

1 VIDEOGRAPHER: We're on the record. The
2 time is 5:39.

3 MR. ZAC SCRUGGS: Okay. Sorry.

4 MR. ZAC SCRUGGS: Dan, in response to
5 the last question before we broke, I'm going
6 to instruct the witness not to answer on the
7 grounds of attorney-client privilege, work
8 product doctrine and to the extent it
9 implicates ongoing federal investigation.

10 MR. WEBB: Okay. The last question was
11 what?

12 MR. HAWLEY: I'll join in. I think
13 there is also a court order that she would
14 violate if she were to answer that question.
15 There is a governmental investigation,
16 privilege, attorney-client privilege, work
17 product privilege.

18 (Questions and answers read back.)

19 MR. WEBB: While we're on the record,
20 rather than -- understanding your objections,
21 I'm going to go ahead and ask the question
22 directly so it will be in the record: What
23 lawyers did you let have access to your State
24 Farm laptop.

25 MR. HAWLEY: Same series of objections

1 Sam.

2 MR. ZAC SCRUGGS: Attorney client
3 privilege work product dock Trinity extent it
4 would vital an order and obstruct ongoing
5 government 58 investigations. Don't answer
6 the question.

7 MR. HAWLEY: Join ** ** did an Dan keep
8 you were objection hats on, guys.

9 Q. Did you provide your laptop to anyone
10 with the Scruggs Katrina group?

11 MR. ZAC SCRUGGS: Same objection.

12 MR. HAWLEY: I join in that.

13 MR. WEBB: And instruction.

14 MR. ZAC SCRUGGS: Same objection and
15 instruction not to answer. Thanks, Dan.
16 Sorry.

17 Q. Did you -- did Kerri provide her laptop
18 to any lawyer?

19 MR. ZAC SCRUGGS: Same objection.

20 MR. HAWLEY: Same objection. Same
21 instruction.

22 MR. ZAC SCRUGGS: Same instruction not
23 to answer.

24 Q. Did Kerri provide her laptop to anyone
25 with the Scruggs Katrina group?

3

1 MR. ZAC SCRUGGS: Same objection and
2 instruction not to answer.

3 MR. HAWLEY: I join in that.

4 Q. When did these lawyers have access to

5 your lap top and Kerri's laptop?

6 MR. ZAC SCRUGGS: Same objection and
7 instruction not to answer.

8 MR. HAWLEY: I join in that. Dan.

9 Q. Are you aware of whether any of the
10 lawyers that have not been name offered identified
11 represented to you that they had permission or
12 consent from State Farm for you to give them their
13 laptop?

14 MR. ZAC SCRUGGS: Same objections and
15 instructions not to answer.

16 MR. HAWLEY: I join in that.

17 BY MR. WEBB:

18 Q. Was it before or after the data dump
19 weekend?

20 MR. ZAC SCRUGGS: Same objections and
21 instructions not to answer.

22 MR. HAWLEY: I join in that.

23 MR. WYATT: And we need to just state a
24 general instruction, Dan, that we will not
25 allow her to answer any questions along that

4

1 line concerning that laptop computer and
2 access to it by attorneys. So, I mean, may
3 be redundant to ask those questions, but I
4 understand you're just doing it because you
5 feel the need.

6 MR. WEBB: I understand derrick I

7 understand.

8 BY MR. WEBB:

9 Q. Let me ask you this: Have you made your
10 State Farm laptop computer available to any
11 computer experts?

12 A. Not that I --

13 Q. None lawyers. Not talking lawyers?

14 A. Not that I recall.

15 Q. Do you know if Kerri has made her State
16 Farm laptop available to any computer experts?

17 A. I don't believe so.

18 Q. The physical claim files as opposed to
19 the electronic claim files that you had access to
20 in the Gulfport office, where were they located?

21 A. Over in the area that housed the caps
22 girls and boys.

23 Q. Okay. And that's the acronym that you
24 don't really recall what it stands for?

25 A. Yes.

5

1 Q. Do you know what they do?

2 A. They -- they're in charge of assigning
3 computers, reassigning files, housing supplies,
4 that sort of thing.

5 Q. Was it permissible to take the physical
6 claim files out of the cat office?

7 A. Yes.

8 Q. Was there any procedure that you had to
9 go through for that to be appropriate?

10 A. I can't remember exactly. You might
11 have to put a card in where the file was, maybe.
12 But I'm not sure if I'm remembering that right.

13 Q. Okay. So you're just testifying now
14 that you have no recollection as to what the
15 procedure was for you to take a file out of the
16 office?

17 A. Normally you requested and ^CAPS would
18 give it to you.

19 Q. I see. And insofar as there being a
20 sign out procedure, do you recall one of those?

21 A. I really don't.

22 Q. Did you at any time between
23 September 2005 and June 2006 take any physical
24 claim files out of either of the cat offices?

25 A. Out of the offices.

6

1 Q. Outside the offices?

2 A. No.

3 Q. Do you know if Kerri did?

4 A. I'm sorry. Would you repeat the
5 question?

6 MR. ZAC SCRUGGS: I apologize, Dan, and
7 that was our fault. Do you mind repeating
8 the question.

9 Q. Question was did you at any time between
10 September 2005 and June 2006 take any physical
11 claim files out of either of the cat offices?

12 A. Yes.

13 Q. Okay. And under what circumstances did
14 you do that?

15 A. Those were files that were assigned to
16 me when I was a mediation claim rep or in training
17 the adjusters that were on my people if I rode
18 with them on one of their claim files.

19 Q. All right. Did you do that, and by that
20 I mean take any physical claim files out of the
21 office, other than in those two circumstances?

22 A. No, not that I recall.

23 Q. Do you know if Kerri did?

24 A. I do not know, but I -- no, I don't
25 know.

7

1 Q. At any point in time did you remove
2 either the original or a copy of any engineering
3 reports, physical copies?

4 A. From the office?

5 Q. Uh-huh.

6 A. No, I did not.

7 Q. Do you know if Kerri did?

8 A. I don't believe she removed any
9 originals.

10 Q. Do you know if she removed copies?

11 A. Yes.

12 Q. Do you know how many?

13 A. No.

14 Q. Did you remove any copies?

15 A. I could have.

16 Q. Okay. You could have, but you don't
17 know?

18 A. I don't -- there was time periods
19 where -- I don't know exactly.

20 Q. Ten, more than ten?

21 A. I've seen engineer -- we have engineer
22 reports in our possession. Whether I copied them
23 or Kerri copied them, I don't recall.

24 Q. Okay. In terms of the engineering
25 reports in your possession, were they all copies

8

1 and no originals?

2 A. Yes.

3 Q. Okay. And of any of the documents that
4 you took out of State Farm's computer or from the
5 physical files, did you destroy any of those
6 documents?

7 A. I never destroyed any originals. Is
8 that what you're asking?

9 Q. No, ma'am. I'm talking about after you
10 took the -- downloaded the documents and had them
11 printed out or copied a physical file and had them
12 in your possession. That's the reference point.
13 My question is after you did that, at any point in
14 time did you destroy any of those documents that
15 were in your possession?

16 A. No, sir.

17 Q. Okay. Do you know if Kerri did?

18 A. No, I don't.

19 Q. Of the engineer reports that you had,
20 you and Kerri together, do you know how many that
21 you had?

22 A. No, I don't.

23 Q. Okay. Would it be more than 20, less
24 than 20?

25 A. Not sure.

9

1 Q. Any idea?

2 A. If I had to guess, I would say less than
3 20.

4 Q. Okay.

5 MR. ZAC SCRUGGS: Don't guess.

6 THE WITNESS: Don't guess.

7 MR. ZAC SCRUGGS: Just testify to what
8 you know.

9 A. I don't know.

10 BY MR. WEBB:

11 Q. You don't know. Did you ever see them
12 stacked up?

13 A. Not the ones in my possession, no.

14 Q. Okay. Not the ones in your possession.
15 Did you ever carry them all together at one time
16 yourself?

17 A. No.

18 Q. Okay. Did you ever see Kerri or anyone
19 else have them all together in their hands?

20 A. No.

21 Q. Okay. Do you recall any attempts to
22 access any claim files that were blocked from
23 general access during Katrina?

24 A. Yes.

25 Q. And those claim files would be which

10

1 claim files?

2 A. I don't remember which ones. I remember
3 try to go access on CSR and it was blocked.

4 Q. Do you remember attempting to access
5 Senator Lott's file?

6 A. No.

7 Q. Did you attempt to access his file?

8 A. No, I don't believe I did. I could
9 have. I don't remember doing it.

10 Q. Do you know whether Kerri did?

11 A. I don't know.

12 Q. Did you attempt to access Congressman
13 Taylor's file?

14 A. No, I did not.

15 Q. Okay. Do you have any reason to know
16 the basis for Congressman Taylor's stating that
17 you and your sister had filed a Key Town action?

18 (-)

19 MR. ZAC SCRUGGS: Object to the form of
20 the question and instruct her not to answer.

21 MR. WEBB: Okay.

22 Q. Is there -- with your State Farm
23 computer, is there a limitation on what printers
24 you can use? There is, isn't there?

25 MR. ZAC SCRUGGS: Object to the form.

11

1 A. I'm sure there is.

2 BY MR. WEBB:

3 Q. Do you not know whether you can use
4 any -- just any printer with the a State Farm
5 laptop?

6 MR. ZAC SCRUGGS: Object to the form.

7 A. As with most computers, if you don't
8 have the software for the printer loaded onto the
9 laptop, the printer is not going to work.

10 Q. Okay.

11 A. So I don't know the answer.

12 Q. In the download and the printing, you
13 use State Farm printers?

14 A. Data dump?

15 Q. Yes, ma'am.

16 A. Yes, I did.

17 Q. You're mentioned -- I believe you
18 referred to it as memory sticks when you would
19 plug into your laptop, your State Farm laptop?

20 A. Yes.

21 Q. Did you ever do that for purposes of
22 taking the documents that you took from State Farm
23 and ultimately turned over to others?

24 A. No.

25 Q. Wasn't it a violation of your agreements

12

1 with State Farm to utilize nonState

2 Farm-authorized memory sticks?

3 A. Yes.

4 MR. WYATT: We'll object to the form.

5 MR. ZAC SCRUGGS: Object to the form.

6 MR. WYATT: Calls for legal conclusion.

7 Q. Did you know and understand that at the
8 time you were use memory stick?

9 MR. ZAC SCRUGGS: Object to the form.

10 MR. WYATT: Same objection.

11 MR. BANAHAN: Hold on. For the record.

12 One of you need to object. Thank you.

13 Derrick I'll be draw.

14 MR. ZAC SCRUGGS: I object to the form
15 of the last two questions.

16 MR. HAWLEY: And I'll join in it.

17 BY MR. WEBB:

18 Q. When you were not assigned the file and
19 specifically during Katrina, if there are files,
20 not blocked files, but files that you're not
21 assigned to, when you attempt to open those files,
22 do you get any kind of notice or warning?

23 A. Off the computer?

24 Q. Yes, ma'am.

25 A. No, I don't believe so.

13

1 Q. When you go into reflections on a file
2 you're not assigned to, you don't recall getting
3 any kind of notice that the file is not available
4 to you?

5 A. No. I don't know what you're talking
6 about.

7 Q. Other than the block files, I assume
8 that you did attempt while working in both
9 Gulfport and Biloxi and actually accomplish
10 accessing files that were not assigned to you?

11 A. Yes.

12 Q. Do you have any judgment as to how many
13 times you did that?

14 A. Hundreds.

15 Q. Hundreds?

16 A. Yes.

17 Q. And hundreds over what period of time?

18 A. From the beginning of the storm.

19 Q. Okay. And when you say the beginning of
20 the storm, just so it's clear, you're not talking
21 about when Katrina is actually making landfall.
22 You're talking about when you came over to work
23 the catastrophe; correct, from that point?

24 A. Yes. Correct.

25 Q. So you routinely attempted to access

1 files not assigned to you during the entire time
2 you were working?

3 MR. ZAC SCRUGGS: Object to the form.

4 A. Yes. As a manager, I would have to go
5 in and make sure that the claim reps had marked
6 off the day they inspected it and were up to date
7 on their log notes. So, yes, I routinely was in
8 files that were not assigned to me.

9 Q. Okay. Then by assigned, you mean files
10 that you were not handling as the claims adjuster
11 yourself; correct?

12 A. Correct.

13 Q. Did any lawyer or any other person
14 outside yourself or Kerri suggest that you do the
15 data dump?

16 MR. ZAC SCRUGGS: Object to the form of
17 the question and instruct her not to answer
18 on the grounds of attorney-client privilege.

19 MR. HAWLEY: Can we take a short break?

20 MR. WEBB: Sure.

21 MR. HAWLEY: I just want to confer with
22 Zac on something.

23 VIDEOGRAPHER: We're going off the
24 record. The time is 5:54. now is the time
25 for all good men to come now is the time for

15

1 (Question read back).

2 VIDEOGRAPHER: We're back on the record.
3 The time is six: Eight.

4 MR. ZAC SCRUGGS: I objected to the last
5 question and instructed the witness not to

6 answer on the grounds of attorney-client
7 privilege. I was reminded on the break by my
8 colleagues that that question had already
9 been asked and answered. So I will allow you
10 to ask that again and the witness to answer.
11 (Question read back).

12 A. No.

13 Q. Okay. Do you know Bob beamer (-)

14 A. Yes.

15 Q. Who is Bob beamer?

16 A. He's an adjuster with Renfroe.

17 Q. How long have you known Mr. Beamer?

18 A. I think since tropical storm Allison in
19 Texas. I met him for the first time.

20 Q. Did he work under you?

21 A. No, he didn't.

22 Q. In your judgment, was he a competent
23 adjuster?

24 A. He was new back then. I don't know
25 enough to know if he was competent or not.

16

1 Q. What about during Katrina?

2 A. He didn't run files during Katrina, so
3 I've not really reviewed his work.

4 Q. What did he do in Katrina, if anything?

5 A. He started off as a manager in the flood
6 office, actually.

7 Q. Okay. Was he in a position to have
8 communications with you on a regular basis while

9 you were working over there?

10 A. Actually he got there before Kerri and I
11 did, and then our overlap was very, very brief.
12 He went somewhere else. I don't know where he
13 went. Maybe he moved to Louisiana to that storm,
14 so we overlapped briefly. So, yes, while we were,
15 there we would have communicated.

16 Q. At any point in time did you communicate
17 anything to Mr. Beamer about any concerns you had
18 about claims handling on the Coast?

19 A. No.

20 Q. Okay. Do you know anybody named
21 Mickberg Strom?

22 A. Yes.

23 Q. Who is Mickberg Strom?

24 A. He's a State Farm adjuster or trainer, I
25 think. He's a trainer.

17

1 Q. Okay. State Farm adjuster and a
2 trainer?

3 A. I meant to change it from adjuster. I
4 think he's a trainer with State Farm.

5 Q. Okay. Do you have any information
6 regarding any communication between Kerri and
7 Mr. Bergstrom regarding the alleged mole, when
8 that information was circumstance lating down
9 there?

10 A. Do I have any what?

11 Q. Any information regarding any
12 communication between Kerri and Mr. Bergstrom
13 regarding alleged mole, MOLES?

14 MR. WYATT: That's the E mole?

15 MR. ZAC SCRUGGS: Yeah, he spelled it.

16 MR. WYATT: Dan, you have a soft voice.
17 Elizabeth is an excellent court reporter, but
18 I can't -- I'm having trouble.

19 MR. WEBB: Excuse me I can't --

20 MR. WYATT: Your voice is so soft.

21 That's good.

22 THE WITNESS: Yeah, that was good.

23 MR. BANAHAN: You're still awake.

24 Q. Who's Joe can a Russo (-)

25 A. He was a Renfroe adjuster or is is a

18

1 Renfroe adjuster.

2 Q. When you and Kerri were working on
3 Katrina in your positions, isn't it true that it
4 was brought to your attention, at least in view of
5 some of the management, that you were neglecting
6 new adjusters?

7 MR. ZAC SCRUGGS: Object to the form.

8 A. With the State Farm managers?

9 Q. Either State Farm managers or Renfroe
10 managers?

11 A. No.

12 Q. Okay. Did you regularly wear the
13 required State Farm jackets with the logo on it

14 when you worked?

15 A. It was summertime, so I didn't wear a
16 jacket.

17 Q. Okay. Did you wear State Farm shirts?

18 A. Yes, sir, I did when I was in Gulfport.

19 Q. Okay. What about when you were out
20 on -- with adjusters as a trainer?

21 A. Yes.

22 Q. Okay. Did you ever wear flip-flops to
23 work?

24 A. It's possible in the summer I did, yes.

25 Q. Was that considered proper?

19

1 A. Well, we -- I didn't wear anything that
2 I didn't have permission to wear from the cat
3 coordinator.

4 Q. And, again, who was that?

5 A. Rick Moore.

6 Q. Okay. So did you communicate with
7 Mr. Moore about can I wear this, that sort of
8 thing?

9 A. Yes.

10 Q. Mr. Moore said that was okay?

11 A. Yes.

12 Q. Whatever it was, flip-flops or
13 otherwise?

14 A. If it was flip-flops. I mean, I don't
15 recall the flip-flops. I'm not -- but that sounds

16 like something I would do.

17 Q. Pat Curry (-), have we talked about Pat
18 Curry; do you recall? Show Pat Curry?

19 A. I thought we talked about her being the
20 CAPS person.

21 Q. Did she assign claims to adjusters
22 during Katrina?

23 A. The electronic assignment went through
24 CAPS.

25 Q. Would she be a person that was

20

1 responsible for that?

2 A. Yes.

3 Q. And I believe you told me that you
4 didn't talk to her about any criticisms you had
5 with State Farm claims handling?

6 A. No.

7 Q. Who is Mike Davis?

8 A. He is a State Farm adjuster or trainer.
9 I think he's an adjuster. He was acting as a
10 trainer during the Daytona hurricanes.

11 Q. How many different catastrophes did you
12 work on with Mike Davis?

13 A. Just Daytona.

14 Q. Just Daytona?

15 A. He was the trainer assigned to my team.

16 Q. Katrina?

17 A. No. Mike Davis wasn't in Katrina.

18 Q. He wasn't Katrina. Did you communicate

19 with him regarding anything going on concerning
20 Katrina?

21 A. Well, he was assigned in New Orleans for
22 Katrina, but he wasn't at my storm site. So, yes,
23 we spoke during Katrina.

24 Q. Okay. Did you ever communicate anything
25 to Mike Davis along the lines of something's about

21

1 to hit the fan and you were probably going to face
2 a lot of heat?

3 A. It's possible. I don't -- I don't
4 recall saying that exactly, but it's very
5 possible.

6 Q. Okay.

7 A. We were good friends.

8 Q. Did you communicate with him that you
9 were very concerned or upset, even, about your
10 mother's claim and the handling of your mother's
11 claim?

12 A. I don't remember having that discussion
13 with Mike. I'm not saying I didn't. I don't
14 recall it.

15 Q. All right. Did you ever tell John
16 Dagenhart -- and I know we talked about some
17 discussions between you and John Dagenhart which
18 were not altogether always pleasant.

19 A. Yes, sir.

20 Q. Did you ever tell Mr. Dagenhart that you

21 were not coming to work, actually physically
22 coming to work because you thought you'd be
23 retaliated against?

24 A. Not exactly like that, no. That's not
25 exactly what I said.

22

1 Q. Well, you remember something about
2 something like that. What did you --

3 A. No. The day that I was -- he escorted
4 me, he and the security guards escorted me out of
5 the office and took my files arm from me and said
6 I couldn't take anything out of the office, I
7 called him back, I believe it was later that
8 evening or the next day told him I would -- was no
9 longer going to be working at this cat site
10 because I feel like his behavior that day was
11 retaliatory --

12 Q. Okay.

13 A. -- of what we had told Dave Randall.

14 Q. Okay.

15 A. So that was the conversation.

16 Q. Okay. And you never took -- talked to
17 Mr. Dagenhart about any concerns that you had
18 about claims handling issues on the coast?

19 A. Oh, no.

20 Q. Okay. You would have never done that, I
21 take it?

22 A. No.

23 Q. At all?

24 A. No.

25 Q. Okay. Even without the confrontations

23

1 that you'd had about your mother's claim you,

2 still would have never done that?

3 MR. ZAC SCRUGGS: Object to the form.

4 Calls for speculation.

5 Q. You can answer it if you can.

6 A. I don't believe I would have, no.

7 Q. Who is Rachel fisher?

8 A. She's a Renfroe adjuster.

9 Q. You related to her?

10 A. No, I'm not.

11 Q. She's worked as your assistant; right?

12 A. No, she has never been my assistant.

13 Q. Never been your assistant?

14 A. Never been my assistant.

15 Q. Did you ever mention any alleged State

16 Farm misconduct to her?

17 A. No, I did not.

18 Q. Did you ever try to get any information

19 from her about Senator Lott's claim?

20 A. No I did not.

21 Q. Did she ever volunteer any information?

22 A. No, she didn't.

23 Q. Did you ever acknowledge to her in

24 discussions about mediation that State Farm was

25 begin to go pay claims in mediation national it

24

1 was clearly not obligated to pay?

2 A. Clearly not obligated to pay?

3 Q. Uh-huh.

4 A. No.

5 Q. Do you know anyone named Robert Gianni,
6 G-I-E-N-N-I?

7 A. That's not ringing a bell.

8 Q. Do you ever remember communicating
9 that -- to the State Farm office in the morning
10 after the data dump that you and Kerri both were
11 sick with food poisoning?

12 A. The morning after the data dump we went
13 to work.

14 Q. Okay. You didn't communicate that at
15 any point in time, that you and Kerri were sick
16 with food poisoning?

17 A. No.

18 Q. Okay. Who's Christy Greer?

19 A. Christy Greer. Christy -- oh, Christy.
20 She was one of the State Farm team managers in
21 Gulfport.

22 Q. Okay. Is she a friend of yours?

23 A. Friend is strong.

24 Q. Pardon?

25 A. Friend is a strong word.

25

1 Q. Okay.

2 A. We got along fine. We got along well.

3 Q. Did you associate outside the office?

4 A. Only with a group, not ever one on one.

5 Q. Did you ever have any disagreements with
6 her?

7 A. Never.

8 Q. Okay. Did you ever discuss with her any
9 concerns or criticisms over State Farm claims
10 handling?

11 A. No.

12 Q. Are you aware whether she, in fact,
13 supervised your mother's claim?

14 A. I don't think she did, no.

15 Q. You don't recall her sharing any
16 information about that claim with you?

17 A. No.

18 Q. Who's Dave that dock?

19 A. David Haddock was Lecky King's trainer.

20 Q. Okay. Lecky King's trainer, meaning
21 that he worked --

22 A. He was a trainer for -- each TM had his
23 own manager, and David Haddock belonged to lucky
24 king.

25 Q. Did you have any association with Dave

26

1 Haddock other than in the office?

2 A. Again, he was -- we were social. We got
3 along great. We never had an argument. And
4 groups, but we never went anywhere one on one.

5 Q. Having met Dave, he seems to be a
6 soft-spoken sort of quiet fellow. Would you agree
7 with that?

8 MR. ZAC SCRUGGS: Object to the form.

9 Q. You would?

10 A. Yes, I would.

11 Q. Did you ever mention anything to Mr.
12 Haddock about any problems with State Farm claim
13 handling?

14 A. It's possible that I did.

15 Q. Do you remember specifically doing it?

16 A. No.

17 Q. Okay.

18 A. But he was over the engineer reports
19 before Lisa took over, so it is possible, but I
20 don't remember a specific discussion.

21 Q. Okay. And you don't remember anything
22 that he said to you about that either; right?

23 A. Correct.

24 Q. Who's Tammy Hargeson (-)

25 A. Tammy Hargeson has been one of Kerri's

27

1 good friends for about ten years.

2 Q. Okay. Who does she work for, if you
3 know?

4 A. Renfro, the last irrelevant heard.

5 Q. Okay. When is the last time you had any
6 contact with her?

7 A. It's before 20/20 came out.

8 Q. All right. Are you aware that she rode
9 out Katrina at Kerri's house in Ocean Springs?

10 A. Yes.

11 Q. Were you there, too?

12 A. I was not.

13 Q. Okay. Where were you during the storm?

14 A. At my house.

15 Q. Okay. So you rode it out at mockingbird
16 circle?

17 A. Correct.

18 Q. You say she's one of Kerri's good
19 friends?

20 A. Yeah.

21 Q. Good friends is a afraid that I haven't
22 heard you say before. What do you mean by good
23 friends?

24 A. She was a friend before work.

25 Q. Oh, I see . And how did that work?

28

1 A. Kerri bought her first house, it was
2 next door to Tammy in Memphis.

3 Q. Okay. Did you ever have any
4 conversations with her where you criticized
5 anything about State Farm's claim handling?

6 A. Yes.

7 Q. Do you remember how many times you did?

8 A. A lot.

9 Q. A lot. What would a lot be?

10 A. Well, she lived in my driveway for two
11 months.

12 Q. She lived in your driveway?

13 A. She had a camper.

14 Q. I see.

15 A. And the campground conditions were not
16 so great. And so she moved her camper to my
17 driveway during the time mother and Kerri were at
18 my house, so we visited every day during that
19 period.

20 Q. Okay. And during that period was she
21 paying you rent, too?

22 A. No.

23 Q. Okay. Did she do anything to assist you
24 rather than rent?

25 A. Yes, she did.

29

1 Q. What was that?

2 A. She painted my dining room.

3 Q. Oh, okay. So she was a painter, too?

4 A. Oh, she does a lot of thing.

5 MR. WYATT: Renfroe is diverse, diverse
6 people. Dan began.

7 Q. Bitsy Hendrix, who is Bitsy Hendrix?

8 A. She works with Renfroe.

9 Q. How well do you know her?

10 A. Not well at all and we don't get along.

11 Q. Okay. You don't get along?

12 A. We do not get along.

13 Q. What does national mean?

14 A. That means we don't socialize and we
15 don't speak and we don't interact.

16 Q. Do you dislike her?

17 A. Yes.

18 Q. Okay. Do you have any particular reason
19 for disliking her?

20 A. Yes.

21 Q. What?

22 A. Basically when Kerri and I came along,
23 Beth AOE had been around for a while. Basically
24 she's older and not very fast she's not very
25 good. She started talk about us when we first

30

1 came to Renfroe. I don't like that. I get
2 protective when people start saying things about
3 Kerri. I anyway, no, I don't like her **.

4 Q. I take it you never expressed any
5 concerns to her --

6 A. No.

7 Q. -- about any claims handling?

8 A. That's correct. I never expression
9 dollars any concerns to her about anything I.

10 Q. Joe LaFontaine?

11 A. He works for Renfroe.

12 Q. In what capacity, if you know?

13 A. I don't know. In Katrina he was the
14 head manager.

15 Q. He was the head manager. Was he your
16 supervisor?

17 A. Yes.

18 Q. And in his supervisor capacity, what
19 kind of interaction did you have with him in that
20 capacity?

21 A. He worked out of the Biloxi office and I
22 was out of the Gulfport office, so we -- right at
23 the beginning he gave some training and talked to
24 us, trained us on the computer and the new sketch.
25 And then our other interaction was almost strictly

31

1 e-mail correspondence.

2 Q. Okay.

3 Q. Okay. Did you ever communicate any
4 concerns that you had about claims handling with
5 him?

6 A. No, sir, I didn't.

7 Q. As a matter of fact, I understand if my
8 recollection is correct from your testimony,
9 Renfroe matter in Alabama that you never
10 communicated that kind of thing to anyone with
11 Renfroe?

12 A. That is correct.

13 Q. Okay.

14 MR. ZAC SCRUGGS: Object to the form to
15 the extent that it.

16 Q. Who is Dana Lee?

17 A. Dana Lee is Tammy Hargeson's assistant.

18 Q. Okay. What do you mean, assistant?

19 A. Well, she -- when you're an adjuster,
20 you can sometimes have an assistant. Like when
21 I used to work, my house was my assistant and what
22 that does --

23 Q. Excuse me. That's the cough?

24 A. Okay. I didn't know if it was a cough
25 or hysterical laughter. And what that does it

32

1 enables the person who's heavinging you to be
2 covered under Renfroe's insurance. They get paid
3 out of your salary. Renfroe pays them. That way
4 they're protected under the insurance.

5 Q. Okay?

6 A. So for instance my husband was my
7 assistant. Dana Lee is Tammy's assistant.

8 Q. What was the nature of your relationship
9 with Ms. Lee?

10 A. We were friends.

11 Q. Did you ever communicate with her your
12 concerns about claims handling issuance?

13 A. I probably did. She was living in my
14 driveway, too.

15 Q. Was she living with the other lady?

16 A. Yes.

17 Q. Ms. Hargeson; right?

18 A. That's correct.

19 Q. When you say you probably did, requires

20 me to ask you: Do you remember any specific
21 conversation you had with her about any specific
22 issue?

23 A. No, I don't. I just know they were
24 living there and we did talk about things.

25 Q. Okay. Do you remember anything that you

33

1 recall she said to you about those issues?

2 A. Not Dana.

3 Q. Okay.

4 A. I remember Tammy had some concerns, but
5 I don't remember specifically what they were.

6 Q. You remember her having -- you have?
7 Recollection of her having concerns, but you don't
8 know what they were?

9 A. Yes. I remember maybe it was like maybe
10 this case -- I thought this was handled wrong.
11 I'm making this up for an example. I think this
12 case was handled a little weird. I don't know why
13 we did it this way or generic stuff like that.

14 Q. What you just said was something you
15 made up derrick wait a minute. Don't be called
16 upon to speculate, Cori. You can't give
17 speculative things?

18 MR. BANAHAN: You guys have got to make
19 a decision on who's going to handle
20 objections.

21 MR. WYATT: Let Zac do it. I'm sorry.

22 MR. ZAC SCRUGGS: Don't speculate. Just

23 answer the question. You thinks ask the
24 question again if you want.

25 A. Yes, we discussed it. I don't remember

34

1 specifically.

2 Q. We talked about Craig McKenzie. Do you
3 recall talking about Craig McKenzie?

4 A. No.

5 Q. Who is Craig McKenzie?

6 A. He's an adjuster with Renfroe.

7 Q. What's the nature of your relationship
8 during Katrina?

9 A. I believe he was on my team.

10 Q. Okay. Did you get along with him?

11 A. Yes, I did.

12 Q. Is he competent?

13 A. Yes, he is.

14 Q. Did you ever express any concerns or
15 criticisms of State Farm's claims handle to go
16 him?

17 A. Not that I recall.

18 Q. Okay. Do you recall him doing the same
19 to you?

20 A. Oh, he bitched about everything. I'm
21 sure he --

22 Q. Okay. All right. Rick Moore we've
23 discussed. I'm not sure we've discussed in this
24 same context. Correct me if I'm wrong. Didn't

25 you tell me that you've never had any such

35

1 discussions aunt claims handling with Rick Moore
2 or any of your Kerns?

3 A. No, I never discussed my concerns with
4 Rick Moore.

5 Q. And what was his job?

6 A. He's a co-cat coordinator.

7 Q. What does that mean?

8 A. They take a team manager, and for a
9 particular catastrophe, they'll say you're the cat
10 coordinator, which means that you don't have a
11 team that's directly understood you that you're
12 have to go manager. You kind of facilitate the
13 whole catastrophe. So day to day he's the sale
14 title as everyone else, but for that particular
15 storm he's the boss and then Lecky, the reason he
16 was co-cat coordinator is because Lecky was there,
17 too. They were equal in the same office.

18 Q. Do you have any recollection of
19 Mr. Moore being involved in any reassignment of
20 your mother's file?

21 A. That was the argument that John
22 Dagenhart and I got into.

23 Q. Okay. Didn't he reassign the file or at
24 least communicate to you national he reassigned
25 the file because you had spoken with Mark drain

36

1 about the file?

2 A. No, that's not right.

3 Q. No one told you that?

4 A. No.

5 Q. Okay.

6 Q. Do you know someone named Anna Eaton
7 Murphy?

8 A. Yes.

9 Q. Who was that?

10 A. She was a State Farm adjuster who was on
11 my mediation team.

12 Q. Okay. Did you ever have any
13 communications with her regarding your view of
14 mediation?

15 A. She came on much later. Yes, I'm sure
16 we did. I don't have a specific example to give
17 you.

18 Q. Do you have a recollection of agreeing
19 to some pre-settlement offer on a personal
20 property claim with an attorney that you realized
21 was probably not the thing you should have done
22 and getting her involved with you to help you out?

23 MR. HAWLEY: Object to the form. Answer
24 if you can.

25 A. I don't really know.

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1 Q. Well, I don't guess you remember telling
2 Ms. Murphy anything like you didn't note lawyer,
3 but in fact you did?

4 MR. HAWLEY: Object to the form.

5 MR. ZAC SCRUGGS: Objection answer if
6 you can.

7 A. I don't recall. The only reason she was
8 significant, we were partners on one of the
9 mediations. When we went into the computer to get
10 the engineering report, it wasn't in the file, and
11 that's when she went to try to request it and they
12 said they had scanned it into reflections it and
13 wasn't there. So that was the only thing we had
14 going on, was this one incident of a file we were
15 working on that we couldn't find the engineering
16 report.

17 Q. Do you ever if you ever found it?

18 A. We never found it.

19 Q. Sorry didn't mean to interrupt?

20 MR. ZAC SCRUGGS: Finish your answer.

21 A. Never found the engineer willing report.
22 Log notes said it was scanned in reflections,
23 which it was not, and when an went to ask, she
24 was going to go call the engineer company and
25 request a report, her fiance, which was a team

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1 manager, Ryan Murphy, he got all over here that we
2 weren't allowed to do that. So she had to go to
3 Lisa ^Wachter to request another copy and to my
4 knowledge it never came while I was there or that
5 I realize.

6 Q. Or that you realize. You don't know if

7 it ever came, do you?

8 A. No, I do not.

9 Q. Do you recall the name of the file?

10 A. No.

11 Q. Do you recall anything else about that
12 particular file?

13 A. No.

14 Q. Okay.

15 Q. Can you tell me why you and Kerri went
16 to representatives of the Scruggs Katrina group
17 regarding the McIntosh documents rather than going
18 to law enforcement?

19 MR. ZAC SCRUGGS: Object to the form and
20 derrick object to attorney-client privilege.

21 MR. HAWLEY: Yeah sacking sack I think
22 that's too close to -- I think that's coming
23 up on attorney-client privilege and work
24 product protection, so I'm going to instruct
25 her not to answer that.

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1 MR. WEBB: Okay.

2 Q. We've touched on a lot of things in a
3 fairly short time, and I know you've testified in
4 the Renfroe case at least twice, once in a
5 deposition and I think once at the hearing back
6 sometime earlier this year; correct?

7 A. Correct.

8 Q. Before you came here today to testify,

9 whether today or at some other time, did you
10 review anything to prepare for the testimony?

11 A. Yes.

12 Q. What did you look at?

13 A. I don't know what they're -- the piece
14 of paper that you and I went over, the document
15 request.

16 MR. HAWLEY: The subpoena document
17 request.

18 BY MR. WEBB:

19 Q. Oh, the subpoena document request?

20 A. Yeah.

21 Q. The first exhibit we talked about.

22 A. Yes. And the injunction.

23 Q. From the Renfroe case?

24 A. From the Renfroe case.

25 Q. Okay.

40

1 A. And my deposition from the Renfroe case.

2 Q. Okay.

3 A. The deposition from -- yeah, the
4 deposition.

5 Q. From the Renfroe case. Did you review
6 your hearing testimony, too?

7 A. I looked at -- I bored myself. I
8 couldn't do it.

9 Q. Okay. Did you -- when you were
10 reviewing your testimony in those cases, did
11 anything strike you or come to your mind that you

12 wanted to change or add to relative to the
13 testimony you'd given in the Renfroe case?

14 A. It might have, but if I walked in with
15 it this afternoon, I no longer have it with me
16 right now.

17 Q. You can no longer remember?

18 A. Right. I'm sorry. I'm tired.

19 Q. You didn't make any notes?

20 A. No, I didn't.

21 Q. With respect to your positions regarding
22 things that were considered by you to be irregular
23 concerning State Farm's claim handling process on
24 the Coast, is there anyone with State Farm that
25 you went to to advise about your feelings or

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1 beliefs about that?

2 MR. ZAC SCRUGGS: I'm going to object to
3 the form to the extent that it's been asked
4 and answered, but if you can answer the
5 question, you're certainly welcome to do so.

6 A. When you say went to, just to be clear,
7 I didn't go to anybody with my concerns, like how
8 do we fix this. I questioned Lecky king about it.

9 Q. About?

10 A. The engineering reports, getting
11 duplicate reports. I asked her why we were doing
12 that. I questioned Lecky king. Rick Moore and I
13 briefly discussed things when he got Jim hood's

14 subpoena, but he initiated that. I didn't go into
15 my concerns.

16 Q. Do you recall what he said?

17 A. He said he had been -- he was the only
18 person that was subpoenaed and just --

19 Q. Did he appear to be concerned about
20 that?

21 MR. ZAC SCRUGGS: I'm sorry. Were you
22 finished answering your question.

23 THE WITNESS: I don't think I was.

24 MR. ZAC SCRUGGS: Can you finish,
25 please.

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1 A. Yeah. He was nervous about subpoena.
2 He was anxious about that. We had several
3 discussions about the mold mole and then he would
4 tell me what he was planning on saying during the
5 17, about the justification for why the engineer
6 reports -- why they had two copies in some cases.
7 And, of course, he said it was things like typos
8 and the scientific data, and I believe he believed
9 what he was saying. Of course, I knew that was
10 not the case.

11 Q. And you knew that was not the case based
12 on looking at how many engineering reports?

13 MR. ZAC SCRUGGS: Object to the form of
14 the question.

15 A. I don't remember exactly how many I
16 looked at to know, but I know from my discussion

17 with Lecky, the way she was sending them back to
18 have them changed by threatening not to pay their
19 invoice that it was going on.

20 Q. How many times did you hear her do that?

21 A. I heard her do it more than once, and
22 you have -- more than once.

23 Q. More than once.

24 A. And you have to realize, too, we did
25 things quite a bit socially. And Lecky start

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1 sipping on her wine and it's all she can talk
2 about, so we had lots and lots and lot I was
3 discussions.

4 Q. You continued to maintain a friendly
5 relationship with Ms. King even after you had
6 looked at the McIntosh documents; correct?

7 A. Yes.

8 Q. As a matter of fact, I think I had
9 understood from something I had seen that y'all
10 stayed together overnight at times even after
11 that?

12 A. We -- I spent the night at her house one
13 time and it was whenever she moved to Perdido key
14 to help her unload.

15 Q. Okay?

16 A. Now, it wasn't like spend the night
17 girls party. She was seriously disorganized and I
18 had to do her kitchen, but one time.

19 Q. Okay. But you went over and set up her
20 kitchen?

21 A. I went over and set up her kitchen, but
22 I don't know when that was.

23 Q. In terms of not knowings when was that's
24 was do you know whether it was before or after you
25 were aware of the McIntosh document?

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1 A. I think it was after.

2 Q. When you were over doing her kitchen or
3 at any time during that night, you recall
4 discussing any of these issues with her?

5 A. No. She was gone somewhere. It was
6 Lisa Wachter and I were there. Lecky was -- I
7 don't know where she was. She didn't get in till
8 late that night and by the time she got in, Lisa
9 and I were having dinner with Bill Baker, so we
10 kind of missed each other a little bit.

11 Q. Okay. During that time, did you, Lisa,
12 Mr. Baker, and Lecky when she came in have any
13 discusses about these issues?

14 A. No.

15 Q. How long did it take you to set up her
16 kitchen?

17 A. About a half a day.

18 Q. Okay. With respect to the testimony
19 that you've given concerning concerns that you had
20 about State Farm claims handling, we've touched on
21 134 things. We've testified **. Is there

22 anything that you believe or perceived was an
23 issue that you haven't discussed or described?

24 MR. ZAC SCRUGGS: To the extent that you
25 can recall.

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1 A. Not off the top of my head.

2 Q. Okay.

3 A. There might be. When I'm more alert, I
4 think faster. I'm having a blood sugar -- I
5 just -- not off the top of my head, no.

6 Q. Okay.

7 MR. WEBB: Let's go off the record.

8 VIDEOGRAPHER: We're going off the
9 record. The time is 6:37.

10 (OFF RECORD).

11 VIDEOGRAPHER: We're back on the record.
12 The time is 6:53.

13 BY MR. WEBB:

14 Q. Did you ever record any conversations
15 you had with any State Farm employees?

16 A. No.

17 Q. Did Kerri?

18 A. Yes.

19 Q. Who?

20 A. The conversation we had with Dave
21 Randall I think we recorded.

22 Q. You mean the day you told him about the
23 data dump?

24 A. Yes, sir.

25 Q. Do you still have that recording?

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1 A. I don't. I don't think she does either.

2 We never thought about it again.

3 Q. Okay. Do you know if it still exists?

4 A. I don't know the answer.

5 Q. You don't know if it's been turned over
6 to lawyers?

7 A. I don't know.

8 Q. Other than Dave Randall on that
9 particular day, did you ever record anyone else
10 with State Farm?

11 A. No.

12 Q. What about Kerri, to your knowledge?

13 A. No.

14 Q. Did you ever record any conversations
15 with any -- conversations or discussions with
16 anyone with Renfroe?

17 A. No.

18 Q. Did you ever record any conversations
19 with anyone with any engineering firm working on
20 the Coast?

21 A. No.

22 Q. And generally I'll ask you if you ever
23 recorded any conversations with persons other than
24 those groups that I just described related to
25 anything concerning Hurricane Katrina?

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1 A. No, I don't believe.

2 Q. Do you know -- I'm sorry.

3 A. I said no, I don't believe we did that.

4 Q. And when you say we, you're talking
5 about yourself and Kerri?

6 A. Yes.

7 Q. Okay. And you know whether you did it
8 or not; right?

9 A. Right.

10 Q. And you didn't do it?

11 A. And I didn't.

12 Q. And you don't have any reason to believe
13 that Kerri did?

14 A. That's correct.

15 Q. With respect to the e-mail that I asked
16 you about about whether you had ever e-mailed
17 Mr. Zach Scruggs off your State Farm computer, you
18 recall that?

19 A. I do.

20 Q. And you said you did?

21 A. Yes.

22 Q. What did you e-mail?

23 A. I don't remember.

24 Q. Have no recollection?

25 A. I have zero recollection.

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1 Q. Did it have to do with Hurricane

2 Katrina?

3 MR. ZAC SCRUGGS: Object to the form.

4 Don't speculate or guess.

5 A. I don't remember.

6 Q. With respect to contact between yourself
7 and Kerri and the Mississippi State attorney
8 general's office, do you have a recollection of
9 how many times you met with them?

10 A. Well, we had face to face meetings and
11 we also spoke over the phone.

12 Q. Okay. How many face-to-face meetings?

13 A. Three or four.

14 Q. Were all of those before the data dump?

15 A. No.

16 Q. How many were before the data dump?

17 A. I don't remember.

18 Q. More than one?

19 MR. ZAC SCRUGGS: If you know.

20 A. I don't know. I'm sorry.

21 Q. How many telephone calls?

22 A. A lot.

23 Q. Did you have a lot of telephone calls
24 before the data dump?

25 A. I think more after.

49

1 Q. Okay. Initially when you were assigned
2 to Hurricane Katrina, weren't you assigned as a
3 wind adjuster or on the wind side of the storm?

4 A. I don't -- I don't recall that. We
5 were -- Renfroe set up an office in Ocean Springs,

6 and we were all trainers in that office. And to
7 my recollection, there was no difference between
8 the two and then after we left that office, it
9 might have been a week or so, that's when the two
10 offices -- they separated us into wind and flood.
11 So I don't think -- I don't remember being a wind
12 person primarily in the beginning.

13 Q. Do you remember talking with anyone with
14 Renfroe or State Farm during Hurricane Katrina and
15 stating that you wanted to be dealing with flood
16 so that you could make more money than if you were
17 dealing with wind?

18 MR. ZAC SCRUGGS: Object to the form of
19 the question.

20 A. It -- no, I don't recall that.

21 Q. Okay.

22 A. It wouldn't have made any difference
23 because I was a manager. There's no money
24 difference.

25 Q. Okay. And with respect to that, do you

50

1 recall a conversation with Lecky king asking Lecky
2 king to assist you in changing your job from a
3 manager to an adjuster so you could make more
4 money?

5 MR. ZAC SCRUGGS: Object to the form of
6 the question.

7 A. Actually, I have a vague recollection of

8 having a conversation with Lecky, and she had
9 wanted to pull, and this might have been Pensacola
10 and it might have been Katrina -- she wanted to
11 pull Kerri and I because of our experience level
12 to run claims when we were in a management
13 position, and she actually requested that. And
14 whoever she requested it to denied it.

15 Q. Okay. She --

16 A. But it was at her -- I'm sorry -- it was
17 at her -- she approached that.

18 Q. Okay. And the that you're talking about
19 is going from a management position to an adjuster
20 position?

21 A. Yes.

22 Q. And that was related to both you and
23 Kerri?

24 A. Yes.

25 Q. Okay. You would agree with me that on

51

1 the flood side, you would make more money as an
2 adjuster than as a manager, wouldn't you?

3 A. Yes.

4 Q. But you deny approaching Lecky yourself
5 to make a request for that change?

6 MR. ZAC SCRUGGS: Object to the form.

7 A. Yes, I deny that.

8 Q. Okay. Now --

9 A. I could have been a claims rep. I could
10 have just denied the management position from the

11 beginning if I wanted to.

12 Q. Or you could have changed your mind, I
13 guess, too; right?

14 A. I could have.

15 Q. With respect to the questions I asked
16 you about a person named gentleman TPHAËUPB or
17 gentleman none AOE (-), you don't have a
18 recollection of anybody that went by a nickname of
19 Toonday or anything like that?

20 A. Toonday.

21 Q. Toonday. Who is that?

22 A. Tune day is a State Farm team manager
23 that we first met in Minnesota in 1999, and he
24 came in to Katrina I believe it was after the
25 mediation had started, and he wrotetated with Doug

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1 Taber. They got on a rotation because they were
2 working apparently too many days or, so State
3 Farm. So they would rotate people in and out of
4 the storm. And tune day and Doug rotated
5 positions.

6 Q. Okay. Did you have a good relationship
7 with tune day?

8 A. Yes. It was fine.

9 Q. Did you ever have any discussions with
10 tune day regarding any concerns you over claims
11 handling?

12 A. No, I didn't.

13 Q. You will agree with me, won't you, that
14 on June 3rd, 2006, you sent an e-mail to tune day
15 telling tune day that you and Kerri were unable to
16 work because you were sick due to food poisoning?

17 MR. ZAC SCRUGGS: Object to the form of
18 the question.

19 A. I don't remember -- I don't dispute
20 that.

21 Q. Okay.

22 A. That's very possible.

23 Q (By Mr. Hawley)

24 MR. HAWLEY: And I'm sorry, Dan. This
25 time I think you said that it was June 3rd.

53

1 Is that what the question was?

2 MR. WEBB: Yes.

3 MR. HAWLEY: Okay.

4 Q. You don't dispute that?

5 A. I don't dispute that.

6 Q. Looking back at it, were you actually
7 sick with food poisoning and was Kerri?

8 A. No.

9 Q. Okay. Do you recall asking-on May 20th
10 asking to have June 10th through June 18th off
11 from work?

12 A. Yes.

13 Q. Do you recall why you wanted those
14 particular days?

15 A. I had a condo in Florida that I had

16 rented.

17 Q. So you wanted to go enjoy a condo in
18 Florida for those days?

19 A. Yes.

20 Q. Okay. Did Kerri go with you?

21 A. Yes.

22 Q. Anyone else go with you?

23 A. Yes.

24 Q. Who?

25 A. Her boyfriend, Andrew cam entry (-)

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1 Q. Who?

2 A. Andrew cam entry.

3 Q. Andrew cam entry. Are they still
4 boyfriend and girlfriend?

5 A. (Nodding head affirmatively).

6 Q. And Andrew is from where; do you know?

7 A. He lives in Ocean Springs.

8 Q. Okay?

9 A. I don't know where he -- he grew up
10 somewhere around there.

11 Q. Do you know where he lives in Ocean
12 Springs?

13 A. He lives in Gulf Park estates.

14 Q. Okay. And was there any particular
15 reason that you asked for that time off during the
16 third week of May in relation to the data dump
17 that occurred shortly thereafter?

18 MR. HAWLEY: Object to the form, but
19 answer if you can.

20 A. Okay. You're asking me why I asked for
21 a vacation on May 20th?

22 Q. Uh-huh.

23 A. And what was the vacation dates I asked
24 for again?

25 Q. June 10th through the 18th.

55

1 A. I don't remember there being a
2 correlation between the two things.

3 Q. Okay. Do you remember Kerri calling the
4 claims office or the cat office and advising on or
5 about June the 12th that she was stressed and
6 needed time off?

7 A. Yes, I do.

8 Q. Okay. Was that something that you
9 recall beyond that phone call?

10 MR. ZAC SCRUGGS: Object to the form.

11 Q. Strike ** that. That was a terrible
12 question.

13 Is there anything else about that that
14 you recall?

15 A. I think I remember that -- well, she was
16 going to go with me, and she hadn't decided
17 originally to go with me, so it was kind of a last
18 minute thing to go with me and it was after the
19 data dump, and she was incredibly stressed and,
20 quite frankly, I don't think she wanted to be in

21 the State Farm office when I wasn't working there,
22 when I was on vacation.

23 Q. Okay. Did she tell you that?

24 A. I don't know if she said that in so many
25 words, but that's the -- that's what I -- what I

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1 came away with.

2 Q. I take it you were uncomfortable there,
3 too?

4 MR. ZAC SCRUGGS: Object to the form.

5 BY MR. WEBB:

6 Q. After the data dump.

7 A. You could -- yeah, that would be fair.

8 Q. Do you recall requesting time off from
9 work again from Hurricane Katrina cat work on
10 June 22nd of 2006?

11 A. No, that did not happen.

12 Q. Do you know if Kerri did?

13 A. I'm not sure we were still working the
14 cat site June 22nd.

15 Q. Okay.

16 A. My recollection was that I had -- was
17 June 20th was my last day.

18 Q. Okay. And during this time, and by this
19 time I mean in June related to the dates that I've
20 just been discussing with you, were either you or
21 Kerri seeing any kind of health-care provider
22 related to any issues for being off from work?

23 A. Were we seeing a doctor?

24 Q. Uh-huh.

25 A. Well, my stepdad is a doctor, so we

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1 don't go to a doctor's office when we don't feel
2 well. So I can't answer if we didn't feel well
3 and called him and said we don't feel well.

4 Q. Okay. I understand that. Other than
5 him, were either of you consulting health care
6 providers regarding stress or any other issues
7 that kept you from being at work?

8 A. No. It was -- any stress-related
9 issues, we usually dealt with Doc.

10 Q. Okay. Did anyone suggest to you or to
11 Kerri that you record or she record Dave Randall
12 when you met with him?

13 A. No. Not that I know of, no.

14 Q. And I think you may have answered this,
15 and I apologize, but as I understand your
16 testimony, you have no recollection of ever giving
17 that record to go anyone?

18 A. I have no recollection about it.

19 Q. And you don't know whether Kerri has?

20 A. I don't -- we never spoke of that again.

21 The recording was simply if they fry today take
22 something we said and twist it, and I don't think
23 we ever thought about it again because that didn't
24 happen.

25 Q. Okay. Do you know why a decision was

1 made to record the conversation other than what
2 you've said?

3 MR. ZAC SCRUGGS: Object to the form
4 extent that it hasn't been asked and
5 answered, you can certainly do that.

6 A. Kerri and I made that decision and it
7 was basically what I just said.

8 Q. Okay. Have you attempted to locate that
9 recording?

10 A. No. I didn't even remember it until you
11 asked me the question.

12 Q. Okay. Do you think you could locate it?

13 A. I doubt it.

14 Q. Okay. And why do you say that?

15 A. Well, at that time we were I all still
16 living in my house. Kerri and I don't own a
17 recorder, so it had to be my mother's. The odds
18 of us locating anything that my mother has would
19 be small.

20 Q. Have you asked her if she has it?

21 A. I just remembered that we did it when
22 you asked me, so I haven't asked anybody.

23 Q. Okay. So I know the answer to this
24 question, too, I think: You haven't made any
25 efforts to locate its because you just remembered

1 it when I asked you about recording it here today?

2 A. That's correct.

3 Q. Did you make any special efforts or are
4 you aware whether Kerri made any special efforts
5 to try to preserve that recording for any reason?

6 A. No.

7 Q. Okay. With respect to specifically the
8 data dump which occurred on the second -- first
9 weekend in June 2006, this was after you had had
10 whatever contacts you had had up to that point
11 with Mississippi attorney general's office and the
12 US attorney's office; correct?

13 A. Sack object to want form of the
14 question.

15 Q. You had already had contact with those
16 law enforcement offices; correct?

17 A. Yes.

18 Q. And prior to that, you had had contact
19 with the Scruggs Katrina group through at least
20 Mr. Dick Scruggs?

21 A. Correct.

22 Q. Okay.

23 BY MR. WEBB:

24 Q. Did anyone connected with the attorney
25 general's office know about the data dump before

1 it occurred?

2 A. No.

3 Q. Are you the person who called them to
4 tell them to come and get whatever it was that you

5 copied?

6 A. No.

7 Q. Was that Kerri?

8 A. I don't remember. It wasn't me.

9 Q. Was it prearranged to do that before the
10 data dump?

11 A. No.

12 Q. You made three sets of documents; right?

13 A. I did.

14 Q. And one set was forked federal people,
15 one set was for the state people, and one set is
16 the set that under dollars up with the Scruggs
17 Katrina group at one point; correct?

18 A. Yes.

19 Q. Why would you have made three sets
20 except for those purposes?

21 MR. ZAC SCRUGGS: Object to the form of
22 the question.

23 Q. To provide to those entities or --

24 A. Well, I had already spoken with the two
25 law enforcement agencies, and Jim he'd's office

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1 was doing an investigation. They had already
2 issued subpoenas.

3 MR. HAWLEY: I object --

4 MR. ZAC SCRUGGS: Yeah.

5 MR. HAWLEY: And instruct you not to
6 talk about about internal component of the

7 investigation.

8 MR. ZAC SCRUGGS: And I join that
9 objection and instruction.

10 MR. HAWLEY: Dan, if you want to follow
11 up and ask about, you know, the delivery of
12 the documents, we have no problem with that.

13 MR. WEBB: I understand.

14 MR. HAWLEY: She began to veer off into
15 another area, so --

16 MR. WEBB: I understand. I think she's
17 already testified about that in a hearing and
18 another deposition.

19 MR. HAWLEY: If you have the prior
20 transcript -- yeah. If you have the prior
21 transcript, you'd know what she said.

22 MR. WEBB: Subject to referring the
23 right to come back depending on the court
24 ruling on objections and instructions and of
25 course reserving whatever time we have left,

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1 I'm not certain how much it is, I tendered
2 witness.

3

4 EXAMINATION

5 MR. ZAC SCRUGGS: Let's go off the
6 record, but not off the record. Let me have
7 just a brief conversation, but everybody stay
8 where you are. It will be short.

9 VIDEOGRAPHER: We're off the record,

10 seven: Eleven.

11 (OFF RECORD).

12 VIDEOGRAPHER: We're back on the record.

13 The time is seven.

14 A. Twelve.

15 MR. HAWLEY: Dan, I understand you're
16 tendering the witness, and I want to make
17 sure I understand your clarification on that,
18 that it's subject to however judge may
19 dealing with these objections and however we
20 deal with the documents that may be produced
21 pursuant to your document request. And
22 that's the limitation on whatever remaining
23 questions there will be.

24 MR. WEBB: Well, for purposes of this
25 deposition, I don't want to -- like any other

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1 lawyer, I don't want to limit myself any more
2 than I have to, but I think in fairness what
3 I'm saying is what you said.

4 MR. HAWLEY: Okay.

5 MR. WEBB: With the exception that there
6 could be other issues that develop,
7 particularly in response to the document
8 request that would lead to and be connected
9 with the need to make further inquiry of the
10 witness.

11 MR. HAWLEY: Yeah. I understand. But I

12 just want to make sure we're tied down as
13 much as we can to the document request and
14 the judge's rulings on objections.

15 MR. BANAHAN: And the only other thing
16 is the roster, which we addressed first.

17 MR. HAWLEY: Yeah. And that's another
18 ruling which we'll hear about John we'll hear
19 about. We filed a two paragraph motion on
20 today.

21 MR. HAWLEY: You skate indicated you
22 would, sure damage damage.

23 MR. WEBB: Specifically we didn't refer
24 to that document with this witness. She
25 referred to it by pointing to it out in the

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1 middle of the table and I would reiterate
2 Mr. Banahan's earlier request that that
3 information that not be disclosed out of your
4 group.

5 MR. HAWLEY: Until he rules on it.

6 MR. WEBB: Okay.

7 MR. ZAC SCRUGGS: And I just have two
8 questions.

9 MR. HAWLEY: And also, on Dick's behalf,
10 I will say, because Zac didn't hear this,
11 with the sincere hope by all party necessary
12 this room that the judge will not resume on
13 it until he hears from the McIntosh's counsel
14 ** position.

15 MR. ZAC SCRUGGS: The issue we're
16 discussing is the ceiling or protection on
17 exhibit seven to Kerri Rigsby's depo.

18 MR. WEBB: Yeah.

19 MR. WYATT: One clarification. I
20 understood you to say earlier that document
21 had been produced in other cases. Did I hear
22 that right?

23 MR. BANAHAN: Under a confidentiality
24 agreement.

25 MR. WEBB: Under confidentiality

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1 agreement, as I now understand.

2 MR. ZAC SCRUGGS: Y'all tender the
3 witness? Okay.

4

5 EXAMINATION

6 BY MR. ZAC SCRUGGS:

7 Q. Good afternoon, Mrs. Rigsby?

8 A. Good afternoon.

9 Q. I just have a couple of follow-up
10 questions that my colleague was asking you about.
11 Mr. Webb asked you about conversations with lucky
12 king related to handling of ** State Farm claims.
13 If I remember correctly in your many testimony,
14 you testified about a specific instance with
15 Ms. King as to a particular engineering report.
16 Can you tell me more about that? Do you recall

17 what I'm talking about?

18 A. Yes, I believe I do. As I stated
19 earlier, Lecky was in charge of all the engineer
20 reports. She would read them before the adjusters
21 or the team managers would get ahold of them and
22 so it was her job to kind of cipher through these
23 things and determine what to do with them next.
24 On this particular day, I remember she just had
25 mounds of engineer reports often her desk, and she

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1 called me over and she said hey, Cori, come look
2 at this. You're not going to believe it. And she
3 flipped a picture out and she said what do you
4 think caused this damage? And she said the
5 engineer must be related to somebody on this
6 street because he's call it wind damage. And that
7 was when -- and it was actually -- it was the
8 McIntosh engineer report. And that's the one I
9 think I stated earlier where she told Lisa
10 Wachter, who set in front of her, said Lisa, call
11 this firm, tell them they don't changed report,
12 TPWHAO*ERT going to pay their invoice fee.

13 Q. And that was -- your recollection, that
14 was the McIntosh engineering report?

15 A. That want was the Mack --

16 MR. WEBB: Objection to the form of the
17 question. Lead leading.

18 Q. What engineering report did that relate
19 to?

20 A. That was the McIntosh engineering
21 report.

22 Q. Okay. Do you have any understanding of
23 what happened on that claim, on the McIntosh claim
24 or with that report or anything?

25 A. Well, yes. That was --

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1 MR. WEBB: Excuse me U objection to the
2 form of the question.

3 BY MR. ZAC SCRUGGS:

4 Q. Okay.

5 A. That was the report that Kerri found the
6 original report loose from the file, went and
7 pulled the file, founded second report located in
8 the file. The first one had the sticky note that
9 I think we're all aware of: Do not pay. Do not
10 discuss.

11 Then apparently they paid McIntosh. I'm
12 not sure what they paid them under wind, a minimal
13 amount. And then it was my understanding that
14 State Farm actually sent two attorneys to
15 McIntosh's home and showed him the second engineer
16 report twice and told him that there wasn't two
17 copies of an engineer report, as had been claimed
18 on TV, but it was just a duplicate copy of the
19 same report and got Mr. McIntosh to write out some
20 sort of I'm happy with the way you explained it to
21 me thing. So they basic -- and then Terry Blalock

22 also called the McIntoshs and explained that there
23 was only one engineer report.

24 And, of course, as we have found out,
25 that's not the case.

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1 MR. WEBB: I want to object to that
2 answer as nonresponsive, beyond the witness'
3 knowledge, and move to strike it.

4 MR. ZAC SCRUGGS: Okay.

5 MR. WEBB: Go ahead.

6 MR. ZAC SCRUGGS: That objection is so
7 noted.

8 Q. I'm going to hand you what is marked as
9 exhibit seven to Kerri Rigsby's deposition that I
10 believe you identified in Mr. Webb's direct
11 examination. But can you tell us what Exhibit 7
12 to Kerri Rigsby's deposition is?

13 A. This is the engineer roster, and this
14 was the -- this was the roster that we worked on
15 when we printed out the documents for the data
16 dump.

17 Q. Okay. What does that document show?

18 A. It shows every claim that had an
19 engineer assigned to it, the engineer firm that is
20 assigned to it, the date they were inspected. It
21 shows here if it was cancelled. I believe
22 there -- I don't know if it's on this or the log
23 note where they'll say if there was a peer review,
24 which is kind of code for we didn't like your

25 report, so we're getting someone else to do a

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1 report. Some companies, like drew Seager,
2 wouldn't change their reports, so they would call
3 in another company to reevaluate the
4 policyholder's claim. So that's another thing we
5 looked for, if a claim had two engineers assigned
6 to it, that was generally the case.

7 MR. WEBB: Same objection and same
8 motion.

9 KATH: Join in that objection.

10 Q. Can you hand plea Exhibit 7,
11 Mrs. Rigsby -- Ms. Rigsby now.

12 MR. ZAC SCRUGGS: No further questions.
13 Dan just a brief follow up to those
14 questions.

15 - - -

16 FURTHER EXAMINATION

17 BY MR. WEBB:

18 Q. When you were making comments about that
19 sticky note, there was one thing that you didn't
20 state that was in that sticky note. You remember
21 the sticky note said place in wind file?

22 A. Yes.

23 Q. Okay. You do know that you had flood
24 files for flood policies and you had wind files
25 for homeowner's policies; correct?

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1 A. Yes.

2 Q. You do know that engineer reports were
3 ordered typically under the homeowner's files and
4 State Farm paid for those as opposed to FEMA;
5 correct?

6 A. Right. That was the procedure.

7 Q. Okay. And if whomever that note had
8 gone to had taken that and put it in that wind
9 file, that's where that report would have been;
10 correct, the proper place, the wind file?

11 MR. ZAC SCRUGGS: Object to the form.

12 A. I don't know where it was -- where they
13 intend end for it to get.

14 Q. Okay. Well, if it directive, place in
15 wind file had, been followed by whomever was
16 supposed to follow it, it would have been in that
17 homeowner's file; correct?

18 MR. ZAC SCRUGGS: Object to the form.

19 A. One would assume, yes.

20 Q. Uh-huh. And if either you or Kerri
21 removed the original report, it wouldn't be there,
22 would it?

23 A. Hypothetically if we removed it? That
24 would be a true statement.

25 Q. Did you actually see it when Kerri was
1 looking at it?

2 A. Yes.

3 MR. ZAC SCRUGGS: Object to the form.

4 A. Yes, I did.

5 Q. Yes you, did. And so y'all stood there
6 in the office and looked at it?

7 A. I don't remember where we stood and
8 looked at it, but, yes, we looked at it.

9 Q. And you saw the original sticky note?

10 A. I did.

11 Q. Okay. And did you actually see what
12 Kerri did with that report after she left you with
13 it?

14 A. No.

15 Q. Did you look at the photos in the
16 McIntosh claim files?

17 A. At some point, yes.

18 Q. Okay. Do those photos look to you like
19 all of the damage was a result of wind?

20 MR. ZAC SCRUGGS: Object to the form of
21 the question to the extent it seeks testimony
22 outside of her expertise and calls TPOEURS on
23 the opinion of an expert.

24 THE WITNESS: I do answer?

25 MR. ZAC SCRUGGS: To the extent you can.

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1 A. No.

2 MR. WEBB: Okay. Nothing further.

3 MR. ZAC SCRUGGS: Have a brief follow-up
4 question to what her Webb --

5 MR. WEBB: Object to what is this?

6 Recross.

7 MR. ZAC SCRUGGS: Well, you can note
8 that objection, but it's -- you opened up
9 into an area that I think would require a
10 follow-up.

11 - - -

12 FURTHER EXAMINATION

13 MR. ZAC SCRUGGS: So y'all tell me
14 when you're ready. Okay.

15 - - -

16 FURTHER EXAMINATION

17 BY MR. ZAC SCRUGGS:

18 Q. Would the term wind file have any
19 meaning or what would your understanding of the
20 wind file, the term wind file as written by Lecky
21 king, what would that mean?

22 A. The homeowner's claim.

23 Q. Okay. To your knowledge, did Lecky king
24 maintain any files on certain -- of certain
25 engineering reports?

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1 A. Did she maintain them?

2 Q. Right.

3 A. Yes.

4 Q. Okay. Tell me about that.

5 A. Well, there was one e-mail, and I think
6 we've all seen it here, where she instructed that
7 one of the copies of the engineer reports would be
8 in the file and the second copy would be under

9 lock and key. Is that the --

10 Q. I don't know. You tell --

11 A. Yeah. That was -- and as far as another
12 area, I guess, that she maintained the files is
13 she was the one that had direct control of all the
14 engineering reports as they came in the office.
15 Regular protocol when anything comes in by mail is
16 to date stamp it, you know, open it, date stamp
17 it, and disburse it. The CAPS people would come
18 in with arms of mail that were never opened or
19 date stamped and deliver it directly to Lecky
20 King's desk, which was another one of the
21 irregularities we noted. And she totally had
22 complete control over the roster, the assignments,
23 you know, if she felt like the engineer report
24 needed to be changed.

25 Q. Did I understand your testimony that --

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1 MR. WEBB: Excuse me before you go onto
2 the next question. I want to object to that
3 as nonresponsive, beyond the witness'
4 knowledge, speculation. Move to strike.

5 MR. ZAC SCRUGGS: Okay.

6 BY MR. ZAC SCRUGGS:

7 Q. Do I understand your testimony that
8 Ms. King would have maintained a file of
9 engineering reports if there was more than one
10 engineering report done?

11 MR. WEBB: Objection. Leading.

12 KATH: Join the objection.

13 Q. You can answer to the extent you know.

14 A. Okay. Yes, she maintained a file in the
15 office that was under lock and key of engineer
16 reports.

17 Q. Okay.

18 Q. Mr. Webb also asked you a question about
19 the McIntosh claim. You didn't do adjustment of
20 the McIntosh claim?

21 A. No I did not.

22 Q. Okay. You weren't involved in the
23 adjustment of the McIntosh claim?

24 A. No.

25 Q. Okay. And you're in and out a

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1 structural engineer?

2 A. I am not.

3 Q. Or a meteorologist?

4 A. No.

5 Q. And you weren't present at the McIntosh
6 house during the time of Hurricane Katrina?

7 A. No, I was not.

8 Q. Okay. And do you recall what -- was it
9 your -- to your understanding, was an engineer
10 assigned to adjust -- Strike that.

11 Was it your understanding that an
12 engineer was assigned to inspect the McIntosh
13 residence?

14 MR. WEBB: Objection to the form of the
15 question. Leading. That's it.

16 BY MR. ZAC SCRUGGS:

17 Q. Was an engineer assigned to inspect the
18 McIntosh residence?

19 A. Yes, they were. And in this case, I
20 mean, he asked me did I think wind was the only
21 thing that caused the damage or something to that
22 nature. And, you know, on houses like this that
23 are -- sometimes you need to be able to
24 differentiate between the wind and the water, and
25 it's never been our testimony that the water

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1 caused all the damage. That's been a big
2 misconception in the papers and everything that
3 we're saying water did everything. We're not
4 saying the water. It's just the fact that this is
5 a case about fraud, not about whether wind caused
6 the damage or water caused the damage. It's a
7 case about whether State Farm changed an engineer
8 report to benefit the outcome.

9 Q. What was the --

10 MR. WEBB: Excuse me, Zac. I want to
11 make the same objection that I made a moment
12 ago. Beyond the witness' knowledge,
13 speculation, and nonresponsive. Move to
14 strike.

15 KATH: We join in the objection.

16 MR. ZAC SCRUGGS: So noted.

17 BY MR. ZAC SCRUGGS:

18 Q. What was the conclusion of the first
19 engineer that inspected the McIntosh property?

20 A. Basically his conclusion was that the
21 damage was caused primarily from wind.

22 Q. Okay.

23 MR. ZAC SCRUGGS: No further questions.

24 Dan.

25 - - -

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1 FURTHER EXAMINATION Dan STKPWHRAPB the gentleman
2 across the table from me that just asked you that
3 series of questions, is he currently you were
4 employer

5 A. Yes.

6 MR. ZAC SCRUGGS: Object to the form of
7 the question.

8 BY MR. WEBB:

9 Q. On a cat site with as many claims to
10 handle as were going on down there, you will agree
11 with me, won't you, that a date stamp could be
12 missing off any document that comes in for some
13 reason other than fraud?

14 MR. ZAC SCRUGGS: Object to the form of
15 the question.

16 A. Sporadically missing a date stamp would
17 certainly be acceptable, but carrying in armloads
18 of mail with no date stamp to me is not

19 acceptable.

20 Q. Okay. All right. So you saw armloads
21 of mail being carried in by whom?

22 A. The CAPS.

23 Q. And carried -- specifically who?

24 A. I believe it was Pat Curry.

25 Q. Armloads of mail?

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1 A. Armloads of engineer envelopes.

2 Q. How do you know they were engineer
3 envelopes?

4 A. Because they went straight -- I saw them
5 carried straight to Lecky's desk.

6 Q. And so you carried armloads of envelopes
7 being carried straight to Lecky's desk and that
8 told you all you need to know?

9 MR. ZAC SCRUGGS: Objection.

10 A. Yes. The envelopes were still closed
11 and we don't get any mail dis, butted in the
12 office that has not been opened.

13 Q. Okay. How do you know they were closed?

14 A. Because I could see them.

15 Q. How far away from them were you?

16 A. As close as from me to you.

17 Q. And that's about what? About five or
18 six feet?

19 A. Well, about three to four feet, yeah.

20 Q. Three to four feet. And do you have any

21 idea what files, if any, those envelopes may have
22 had reference to?

23 A. No, I don't.

24 Q. Do you have any idea what any of the
25 contents of those envelopes stated?

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1 A. No, I don't.

2 Q. Okay. And isn't it true, and you
3 referenced this before, that in fact the e-mail I
4 think you referred to without looking at here to
5 the about putting duplicate reports in a separate
6 folder was a suggested procedure to use when an
7 engineering firm used, sent in actually two
8 reports?

9 MR. ZAC SCRUGGS: Object to the form of
10 the question.

11 A. Actually it's standard procedure for the
12 engineer firm to send in two reports. We've
13 always done that because the policyholder always
14 got one report. So this time they elected not to
15 gift policyholder a copy of the report and they
16 put the duplicate copies until the file.

17 Q. Okay. And the duplicate copies that
18 you're talking about, in response to the question;
19 a copy -- a duplicate copy of the original as it
20 came in?

21 A. Yes.

22 Q. Okay.

23 A. That's what I'm assuming.

24 Q. And, in fact, what happened in Katrina
25 was the insureds did get copies of engineer

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1 reports, didn't they?

2 MR. HAWLEY: Object.

3 MR. ZAC SCRUGGS: Object to the form of
4 the question. Calls for neck HRAEUBGS.

5 MR. HAWLEY: Same objection.

6 MR. WYATT: Wait wait wait. That's
7 counsel testifying contact.

8 MR. ZAC SCRUGGS: That's fine. We'll
9 make the record clear. That is counsel
10 testifying. I object to the form of the
11 question, and it calls for speculation.

12 MR. WEBB: Can I do it, too?

13 MR. ZAC SCRUGGS: Sure.

14 MR. HAWLEY: Same objection.

15 THE WITNESS: I do answer?

16 MR. ZAC SCRUGGS: To the extent you can.

17 A. The insured did get copies of the
18 engineer reports once the engineer report said
19 what State Farm wanted them to say.

20 Q. Okay. And that's awful them; right?

21 A. Not awful them.

22 Q. How many of them did you see? There was
23 less than 20?

24 MR. ZAC SCRUGGS: Object to the form.

25 Q. That you talked about earlier?

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1 MR. ZAC SCRUGGS: Object to the form to
2 the extent that it's inconsistent with what
3 you testify today previously.

4 A. Yes, I saw less than 20.

5 MR. WEBB: Nothing further.

6 KATH: No questions.

7 MR. ZAC SCRUGGS: Nothing further.

8 VIDEOGRAPHER: End of the deposition.

9 The time is 7:31.

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