

5 RigsbyCori011408.txt
Houston, TX 77002

6 REPRESENTING THE WITNESS:
7 MICHAEL R. SMITH, ESQUIRE
8 Zuckerman Spaeder, LLP
1800 M Street, NW
Suite 1000
Washington, DC 20036-5802

9 ALSO PRESENT: Jana Renfroe
10 Gene Renfroe
11 Jeff Conner, Videographer
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1 STIPULATION

2 It is hereby stipulated and agreed by
3 and between the parties hereto, through their
4 respective attorneys of record, that this
5 deposition may be taken at the time and place
6 hereinbefore set forth, by Elizabeth Bost
7 Simpson, RDR, CRR, CSR 1293, Court Reporter
8 and Notary Public, pursuant to the Federal
9 Rules of Civil Procedure, as amended;

10 That the formality of READING AND
11 SIGNING is specifically NOT WAIVED;

12 That all objections, except as to the
13 form of the questions and the responsiveness
14 of the answers, are reserved until such time
15 as this deposition, or any part thereof, may

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be used or is sought to be used in evidence.

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1 VIDEOGRAPHER: This is the continuation
2 video deposition of Cori Rigsby taken in the
3 suit styled E.A. Renfroe and Company, Inc.,
4 versus Cori Rigsby Moran and Kerri Rigsby,
5 being Number 2:06-CV-06-WMA-1752-S in the
6 United States District Court of the Northern
7 District of Alabama, Southern Division.

8 We are at the offices of Simpson Burdine
9 and Miguez in Gulfport, Mississippi. Today's
10 date is Monday, January 14th, 2008. Time
11 is 10:17 a.m. The court reporter is
12 Elizabeth Simpson with Simpson Burdine and
13 Miguez. I am Jeff Conner, the legal video
14 specialist with Conner Reporting.

15 Would the attorneys please introduce
16 themselves on audio.

17 MS. STANLEY: I'm Barbara Stanley with
18 Helms and Greene, representing E.A. Renfroe
19 and Company.

20 MR. GREENE: And I'm Steve Greene with
21 Helms and Greene.

22 MR. SMITH: I'm Michael Smith,
23 representing Cori Rigsby and Kerri Rigsby.
24 VIDEOGRAPHER: Thank you.
25 (OATH ADMINISTERED)

6

1 CORI RIGSBY,
2 having been produced and first duly
3 sworn, testified as follows:

4 - - -
5 EXAMINATION

6 BY MS. STANLEY:

7 Q. Would you please state your full name
8 for the report.

9 A. Cori Lynn Rigsby.

10 Q. Ms. Rigsby, this is the continuation of
11 a deposition that you gave almost a year ago, and
12 I just want to review some agreements that we had
13 a year ago. In the interim I understand you've
14 given several depositions, so this will come as no
15 surprise to you. But I'd like for us to agree to
16 talk just one at a time so Mrs. Simpson can take
17 down all of the words accurately. Agreed?

18 A. Yes.

19 Q. And, again, you need to state verbally
20 any of your responses. An eloquent shrug will not
21 appear in the written record, and so we need a
22 verbal response; okay?

23 A. Okay.

24 Q. If you don't understand my question or
25 have any concern about a term that's being used,

7

1 it's very important that you let me know. Agreed?

2 A. Yes.

3 Q. We had some confusion during the first
4 deposition over the meaning -- like Mike
5 objection. Go ahead.

6 MS. STANLEY: okay. You're going to
7 object in the middle of a question?

8 MR. SMITH: Yes, I'm objecting because
9 you testified. But go ahead.

10 MS. STANLEY: okay.

11 Q. We had some confusion in the first
12 deposition over the meaning of the word copy. And
13 so I want to avoid that kind of thing in this
14 deposition. So it's very important that if
15 there's any ambiguity or any confusion about a
16 term that you will please let me know so at the
17 end of the deposition we -- I can understand that
18 you had understood my questions and that your
19 answers were to my questions; okay?

20 A. okay.

21 Q. If you need to take a break, let me
22 know. If we're not in the middle of a question,
23 I'll try to accommodate you. Are you taking any
24 medication that could affect your ability to
25 respond to the deposition this morning?

8

1 A. No, I'm not.

2 Q. Do you still live at 10021 mockingbird
3 circle in Ocean Springs, Mississippi?

4 A. Yes.

5 Q. I want to check to see if you have any
6 documents to supplement your document production

7 that you've made in this case. Did you bring any
8 documents this morning to supplement your
9 production?

10 A. No, I did not.

11 Q. Have you filed your 2006 income taxes
12 yet?

13 A. No, I have not.

14 Q. Okay. Do you have an estimated time
15 when you're going to file your 2006 taxes?

16 A. No, I do not.

17 Q. Okay. I want to remind you that we have
18 an outstanding request for the tax return, and so
19 as soon as it's filed, we'd certainly like to get
20 it; okay?

21 A. Okay.

22 Q. Are there any other documents that you
23 plan to produce to supplement your prior
24 production?

25 MR. SMITH: Well, let me just object and ⁹

1 say that obviously counsel for the defendant
2 is in the business of reviewing document
3 requests and providing documents. The
4 defendant is not doing that herself, as is
5 true in all cases, but you can ask her what
6 you want.

7 MS. STANLEY: Is that an objection?

8 MR. SMITH: Yes.

9 MS. STANLEY: Okay. I object to the
10 speaking objection. The objection is form, I
11 suppose and not a speaking objection; okay?

12 You agree that under the rules you're not
13 allowed to give speaking objections?

14 MR. SMITH: Barbara, what I'm trying to
15 tell you is you can ask me for documents and
16 I'm happy to tell you. My client is not in a
17 position to -- you don't -- you served me and
18 not her. You can ask her about this, but I
19 think the -- the question has no predicate,
20 is the problem, because you're asking the
21 wrong person for this, but you can ask her.
22 I'm not instructing her not to answer. I
23 just wanted to make an objection.

24 BY MS. STANLEY:

25 Q. Subject to your counsel's speaking

10

1 objection, do you have any other documents to
2 supplement your prior production that you intend
3 to produce?

4 A. Not to my knowledge, no.

5 Q. Similarly, I have not received any
6 supplementation to your prior deposition
7 testimony. Are you aware of providing any
8 supplementation to your prior deposition
9 testimony?

10 A. I'm not quite sure what you're asking.

11 Q. Sure. Under the rules, if the testimony
12 you give at a deposition is incomplete or
13 misleading and you discover that it is incomplete
14 or mislead, the party has a duty to supplement.
15 And I just wondered if had you any supplementation
16 for your prior deposition to offer?

17 A. Today.

18 Q. Today?
19 A. Are you saying that we didn't send that
20 in?
21 Q. I haven't received it if it --
22 A. The reason I'm asking, I've done some
23 supplements to some depositions, but I don't
24 remember specifically if it was yours or not.
25 Q. Okay. Well, then let me just cover a 11

1 couple of topics that I think cover our subject to
2 the supplementation category.

3 who are you currently employed by right
4 now?

5 A. I'm not currently employed right now.

6 Q. All right. Do you have any consulting
7 agreements with anyone?

8 A. No, I don't.

9 Q. So you are no longer consulting for any
10 lay firm?

11 A. No, I'm not.

12 Q. When was last date that you were a
13 consultant to any law firm?

14 A. I don't remember specifically the last
15 date. I believe the first part of January is when
16 I had the -- we had -- the decision was made.

17 Q. What decision was that?

18 A. That we would no longer be consulting
19 with Scruggs Katrina Group.

20 Q. Okay. So as of the first part of
21 January, you were no longer consulting for the
22 Scruggs Katrina Group; is that correct?

23 A. End of December, first part of January,
24 yes.

25 Q. But you don't have a date certain in

12

1 your mind?

2 A. No.

3 Q. And at the end of your consulting
4 relationship with the Scruggs Katrina Group,
5 between then and today, did you do any consulting
6 for any other law firm?

7 A. No.

8 Q. Have you ever been a consultant for the
9 Katrina Litigation Group?

10 A. No.

11 Q. Okay. Have you ever been paid as a
12 consultant by any law firm that is a member of the
13 Katrina Litigation Group?

14 A. Not to my knowledge, no.

15 Q. Do you know which law firms comprise the
16 Katrina Litigation Group?

17 A. I believe I do, yes.

18 Q. Would you name those for me?

19 A. Loveless, the nut firm and Barrett, Don
20 Barrett.

21 Q. At the end of your consulting
22 arrangement with the Scruggs Katrina Group, was
23 your compensation still \$150,000 a year?

24 A. Yes.

25 Q. Do you recall about how many hours you

13

1 put in in December of '07 as a consultant with the
2 Scruggs Katrina Group?

3 A. None.
4 Q. None?
5 A. Nuh-uh.
6 Q. Okay. how about November?
7 A. I don't remember November.
8 Q. Okay. You don't remember --
9 A. How many hours.
10 Q. But you did have some hours in November?
11 A. I'm not -- I don't remember. I'm sorry.
12 Q. Okay. How about October of '07?
13 A. No. We haven't actively consulted.
14 we've gotten together, but it's been more about
15 the -- I guess the cases that are going on, the
16 Renfroe case and the other case that we're
17 involved in. So I don't -- I don't really
18 consider it consulting, I don't guess.
19 Q. Okay. Let me explore that just a minute
20 and make sure I understand what you're saying.
21 When was your last active consultation with
22 Scruggs Katrina Group or any of its members?
23 A. I don't remember exactly when that was.
24 Q. Do you recall what season it was? Was
25 it summer, fall, spring? Was it cold? was it

14

1 hot?

2 A. I would just be speculating.
3 Q. Give me your best shot.
4 A. It was probably -- I know we've talked
5 with the -- the Scruggs group before they were no
6 longer with SKG in Oxford about cases in the fall.
7 Q. The fall of '07?

8 A. The fall of '07.

9 Q. Okay. Do you recall talking to any of
10 the other Scruggs Katrina Group members in the
11 fall of '07?

12 A. No.

13 Q. Do you remember approximately how much
14 time you spent in the fall of '07 consulting with
15 the Scruggs Law Firm?

16 A. No, but it was drastically reduced from
17 what had been previously because of all the
18 litigation going on with everyone.

19 Q. And what do you mean, all the litigation
20 going on with everyone?

21 A. Well, we were busy with these
22 depositions and McIntosh, the McIntosh case, and
23 then just all the -- Dick's personal case.

24 Q. Did you consider your work for the
25 McIntosh case as part of your consulting

15

1 obligations?

2 A. I didn't think it through that much.
3 That's why it's hard to answer the questions. I'm
4 a witness and I was an employee, so I didn't -- I
5 didn't distinguish McIntosh when I was asked a
6 question. I don't -- whether it was a personal or
7 a work question.

8 Q. Okay. So during the McIntosh case, you
9 had a dual role as a witness and as a consultant
10 to the Scruggs law firm or the Scruggs Katrina
11 Group?

12 MR. SMITH: Objection. No predicate.
13 Go ahead.

14 A. You could say dual. I didn't -- I
15 wasn't consciously thinking of it that way. I
16 just -- I didn't -- I didn't divide it in my mind
17 whether it was personal or a work relationship.
18 Question was asked, I just answered it.

19 Q. Okay. But during that time, were you
20 consulting with the Scruggs Law Firm or any member
21 of the Scruggs Katrina Group related to the
22 McIntosh litigation?

23 A. I remember talking about McIntosh
24 litigation. I cannot tell you if it was in a
25 consulting -- as a consultant or as a witness. I ¹⁶

1 don't -- I'm not sure which one it would fall
2 under.

3 Q. And all through 2007, you received your
4 monthly -- or was it -- did you -- were you paid
5 monthly or bimonthly?

6 A. Bimonthly.

7 Q. You continued to receive your bimonthly
8 checks as a consultant all through 2007?

9 A. Yes, I did.

10 Q. It was no reduction in your payment
11 during that period of time?

12 A. No.

13 Q. In your prior deposition we discussed
14 what was referred to in a that deposition as the
15 April representation. Do you remember that? That
16 we -- every time we tried to define it further,
17 there was an objection, a privilege objection. Do
18 you recall that?

19 A. I do.

20 Q. So I'd like to understand now that the
21 April representation was the original filing you
22 ever key tam action, was it not?

23 A. That's correct.

24 Q. And did you understand that the
25 privilege objections related to the fact that that
17

1 key tam action was sealed in January of '06 --
2 excuse me -- January of '07 when we were taking
3 your deposition. Is that correct?

4 A. That was my understanding.

5 Q. All right. Since the key tam action is
6 no longer sealed, I'd like to revisit a couple of
7 the questions that we had during that period of
8 time because I believe that the basis for the
9 objection has evaporated. So the question then
10 and the question now is I need a list of all of
11 the lawyers who represent you, in addition to the
12 Scruggs Law Firm, the Zuckerman law firm and the
13 Battle AFleenor law firm.

14 MR. SMITH: Objection. Vague. No time
15 frame.

16 MS. STANLEY: Okay. I'm sorry. We were
17 talking about the April 2006 time frame.

18 MR. SMITH: Well, Barbara, you know we
19 didn't represent her in April 2006.

20 MS. STANLEY: I understand.

21 BY MS. STANLEY:

22 Q. But I want a list of all of the lawyers
23 that have represented you beginning in
24 October 2005 through the present, excluding the

25 Scruggs Law Firm, the Zuckerman law firm, and the
18

1 Battle Fleenor law firm.

2 A. Okay.

3 MR. SMITH: Objection. It's vague. Are
4 you asking for lawyers who have represented
5 her from -- beginning in that time, which is
6 the word you used, or do you mean since that
7 time?

8 BY MS. STANLEY:

9 Q. Starting in October of 2005 to present,
10 please identify all lawyers that were retained by
11 you or that were representing you in any manner,
12 excluding the Scruggs Law Firm, the Zuckerman law
13 firm and the Battle Fleenor law firm.

14 A. Greg Hawley and Kitty Brown and Tony
15 Dewitt, Mary Winters (-).

16 Q. Wait. Wait. Wait. Who Dewitt?

17 A. Tony Dewitt.

18 Q. What did he represent you for?

19 A. The key tam.

20 Q. Okay. Next?

21 A. Mary Winters.

22 Q. Okay.

23 A. Chip Robertson (-) and Todd. I can't
24 remember Todd's last name.

25 Q. Anybody else?

19

1 A. I had a -- I don't remember if it was
2 exactly during that time I had a divorce attorney,
3 but I think it was before October '05. Eddie

4 williams was my divorce attorney.
5 Q. Okay. What did Mary Winters represent
6 you on?
7 A. Key tam.
8 Q. How about Chip Robertson?
9 A. The same.
10 Q. How about Todd?
11 A. Key tam.
12 Q. What law firm are they with?
13 A. It's Chip's law firm. I can't remember
14 the exact name.
15 Q. Where are they based?
16 A. Missouri.
17 Q. What about Don Barrett's law firm? Did
18 he not represent you in depositions from time to
19 time?
20 A. I'm sorry. I thought he was part of the
21 Scruggs Katrina Group.
22 Q. No. My -- I specifically meant the
23 Scruggs Law Firm.
24 A. Okay.
25 Q. In addition -- did Don Barrett represent

20

1 you from time to time?
2 A. I don't -- I remember his son
3 represented me in a deposition, I think in a mock
4 McIntosh deposition, but I don't remember Don
5 Barrett representing me.

6 MR. SMITH: I want to have a continuing
7 objection to this whole line of questioning.
8 It's absolutely obvious its intent is to
9 support a motion to disqualify in McIntosh,

10 which is completely improper, and I just want
11 a continuing objection to all of it.

12 MS. STANLEY: Okay. In response to your
13 continuing objection, as part of the damages
14 in our case, we are seeking restitution or
15 disgorgement of all the benefits that -- that
16 the Rigsby sisters have received. The
17 attorneys' fees that have been paid on their
18 behalf are a benefit, so I'm entitled to
19 explore these.

20 MR. SMITH: I have a continuing
21 objection to them.

22 MS. STANLEY: Okay.

23 MR. SMITH: Agreed?

24 MS. STANLEY: Yes.

25 BY MS. STANLEY:

21

1 Q. Okay. So Don Barrett's law firm
2 represented you in at least one deposition?

3 A. Yes.

4 Q. Any other members of the Scruggs Katrina
5 Group? Did any other member of the Scruggs
6 Katrina Group represent you in any capacity?

7 A. Not that I recall, no.

8 Q. Do you ever receive invoices for the
9 fees of any of the attorneys, excluding the
10 Scruggs Law Firm, the Zuckerman law firm, the
11 Battle Fleenor law firm, and the list of lawyers
12 that you just gave me? Do you ever receive the
13 invoice for their fees?

14 A. I've never --

