. 2:

Identify any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A.,

Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

INTERROGATORY NO. 3:

Identify any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that any relative of yours by blood or marriage or any corporation or other legal entity in which such relative is a member or shareholder (excluding publicly traded corporations), has received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

INTERROGATORY NO. 4:

Identify all sources of income or other financial support of any nature for you and any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly

traded corporations), since August 29, 2005. For each source of income, please state the approximate dates that such income was received and the total amount of such income.

INTERROGATORY NO. 5:

Identify every bank, thrift, savings and loan, credit union, stock brokerage or other financial or investment institution or entity with whom you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), have held, jointly or individually, an account, trust, fund, or investment of any type since August 29, 2005.

INTERROGATORY NO. 6:

Identify each Person, firm, partnership, joint venture, limited partnership, professional association, professional limited liability company, mutual company, corporation or other legal entity of any kind, for whom you have performed services – either as employee or independent contractor – from August 29, 2005 to the present.

INTERROGATORY NO. 7:

Identify by phone number and service provider (i.e., telecommunications company carrier), each and every cellular or satellite telephone over which you had primary use since August 29, 2005, whether or not the account was being carried in your name. For each such cellular or satellite telephone, state the inclusive dates during which you used said device and the identity of the account name.

INTERROGATORY NO. 8:

Identify all computer technicians, computer forensic experts, hackers and any other information technology personnel of any nature (collectively “I.T. Person”), whom you or any of your counsel have permitted at any time since August 29, 2005 to examine, use, inspect or possess any computer issued you by State Farm, or State Farm or Renfroe maintained computer or computer system. Your response should include, but not be limited to, the identity of the “hacker for Dickie” testified about by Dana Lee

in her July 18, 2008 Deposition on pages 79-80 of her transcript and the “hacker” testified about by Tammy Hardison in her July 18, 2008 Deposition on pages 46-47, which are of record in this Action as [195-1] and [195-2], respectively. For each such I.T. Person, state the date(s) of such examination(s), inspection(s) or possession(s).

INTERROGATORY NO. 9:

Identify each and every contact between you or any one acting on your behalf, including any public relations person or firm on the one hand and any public relations person or firm, or representative or member of the print or electronic news media, Website or a Weblog on the other hand, regarding this Action, the existence of this Action or the subject matter of this Action, since August 29, 2005, including but not limited to any contacts relating to the McIntosh property.

INTERROGATORY NO. 10:

Identify each and every instance in which you or someone under your supervision used or reviewed XactTotal or XactValue evaluations in connection with the adjustment of any constructive total loss prior to Hurricane Katrina.

INTERROGATORY NO. 11:

Identify each and every Internet Service Provider (“ISP”) you have used at any time since August 29, 2005, as well as each and every e-mail account and instant messenger account, internet telephone account, or voice over internet protocol account, you have held at any time since August 29, 2005, e.g., Comcast, Time Warner, Hughes Net, Hotmail, Gmail, Yahoo Mail, AOL, Skype, Vonage and Gizmo5, etc. This request seeks all such accounts, whether Web-based, e.g., Gmail or Personal Information Manager based, e.g., Outlook account with BellSouth or Comcast. For each such account, give your registration name, e-mail address, account number, instant messenger user name and the dates such account was active.

INTERROGATORY NO. 12:

Identify each and every law firm and attorney that has represented you in an attorney/client relationship with respect to any matter or issue involving State Farm or Renfroe since August 29, 2005, regardless of whether such law firm(s) or attorney(s) have entered an appearance of record in any proceeding on your behalf. For each such law firm or attorney, state the total amount of fees, costs and expenses incurred with respect to services, costs and expenses on your behalf and further identify the Person(s) who have paid those amounts.

INTERROGATORY NO. 13:

Identify all Persons with knowledge of discoverable information regarding any of the claims alleged by you in this Action, or any defenses to those claims, regardless of whether you may use such information to support your claims or challenge any Defendant's defenses. This request includes, but is not limited to, all Persons known to you who were witnesses to any of the events forming the basis of your claims in this Action or any defenses to those claims. For each such Person, please provide a brief summary of their potential knowledge that may be relevant to any claim or defense in this Action.

INTERROGATORY NO. 14:

Identify each Person, including without limitation any Certified Public Accountant(s), who has prepared or assisted in the preparation of your personal or your business(es)' tax returns at any time since August 29, 2005.

INTERROGATORY NO. 15:

Identify each and every natural person other than your lawyers, with whom you have discussed any of the following: (1) this Action; (2) your claims against any Defendant in this Action; or (3) your contention that the use of XactTotal in the adjustment of the McIntosh flood claim was impermissible.

**V. REQUESTS FOR PRODUCTION OF DOCUMENTS,
INCLUDING ELECTRONICALLY STORED INFORMATION, AND THINGS**

Note: All requests herein for Materials are requests for any Materials that are in Your possession, custody or control (which includes Materials in the possession, custody or control of your counsel)

REQUEST NO. 1:

All Materials that you have produced or identified in your responses to any discovery propounded upon you in this Action by any Party.

REQUEST NO. 2:

All Materials that are or were: (a) owned by State Farm or Renfroe; (b) resident on a State Farm or Renfroe maintained computer or computer system; or (c) otherwise in State Farm or Renfroe's possession, custody or control and Accessed by you since August 29, 2005. This request includes all such Materials that you enabled, allowed, or assisted a third party not employed by State Farm or Renfroe to Access.

REQUEST NO. 3:

All Materials regarding or concerning the purchase or sale of real property since August 29, 2005, by you or any corporation or other legal entity in which you are a member or shareholder (excluding publicly traded corporations).

REQUEST NO. 4:

All Materials regarding or concerning the purchase or sale of real property since August 29, 2005, by any relative of yours by blood or marriage or any corporation or other legal entity in which such relative is or was a member or shareholder (excluding publicly traded corporations).

REQUEST NO. 5:

All Materials regarding or concerning any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods,

property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that you received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

REQUEST NO. 6:

All Materials regarding or concerning any thing of value, compensation or other payment or remuneration in any form whatsoever – whether in cash, currency, travel, lodging, meals, credit, goods, property, indemnity, guaranty, contingency, reward, debt forgiveness, services, gifts or otherwise – that any relative of yours by blood or marriage has received, are receiving or may receive from Scruggs Law Firm, P.A., Richard Scruggs, David Zachary Scruggs, Charlene Bosarge, Beth Jones, Darren Versagia, Tim Balducci, Steve Patterson, P.L. Blake, SKG, The Barrett Law Office, P.A., Don Barrett, The Lovelace Law Firm, P.A., Nutt & McAlister, PLLC, David Nutt, Mary McAlister, Derek Wyatt, Jones, Funderburg & Sessums PLLC, Bartimus, Frickleton, Robertson & Gorny, PC, Michael C. Rader, Anthony L. DeWitt, Edward D. “Chip” Roberston, Jr., James P. Frickleton, Mary Doerhoff Winter, Graves, Bartle & Marcus, LLC, Todd Graves, David L. Marcus, Matthew V. Bartle, Gilbert Randolph, LLP, Gilbert Oshinsky LLP, Gilbert LLP, Moore Law Firm, LLC, Michael C. Moore or anyone acting at the behest or on behalf of any of them, since August 29, 2005.

REQUEST NO. 7:

All Materials regarding or concerning account records of any type, including but not limited to statements of account, deposit receipts, and canceled checks, for any trust, fund, savings account, checking account, brokerage account or investment account maintained by you or on your behalf, whether jointly or individually, or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), from August 29, 2005 through the present.

REQUEST NO. 8:

All Materials evidencing or relating to your allegation that State Farm submitted to the federal government a knowingly false or fraudulent claim for payment of flood insurance benefits on the McIntosh residence in connection with Hurricane Katrina or to any defense to such allegation.

REQUEST NO. 9:

Your state and federal tax returns, all supporting schedules and documents thereto, your 1099's, W-2's, financial statements, applications for extensions and responses thereto or other similar financial documents for the years 2005 to the present. If you do not have copies of these materials, please provide authorizations so that they may be obtained directly from the Internal Revenue Service.

REQUEST NO. 10:

The state and federal tax returns, all supporting schedules and documents thereto, your 1099's, W-2's, financial statements, or other similar financial documents for any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), for the years 2005 to the present.

REQUEST NO. 11:

All Materials that pertain to any credit or financing obtained by you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), since August 29, 2005, including but not limited to credit applications, loan documents, loan notes, guarantees, receipts, waivers, disclosure statements, insurance disclosure summaries, settlement statements, UCC forms, property appraisals, security agreements or renewals.

REQUEST NO. 12:

All Materials containing or evidencing any admissions or statements against interest by State Farm or Renfroe (or any of their predecessors, affiliates or agents) or anyone acting on their respective behalf, including their employees, officers, directors or agents, that are related to any matter at issue in this Action.

REQUEST NO. 13:

All Materials that evidence, pertain, or relate to each and every statement or affidavit of any type (e.g., written, recorded or otherwise) concerning any fact, matter or event having any connections or relevance whatsoever to any aspect of this Action that you or anyone acting on your behalf (including, without limitations your attorneys, any investigator working for your attorneys, or you, or any other Person) have obtained from any Person.

REQUEST NO. 14:

All Materials received from a third party and that were created by State Farm or Renfroe, any of their predecessors, affiliates, respective agents or any other entity or Person related in any manner to this Action.

REQUEST NO. 15:

All Materials provided by you or anyone on your behalf to any expert witness, or any other party or individual, regarding any of the allegations, matters, or items at issue in this Action. This request does not seek attorney/client privileged or work product Materials.

REQUEST NO. 16:

All Materials prepared by or concerning any opinions or reports of expert witnesses who are retained or specifically employed by you to provide expert testimony or whom you expect to call at the trial of this Action.

REQUEST NO. 17:

All Materials created, maintained or authored by State Farm or Renfroe, or their respective employees, officers, directors or agents, that have not been produced to you in *this* Action and that support any claim asserted by you in this Action or support a defense to such claims.

REQUEST NO. 18:

Your monthly billing statements for each and every revolving credit account (including, but not limited to credit card or charge card statements), held by you or on your behalf, whether jointly or individually, or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), at any time from August 29, 2005 to the present.

REQUEST NO. 19:

All records of payment or indebtedness concerning any closed end credit obligations you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations), have held at any time from August 29, 2005 to the present.

REQUEST NO. 20:

All records of real property ownership (including deeds and deeds of trust) for any real property or fixtures in which you or any corporation or other legal entity in which you are or were a member or shareholder (excluding publicly traded corporations) or have held any interest at any time during the period from August 29, 2005 to the present.

REQUEST NO. 21:

All Materials and communications that were exchanged between you or your counsel on the one hand, and any law enforcement officer or agency, on the other hand, including the U.S. Attorney's Office, the United States Department of Justice, the Federal Bureau of Investigation or the Mississippi Attorney General's Office, concerning State Farm or Renfroe, since August 29, 2005.

REQUEST NO. 22:

All Materials and communications that were exchanged between you or your counsel on the one hand, and the Mississippi Insurance Department, on the other hand, concerning State Farm or Renfroe, since August 29, 2005.

REQUEST NO. 23:

All Materials that concern, refer, or relate to dealings, contacts, or communications between you and Mike Moore or any attorney practicing with Mr. Moore's law firm, including but not limited to Lee Martin, since August 29, 2005.

REQUEST NO. 24:

All Materials that concern, refer, or relate to dealings, contacts or communications between you and Trent Lott or Gene Taylor or any member of their offices or staff since August 29, 2005.

REQUEST NO. 25:

All Materials that concern, refer, or relate to dealings, contacts or communications between you and Brian Ford, Dreux Seghers or Nellie Williams, since August 29, 2005.

REQUEST NO. 26:

All cellular or satellite telephone logs or records (including phone bills) reflecting calls (including cellular or satellite phone calls) made or received by you between August 29, 2005 and August 1, 2007.

REQUEST NO. 27:

All your calendars, schedules or diaries for dates between August 29, 2005 and August 1, 2007, including any Personal Information Manager calendar, such as Outlook.

REQUEST NO. 28:

Your foreign country tax returns, all supporting schedules and documents thereto for the years 2005 to the present.

REQUEST NO. 29:

All passports held by you at any time since August 29, 2005, including, without exception, the portions reflecting ports/airports of entry and visas.

REQUEST NO. 30:

All Materials related to or evidencing any contracts or agreements you have with any Person and related to your prosecution of your claims in this Action.

REQUEST NO. 31:

All Materials, including records of payment and Surveillance results, regarding Surveillance of any type whatsoever on your or your attorneys' or investigators' respective behalf with respect to State Farm, Renfroe or their respective attorneys, employees, officers, directors, agents or personnel,

including their respective movements, whereabouts, activities, refuse, photocopiers, imagers, facsimile machines, cellular or land line telephones, vehicles, residences, offices, computers or computer systems at any time since August 29, 2005.

REQUEST NO. 32:

All Materials, including correspondence, documents, e-mails and ESI exchanged, between you or any one acting on your behalf, including any public relations person or firm on the one hand and any public relations person or firm, or representative or member of the print or electronic news media, Website or a Weblog on the other hand, regarding this Action, the existence of this Action or the subject matter of this Action, since August 29, 2005, including but not limited to any contacts relating to the McIntosh property.

REQUEST NO. 33:

All Materials evidencing any actual or potential agreement, contract, promise or understanding to pay, sell, factor, assign, or transfer any part of your potential recovery in this Action.

REQUEST NO. 34:

All Materials evidencing any agreement, contract, promise or understanding with respect to you receiving actual or potential remuneration or anything of value as a result of any recovery received by any attorney, law firm, joint venture or party-plaintiff in any other Hurricane Katrina-related lawsuit against State Farm or Renfroe.

REQUEST NO. 35:

All Materials evidencing any agreement, contract, promise or understanding to finance the cost and expense of (including attorneys' fees incurred in) prosecuting your claims in this Action.

REQUEST NO. 36:

All Materials evidencing any financial statement or other Materials reflecting your net worth as of August 29, 2005, December 31, 2006, December 31, 2007, December 31, 2008, as of the date of your first response to these discovery requests in the year 2009 and separately as of the date of two months prior to the close of discovery in this Action (as set forth in any case management or scheduling order and any amendments thereto).

REQUEST NO. 37:

All Materials, including correspondence, documents, e-mails and ESI exchanged, between you or any one acting on your behalf on the one hand and any law firm or attorney not then representing you, State Farm or Renfroe on the other hand, regarding this Action, the existence of this Action or the subject matter of this Action, that were sent or received after August 29, 2005.

REQUEST NO. 38:

All Materials evidencing any agreement, contract, promise or understanding regarding indemnity or defense cost reimbursement for any liability or defense costs, expenses and fees incurred by Kerri Rigsby or Cori Rigsby with respect to State Farm or Renfroe at any time since August 29, 2005.

REQUEST NO. 39:

All Materials, including correspondence, documents, e-mails and ESI exchanged, between you or any one acting on your behalf on the one hand and Richard Scruggs or any law firm or attorney representing him on the other hand, sent or received after the termination of Richard Scruggs' representation of you and concerning in any manner State Farm or Renfroe.

REQUEST NO. 40:

All Materials that may provide defense(s) to any of the claims you assert in this Action.

REQUEST NO. 41:

All Materials evidencing or relating to any use of XactTotal or XactValue by you or anyone under your supervision in connection with the adjustment of any flood insurance claim prior to Hurricane Katrina.

REQUEST NO. 42:

All Materials evidencing or relating to any financial arrangements, understandings, agreements, contracts, remuneration, consideration or payments since August 29, 2005: (a) by you to Pat Lobrano or Bill Lobrano; (b) with Pat Lobrano or Bill Lobrano; or (c) by Pat Lobrano or Bill Lobrano to you, "Payton Properties" or any account or entity under your control.

REQUEST NO. 43:

In addition to paper copies or .pdf or .tiff images, also produce all Materials produced in response to any discovery requests propounded upon you in this Action, in their native electronic format(s), e.g., Word, WordPerfect, Excel, .jpeg, .mpeg, .pdf, E-mail file, etc. Please produce such on DVD or CD, *with original metadata intact*.

This the 23rd day of November, 2009.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

By: s/ Robert C. Galloway (MSB # 4388)
Robert C. Galloway (MSB # 4388)
Jeffrey A. Walker (MSB # 6879)
E. Barney Robinson III (MSB # 09432)
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PRO HAC VICE

CERTIFICATE OF SERVICE

I, Robert C. Galloway, 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 U.S. Mail and e-mail:

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ATTORNEYS FOR FORENSIC ANALYSIS ENGINEERING CORPORATION

THIS the 23rd day of November, 2009.

s/ Robert C. Galloway (MSB # 4388)
Robert C. Galloway (MSB # 4388)

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 FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF
and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
HAAG ENGINEERING CO.; and ALEXIS KING

DEFENDANTS

**AGREED ORDER AS TO COMPUTERS PROVIDED
TO CORI RIGSBY AND KERRI RIGSBY**

This cause is before the Court on the Joint Motion of Defendant/Counter-Plaintiff State Farm Casualty Company (“State Farm”) and Relators Cori Rigsby and Kerri Rigsby, (“Relators”) for an order concerning the preservation and disclosure of information stored on Dell Inspiron computers (the “computers”) provided to Relators by the Scruggs Law Firm, P.A., Scruggs Katrina Group and/or Richard Scruggs and/or their respective agents. Having considered the joint motion, this Court finds the relief requested by Relators and State Farm to be appropriate.

It is therefore ORDERED that:

1. Within three days of the date of this Order, the computers shall be securely packaged by Relators and sent to Pileum, (“expert”) attn: Elizabeth Frazier, 210 East Capitol Street, Suite 1950, Jackson, MS. 39201, via overnight delivery.

2. The expert will make a full forensic mirror image of the hard drives of each computer using forensic harvesting with appropriate software, tools, and protocols so as not to alter the metadata in the files on the disk, and make two identical Bates-numbered paper copies of all electronically stored information (“ESI”) that can be extracted from the mirror image of the hard drives within one week of receipt of the computers. The expert shall provide one paper copy of the ESI to counsel for Relators, and one paper copy and the two electronic copies of the hard drives to the Court via overnight delivery. Once these steps are completed, the expert shall return the computers to the address from which they were sent, via overnight delivery.

3. Relators will have ten days from receipt of this information to inventory the ESI on a log and provide the log to counsel for State Farm and the Court. The log will contain the date of any document, the author, the recipient(s), the native format of the document, and a general description of the document. For any document or other ESI listed on the log that Relators object to producing to State Farm, Relators shall specifically state the basis for the objection. Any documents or other ESI that Relators do not object to producing shall be immediately produced to counsel for State Farm.

4. State Farm shall have the right to challenge any such objections. The Court's copy of the ESI and the two mirrored hard drives will be kept sealed unless State Farm challenges Relators' claim of privilege, in which case the Court will examine the challenged information to ascertain whether it is protected from discovery.

5. All costs associated with this procedure, will be equally shared by State Farm and Relators.

SO ORDERED, this the __ day of _____, 2010.

UNITED STATES MAGISTRATE JUDGE

Jackson 5245957v3

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THE SCRUGGS LAW FIRM

Dell Inc.

7-2006-052

DANIEL DETMAN
Delivery Phone Number: (251) 661-1347
Delivery Address: 3050 YORKWOOD RD EAST
 MOBILE, AL 36693
 US
Shipping Method: LTL 5 DAY OR LESS

Order Details

Order Number: 131780259

Estimated Ship Date: 06/29/2006

Item Number	Quantity	Item Description
221-9411	1	Dell 3400MP Projector
970-5670	1	Type 11 Contract-Projector Advance Exchange 1Yr Limited Warranty. Lamp Limited Warranty is 90Days from original invoice
902-5571	1	Type 11 Contract - Projector Advance Exchange 1 Year LimitedWarranty Coverage.
984-0897	1	Dell Hardware Warranty Plus Onsite Service, Initial Year
984-0898	1	Dell Hardware Warranty Plus Onsite Service, Extended Year

Subtotal: \$1099.00
Shipping & Handling: \$0.00
Tax: \$98.91
Total: \$1197.91

Order Number: 131780291

Estimated Ship Date: 07/10/2006

Item Number	Quantity	Item Description
222-1159	2	Latitude D620, Intel Core Duo T2400, 1.83GHz, 667Mhz, 2M L2 Cache, Dual Core
320-4572	2	14.1 inch Wide Screen WXGA LCDfor Latitude D620
465-4784	2	1.0GB, DDR2-533 SDRAM, 2 DIMM for Dell Latitude Notebooks
310-7270	2	Internal English Keyboard for Latitude Notebooks
320-4575	2	Intel Integrated Graphics Media Accelerator 950 Latitude D620
341-2978	2	60GB Hard Drive 9.5MM, 7200RPMfor Dell Latitude DX20
310-7268	2	Standard Touchpad for LatitudeD620
340-8895	2	Floppy Drive, Internal/Externalfor Dell Latitude D-Family, Notebooks, Factory Tied
465-2039	2	Windows XP Professional, SP2 with media, for Latitude English, Factory Installed
310-6314	2	Dell LF USB 2 Button Optical Mouse with Scroll for LatitudeNotebooks, Tied
310-7283	2	65W AC Adapter for Latitude D-Family
313-3881	2	24X CDRW/DVD with Cyberlink Power DVD, for Latitude D-Family
430-1483	2	Dell Wireless 1390 WLAN (802.11g,54Mbps) Mini Card Latitude
313-3885	2	Resource CD w/ Diagnostics andDrivers for Latitude D620 Notebook
312-0378	2	6-Cell/56 Whr Primary Battery Latitude D620
420-3699	2	NTFS File System, Factory Install
410-0166	2	Adobe Acrobat 6 Standard Rtl Package, English, CD

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THE SCRUGGS LAW FIRM

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Dell Inc.

Page 3 of 3

412-0453	2	W/Docs, Factory Installed, Bundle w/Office	
950-8540	2	Microsoft Office 2003 Basic Edition for Latitude	
950-8542	2	Type 7 Contract - Mail-In Service, 24x7 Technical Support, Initial Year	
982-5768	2	Type 7 Contract - Mail-In Service, 24x7 Technical Support, 2YR Extended	
983-2207	2	Thank you for choosing 3 Year Economy Plan	
983-2217	2	Thank You for buying Dell	
900-9987	2	Please visit WWW.Dell.COM	
462-4506	2	Standard On-Site Installation Declined	
465-1357	2	Purchase is NOT intended for resell	
373-0004	2	Thank you for choosing Dell	
		Dell, SW Config, sets wallpaper to blank for OptiPlex, Precision, Latitude	
		Subtotal:	\$2798.00
		Shipping & Handling:	\$0.00
		Tax:	\$251.80
		Total:	\$3049.80

Important Things to Know:

- Please save this **Order Confirmed** email. To ensure that your order is complete and accurate, please compare this confirmation to your invoice and/or packing slip.
- Please note that Dell cannot be responsible for pricing or other errors, and reserves the right to cancel any orders arising from such errors.
- Your order is subject to Dell's Terms and Conditions of Sale which include a binding arbitration provision.
- Orders may be shipped in separate boxes and at different times. Estimated ship dates indicate when the carrier will pick up the order(s). If an unexpected shipping delay occurs, we will notify you and provide a revised ship date. Estimated delivery dates can take up to 5 additional business days depending on shipping method. You must sign for your shipment when it is received.
- If your method of payment was one or more credit cards, then charges totaling the amount above have been submitted to your card issuer(s). These transactions will be finalized when your order ships.
- If your order contains downloadable software, you will receive an email with a link in approximately 10 to 30 minutes. The email link will direct you to our download site. Click the link and follow the instructions to begin the download process.
- If your order includes a service contract, please visit our Service Contracts website for details about your contract.

Thanks again for choosing Dell!

Dell Home Systems currently collects tax on orders delivered to every state except: District of Columbia, Louisiana, Massachusetts, New Mexico, and Vermont. For shipments to these states, tax relates to the third party service contract only. The purchaser is responsible for remitting any uncollected tax on their order directly to the local taxing authorities.

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