

1 THE COURT:

2 Hello, folks. How y'all doing. Who all
3 is on the phone?

4 MR. BANAHAN:

5 You want the full list?

6 THE COURT:

7 Well, just at least one from each side.

8 MR. BANAHAN:

9 This is John Banahan.

10 MR. SCRUGGS:

11 And Dick Scruggs for the McIntoshs.

12 MR. HAWLEY:

13 And Greg Hawley for the Rigsbys.

14 MR. BANAHAN:

15 Judge, we're about to start Ms. Kerri
16 Rigby's deposition and Cori Rigby on the counsel
17 for the McIntoshs and the Rigsbys have suggested
18 that Ms. Cori Rigby is going to sit in on the
19 deposition. We'd ask that she be excluded, Your
20 Honor, she's not a party to this litigation.
21 She's a witness and no greater right than any
22 other individual whether or not would potentially
23 be a witness to sit in on this.

24 THE COURT:

25 Response?

1 MR. SCRUGGS:

2 Your Honor, Dick Scruggs. As far as I
3 know, there is no rule that can be invoked in a
4 deposition. Anybody can come in and listen unless
5 the court orders otherwise for good cause. This

6 is the sister of the deponent and there's no rule
7 that I'm aware of that would invoke a rule of
8 exclusion in a deposition.

9 MR. BANAHAN:

10 And and I would agree, judge. I think
11 it's discretionary. It's a matter that the court
12 can determine whether it's appropriate or
13 inappropriate. Cori's going to be deposed
14 tomorrow as we have it scheduled and we would like
15 an opportunity to depose both of these individuals
16 on their recollection rather than some
17 recollection they may have from the day's
18 testimony prior.

19 THE COURT:

20 Okay. Obviously all parties to a
21 lawsuit have the right to sit in on depositions.
22 Number 2, even though there's no -- and also any
23 experts of course have a right to sit there on
24 depositions and testimony during trial because
25 they're giving expert opinion based on testimony.³

1 Number 3, this is kind of analogous to at trial
2 being, you know, one party invoking the rule to
3 make sure that the witnesses testimony is their
4 testimony and not based upon what they hear. So I
5 have consistently ruled and feel it's produce
6 doesn't that unless they are a party or an expert
7 and there's an objection, they should not sit in
8 on depositions as mere witnesses. So that's my
9 ruling. She needs to step out.

10 THE COURT:

11 We've got one other point. We want to

12 make sure we're not in contempt of your order.
13 Greg had sent a letter to Judge Acker advising him
14 that the depositions were going forward today.
15 That is all we have done to contact Judge Acker
16 and we want to make sure that we're all in good
17 graces with you.

18 THE COURT:

19 Y'all are fine. Hopefully somebody's
20 contacted Judge Acker and he's available in case
21 you get to a sticking point.

22 MR. HAWLEY:

23 Judge, I did alert Judge Acker's law
24 clerk by telephone in addition to the letter I
25 sent. He did not indicate to me one way or the 4

1 other whether Judge Acker was in town this week.
2 I just assume not hearing anything, I would assume
3 he will be.

4 MR. SCRUGGS:

5 Your Honor, let me just raise one issue,
6 and we do we specifically disagree with your
7 ruling. I don't know how we conduct a deposition
8 with two different federal judges in two different
9 circuits.

10 THE COURT:

11 Well, I simply overruled the motion to
12 quash the depo.

13 MR. SCRUGGS:

14 I understand, but questions about Judge
15 Acker and whether they whether questions are
16 proper are being referred to him. So I -- you
17 know, don't know which federal judge to go to.

18 THE COURT:

19 There's been referred to Judge Acker
20 only because some people are afraid that questions
21 might overstep bounds of the protective order that
22 he entered in Alabama so that's the only reason we
23 are doing that.

24 MR. SCRUGGS:

25 I understand.

5

1 MR. BANAHAN:

2 So if we have a question that comes up
3 that pertains to the injunction or any breach of
4 in that in circumstance, we should refer those to
5 Judge Acker.

6 THE COURT:

7 Absolutely. He's the best one to
8 interpret that. Not me.

9 MR. BANAHAN:

10 January you, judge.

11 MR. SCRUGGS:

12 There's a lot of overlap here judge.
13 What's relevant in this case is arguably precluded
14 by his injunction. And nobody at the table here
15 at least nobody in this case is a party over there
16 and so we're going to be -- have two different
17 federal judges in two different districts and
18 states making rulings on overlapping questions. I
19 just wanted to, again, voice and not waive my
20 objection to that.

21 THE COURT:

22 I understand. Well, I don't really
23 intend to make any evidentiary rulings during this

24 depositions. Relevance is really not a proper
25 objection during a deposition. It can certainly⁶

1 be used to exclude testimony later on. My only
2 concern is whether or not any questions
3 potentially violate Judge Acker's protective
4 order. If somebody feels that it does, Judge
5 Acker is the one to ^ ^

6 MR. SCRUGGS:

7 Is this deposition under seal.

8 MR. BANAHAN:

9 No one's asked that it be under seal.

10 THE COURT:

11 Okay. Folks, y'all have fun. Good
12 luck.

13 MR. WEBB:

14 Q. Ms. Riggsby?

15 A. Yes.

16 Q. I know you've done this before, but
17 would you state your name, please ma'am for the
18 record?

19 A. Kerri Riggsby.

20 Q. Do you have a middle name?

21 A. Yes.

22 Q. What is it?

23 A. An.

24 Q. Do you have any nicknames or aliases
25 or anything like that?

7

1 A. No.

2 Q. You may have heard from some of the
3 other lawyers here, my name is Dan Webb. I'm an
4 attorney from Tupelo, Mississippi and I along with

5 other counsel represent State Farm in this case
6 filed by the McIntoshs. How many depositions have
7 you given?

8 A. Two, I believe.

9 Q. Okay. You've given one in a case over
10 in Alabama?

11 A. Yes.

12 Q. Recently?

13 A. Yes.

14 Q. Okay. And when was the other one?

15 A. I believe it was 2005, prior to
16 Hurricane Katrina.

17 Q. Okay. Well, then, from those two
18 experiences you're at least generally familiar
19 with the way the deposition process works, right?

20 A. Yes.

21 Q. And even though we're on video at a, I
22 may at times ask you to say yes or no. And the
23 reason I'm doing that is not to be ruled to you,
24 it's just so in that the record will be clear as
25 to what your testimony is. Is there any reason

8

1 this morning that you cannot or feel as if you
2 cannot understand and respond to the questions
3 you're asked here today?

4 A. No.

5 Q. You have no -- you're not taking any
6 medication?

7 A. No.

8 Q. You don't have any medical problems that
9 you think would interfere understanding and
10 responding?

11 A. No.

12 Q. What is your current address?

13 A. 2916 North Fourth Street in Ocean

14 Springs, Mississippi.

15 Q. Okay. How long have you lived at that

16 address?

17 A. I believe in July or August it will be a

18 year.

19 Q. Okay. I want to hand the reporter the

20 notice of deposition to mark as Exhibit 1.

21 (Exhibit 1 was marked.)

22 MR. WEBB:

23 Q. Ms. Rigsby, you were served as I

24 understand it with a subpoena in in this case

25 requesting the production of documents that were₉

1 covered in the subpoena; is that correct?

2 A. Correct.

3 Q. Okay. What did you do when you received

4 the subpoena? And I'm not asking you to tell me

5 communications between you and your counsel, but

6 what did you do when you received the subpoena?

7 A. I read the subpoena.

8 Q. Okay. Since that time with respect to

9 any of the request for documents covered in the

10 subpoena, have you personally made any effort to

11 collect any of those documents?

12 A. I reviewed it with my attorney.

13 Q. Okay. Have you Americanly made an

14 effort to collect any of those documents?

15 A. It would be difficult to collect

16 documents because they are not at that residence.

17 Q. Okay. Once again, have you personally
18 made any effort to get any of the documents or
19 other items requested by the subpoena?

20 A. I've looked to see if I had some of the
21 documents that you requested, yes.

22 Q. All right. Do you recall where you
23 looked?

24 A. I looked at my residence.

25 Q. Okay. Where you're living now?

10

1 A. Correct.

2 Q. And have lived since last August?

3 A. Correct.

4 Q. Okay. Well, let me ask counsel I know
5 you filed an objection?

6 MR. HAWLEY:

7 Yes, sir.

8 MR. WEBB:

9 And though this may be necessary to go
10 through each one of them I'll ask you generally:
11 are there any documents that y'all have
12 introduced.

13 MR. HAWLEY:

14 We don't have any today, Mr. Webb. She
15 did -- obviously the witness can speak for
16 herself, but when she received this she thought it
17 would be a friendly subpoena if you will and
18 things would be negotiated like the date of the
19 deposition. The date has not changed and so in
20 the intervening week has been insufficient time.
21 There are documents that we believe she could
22 collect to produce to you at an appropriate time

23 and I think our objections indicate that with
24 respect to individual request, there there may be
25 some request where there are no documents. So if
11

1 you feel the need, feel free to go through.

2 MR. WEBB:

3 I understand.

4 MR. HAWLEY:

5 Because I can't summarize that for you
6 right now.

7 MR. WEBB:

8 I understand.

9 Q. Okay. Look at request Number 1 in the
10 subpoena, please, ma'am.

11 A. Okay.

12 Q. Take a moment and read it, please.

13 A. (Witness complying.)

14 MR. SCRUGGS:

15 Dan, there's no stipulation of going
16 beyond seven hours or anything like that for us I
17 take it?

18 MR. WEBB:

19 Well, if hadn't been raised, but quite
20 frankly, if documents aren't produced and the
21 deposition takes some time today, we certainly
22 would reserve the right to ask to come back and
23 ask further questions.

24 MR. SCRUGGS:

25 Right. By there's been no stipulation
12

1 on going beyond seven hours?

2 MR. BANAHAN:

3 No.

4 MR. WEBB:

5 No. You want to propose one? That we
6 can go beyond seven hours.

7 MR. SCRUGGS:

8 Of course, not.

9 MR. WEBB:

10 Q. Have you had Ray chance to read that?

11 A. Yes.

12 Q. First of all, are there any documents
13 that you're aware of, documents, forms or any
14 tangible items that were covered in that request
15 that you know exist or believe to exist?

16 A. I do have a 109 fine form. It's with my
17 account.

18 Q. Who is your accountant?

19 A. Sinclair Lundy in Hattiesburg. I do not
20 have paycheck stubs. I don't have any computer
21 discs stored. Deposit slips, I do not keep. Bank
22 statements I do that on line, so I don't have
23 documents of that. I don't know if this has
24 anything to do with my -- I know at some point
25 there was my credit card.

13

1 Q. That's not this number?

2 A. Okay.

3 Q. With respect to these documents, did you
4 contact Mr. Lundy's office to obtain copies of
5 those?

6 A. No, did you not.

7 Q. Mr. Lundy works with what accounting
8 firm?

9 A. It's a female and it's her office.
10 Q. Sinclair is a female?
11 A. A female and it's her office.
12 Q. All right. Individual person?
13 A. Yes.
14 Q. All right. How long has she done your
15 tax work?
16 A. I believe she's done my tax work since
17 the late 1990s. Maybe '98, '99.
18 Q. Since '98 or '99, has any other
19 accountant or tax professional been involved in
20 doing any of your tax work?
21 A. No.
22 Q. With respect to that, did you file tax
23 returns for the year 2005 already?
24 A. No, sir I did not.
25 Q. Did you file tax returns for 2006? 14
1 A. It's currently being done.
2 Q. Okay. Why did you not file for 2005?
3 A. Normally I get money back, and so I
4 guess because all the chaos with Hurricane
5 Katrina, I knew I didn't do anything, and so she
6 just filed an extension and is doing at all at the
7 same time.
8 Q. So it's your understanding she's
9 currently working on 2005 and 2006?
10 A. Correct.
11 Q. Bear with me, if you will, please and
12 let me finish my question before you answer. I
13 might be a little slower than normal this morning,
14 okay?

- 15 A. Okay.
- 16 Q. With respect to the request for bank
17 statements, where do you currently do your banking?
- 18 A. I bank at Keesler.
- 19 Q. Okay. Any place else?
- 20 A. No. That's my only bank.
- 21 Q. How long has Keesler been your only
22 bank?
- 23 A. I don't recall.
- 24 Q. More than five years?
- 25 A. I've had other banks in the past, but I
15
1 don't know if Keesler's been my only bank for five
2 years. It's likely, yes.
- 3 Q. All right. Well, it's 2007, April 30 of
4 2007, at any time in 2006, did you do bank from
5 any other bank other than Keesler? That would be
6 last year.
- 7 A. No. I did not.
- 8 Q. At any time in 2005, did you do banking
9 there at any place other than Keesler?
- 10 A. I don't believe I did.
- 11 Q. Okay. What is the last bank you
12 remember doing banking with other than at Keesler?
- 13 A. I had an account at Wicoviana at one time.
14 I've had an account at Union Planters.
- 15 Q. Are these accounts that you've
16 describing more than 10 years ago?
- 17 A. No.
- 18 Q. Okay. When is the most recent one?
- 19 A. I believe in 2001 or 2002, I had a
20 Wicoviana account.

21 Q. Okay. Since Hurricane Katrina has it
22 only been Keesler?

23 A. Yes.

24 Q. Okay. And by Keesler, what's the full
25 name of that bank?

16

1 A. Keesler Federal Credit Union.

2 Q. That's what I thought. It's still the
3 same as when I was unfortunately in basic
4 training. Not basic, but tech school down here.
5 Number 2?

6 MR. HAWLEY:

7 And obviously I don't need to restate
8 it, but there are a lot of privileged information
9 set forth in Number 2 that we would object to.

10 MR. WEBB:

11 I understand securing securing and so
12 will we on behalf of the plaintiff.

13 MR. WEBB:

14 Just to be clear, though, the request is
15 to produce all documents collected and
16 communications between you and your attorney, Mr.
17 Richard Scruggs from August 2005 to the present
18 including but not limited to documents regarding
19 your employment with the Scruggs Katrina Group
20 here and after SKG the taking information from
21 State Farm, the McIntosh claim, if you claim that
22 any of these documents are privileged, please
23 provide a detail log, a brief description of the
24 contents of the documents. I'm not asking you to
25 communicate about the legal position stated by

17

1 either myself or by McIntosh's counsel or your

2 counsel in the case. I would ask counsel though
3 if there is a privilege log that we can anticipate
4 receiving identifying these documents.

5 MR. HAWLEY:

6 Mr. Webb I think our objections
7 indicated that there's been insufficient time
8 since she contacted me about this deposition about
9 a week ago to put together such a privilege log.

10 MR. WEBB:

11 Okay.

12 MR. HAWLEY:

13 We can put together such a privilege
14 log, but we've not had a chance to go back through
15 her written communications with Mr. Scruggs do
16 that.

17 MR. SCRUGGS:

18 And the same thing is true with us.
19 This deposition notice is less than two weeks old.
20 I'm not sure by the time it was served it was even
21 timely. So to the extent that work product might
22 be indicated or something that's privileged,
23 we'll do our best to provide a privilege log in
24 due course.

25 MR. WEBB:

18

1 Okay.

2 MR. HAWLEY:

3 Sorry for the interruption. I'm not
4 confident that such written communications exist.

5 MR. WEBB:

6 Q. And I think Number 3 without being too
7 repetitious is with respect to Zach?Scruggs same

8 request and I assume the objection would be the
9 same.

10 MR. HAWLEY:

11 Yes.

12 MR. WEBB:

13 Q. Let's go to Number 4, any and all
14 documents reflected communication between you and
15 SKG Limited to documents regarding your employment
16 with the discussion Katrina group. Now, with
17 respect to documents concerning her employment
18 with Scruggs Katrina Group, are you asserting
19 privilege with respect to those?

20 MR. SCRUGGS:

21 Work product privilege of course. She's
22 working for us and preparing cases, unless you
23 want me to start subpoenaing people that work for
24 you in preparing your cases and taking your
25 depositions about documents and work that they've
19

1 done, I think we're going to have to object to
2 that.

3 MR. WEBB:

4 Well, I don't know that that's an
5 appropriate objection, but nevertheless.

6 MR. SCRUGGS:

7 Well, good. I'll serve by tomorrow.

8 MR. WEBB:

9 Point being, that whether you choose to
10 subpoena my employees or not.

11 MR. SCRUGGS:

12 And likewise, my employees, thank you.

13 Q. The taking information from State Farm
Page 15

14 and communication regarding the McIntosh claim as
15 well as any and all documents supplied by you by
16 the Scruggs Katrina Group or any attorneys working
17 with or in conjunction with Scruggs Katrina
18 document including documents as described in
19 request Number 1. I assume y'all's position about
20 that is the same as previously stated.

21 MR. HAWLEY:

22 Yes. And in addition to that that's
23 where the injunction begins to come into play to
24 the extent you're requesting documents that were
25 actually copied or duplicated by Kerri or Cori. 20

1 Also, I think I said in the written objections,
2 but for the record, she does not currently possess
3 and has not possessed since either July or August
4 of last year any documents that she did copy
5 during her employment with Renfroe. So there are
6 none, but the scope of the injunction is such that
7 I want to be very sensitive to it.

8 MR. WEBB:

9 I understand.

10 Q. Request Number 5 deals with documents
11 primarily or at least initially between you and
12 your mother, Ms. Brian know. From August of 2005
13 to the present including but not limited to your
14 employment with the Scruggs Katrina Group. I
15 understand the objection would be restated as to
16 the documents pro priored to the Scruggs Katrina
17 Group.

18 Q. Do you have or know of any
19 communications between yourself and your mother

20 that in any way pertain to the McIntosh claim?

21 A. I know of no documents.

22 Q. And that would be e-mail or other types
23 of written correspondence?

24 A. No.

25 Q. Okay. Do you maintain strike that. At
21

1 the time you were working during Hurricane
2 Katrina, did you maintain a log, calendar or daily
3 calendar?

4 A. Yes. I had a daily calendar.

5 Q. In what form was it?

6 A. It was printed off the computer,
7 calendar that was printed off a computer and I
8 used it to keep my appointments.

9 Q. Okay. Printed off the computer, when
10 you say the computer, what computer are you
11 talking about?

12 A. The State Farm computer.

13 Q. Would that be the laptop that was
14 provided to you by State Farm?

15 A. Yes.

16 Q. For that particular catastrophe?

17 A. Correct.

18 Q. That catastrophe was referred to I
19 believe as cat P L; is that right or do you
20 remember?

21 A. Probably. It was P L. I don't recall.

22 Q. Okay. Did you maintain any other
23 calendars, diaries, day planners of any type other
24 than what you would print off a State Farm laptop?

25 A. No.

1 Q. Have you ever done so?

2 A. No.

3 Q. All right. Do you have in your
4 possession at this point or within your control
5 any communications or memoranda reflecting any
6 communications between you and mark drain from
7 August of 2005 to present?

8 A. No. I do not.

9 Q. Okay. Have you ever had such documents
10 in your possession or control?

11 A. Yes.

12 Q. And in what format were those documents
13 if you recall?

14 A. We had e-mails.

15 Q. E-mails?

16 A. E-mails.

17 Q. Between you and Mr. Drain?

18 A. Correct.

19 Q. Anything other than e-mails?

20 A. No.

21 Q. And do you know where those documents
22 are currently?

23 A. I don't have them now.

24 Q. Okay. Do you know where they are?

25 A. No. I had them at one point, but they
23

1 disappeared off my computer or out of my e-mail.

2 Q. You had them at one point on your
3 computer?

4 A. On my e-mail, yes.

5 Q. And they disappeared?

6 A. Yes.

7 Q. Okay. And do you recall when that
8 happened?

9 A. That happened I would say late August
10 early September of 2006.

11 Q. All right. And from what you're telling
12 me then, I assume that you had your State Farm
13 computer, laptop as of late August 2006?

14 A. Correct.

15 Q. And your employment relationship with
16 Renfroe as I understand from earlier testimony you
17 gave it ended sometime prior to that, correct?

18 A. I had my State Farm laptop actually
19 until June, the end of June, but I still had, of
20 course, my own e-mail account after that time.

21 Q. Okay. All right. Well let's talk about
22 that for a minute. Your own e-mail account with
23 respect to your State Farm account with your State
24 Farm alias that what you're talking about?

25 A. I had that, correct.

24

1 Q. Do you recall what your alias was?

2 A. Yes.

3 Q. What was it?

4 A. H V W Z.

5 Q. No numbers?

6 A. No numbers.

7 Q. Just letters?

8 A. Just letters.

9 Q. Okay. During your work on Katrina, did
10 you ever have assigned to you any other alias?

11 A. No. Did you not.

12 Q. And that is State Farm's use?
13 A. Correct.
14 Q. And I'm speaking of the time period
15 between August of 2005 through the present?
16 A. Okay.
17 Q. Did you have any personal e-mail account
18 other than your State Farm account?
19 A. I did have a personal e-mail account.
20 Q. Through what provider?
21 A. AOL.
22 Q. American on line?
23 A. Correct.
24 Q. And what was the e-mail address that you
25 had or your identification?

25

1 A. Kerri excuse me K Rigsby 111 at
2 AOL.com.
3 Q. All right. From August 29 2005 to the
4 present day, are the only e-mail accounts that you
5 had available excuse me are the only e-mail
6 accounts that you had access to to use the e-mail
7 accounts that you just described, the State Farm
8 and the personal American on line account?
9 A. Correct.
10 Q. Okay. Did you ever in your employment
11 with Renfroe during Hurricane Katrina correspond
12 with your personal e-mail account from State
13 Farm's e-mail account?
14 A. Yes.
15 Q. Okay. What would be the reason for
16 that?
17 A. I want to make sure I'm clear on your

18 questi on.

19 Q. Okay. That's a good point. I want to
20 make sure I'm clear, too. I'm talking about an
21 e-mail from you using your State Farm laptop and
22 your State Farm alias, that account and send
23 something from that account to your personal
24 e-mail account that's what I'm talking about?

25 A. That's what I thought you were talking
26
1 about. Yes. Have I done that, yes.

2 Q. And under what circumstances to the
3 extent you recall them that you do that?

4 A. I rarely did that. In fact, I don't
5 know that I ever did that until late spring early
6 summer of 2007.

7 Q. Are you saying you never did it before
8 then or are you saying you don't know?

9 A. If I did it, it was rare. I can't think
10 of why I would have done it before then.

11 Q. Did you ever use your State Farm e-mail
12 account to forward communications from that system
13 to other personal e-mail accounts and for purposes
14 of my question, I'm talking about from August of
15 2005 forward?

16 A. Restate the question.

17 Q. The question really is the same one I
18 asked you about forwarding from the State Farm
19 account to your own account. You said you did as
20 I understand it. You recall that you rarely did
21 it before spring or early summer of 2006 as I
22 understand your testimony; is that right?

23 A. Correct.

24 Q. My question really is: Did you do that
25 and send e-mails off the State Farm system to any
27

1 other third party account, personal account or
2 commercial account for that matter?

3 A. That I owned? That was mine?

4 Q. No.

5 A. Anybody?

6 Q. Uh-huh.

7 A. I'm sure I did, but it would have been
8 -- it would not have been business related.

9 Q. Okay. Did you do that in conjunction
10 with any of the documents that you obtained from
11 the State Farm system?

12 A. No.

13 Q. Okay. Do you recall whether you ever
14 forwarded via e-mail either to your personal
15 account or to any third party e-mail account any
16 documents that you obtained from the State Farm
17 system and documents that ended up with Scruggs
18 firm and/or others?

19 A. I only e-mailed those to my personal
20 e-mail account.

21 Q. Okay. How many times do you do that?

22 A. It was a lot of e-mails.

23 Q. A lot of e-mails?

24 A. I don't know how many times I did it.

25 It was quite a few.

28

1 Q. When you say a lot of e-mails, are you
2 talking about you did a lot of e-mails or that you
3 certainty a lot of e-mails with documents? I'm
4 not really sure what you mean about that?

5 A. I forwarded e-mails that were sent to me
6 to my personal computer, to my personal e-mail
7 address.

8 Q. All right. Did you ever send -- I
9 believe your testimony is that you never sent any
10 of those documents or e-mails that you never
11 forwarded them to any other account other than
12 your own; is that correct?

13 A. I don't recall forwarding them to anyone
14 else other than myself, possibly Cori. It's
15 possible I would have copied her on some of those.

16 Q. Okay.

17 A. But I don't recall forwarding them to
18 anyone else.

19 Q. Did you ever forward any e-mails to Cori
20 that you're aware of that Cori in turn forwarded
21 to some third party?

22 A. They were forwarded to a third party,
23 they were printed out.

24 Q. Okay. But not by e-mail?

25 A. Correct.

29

1 Q. You seem fairly certain of that?

2 A. I'm fairly certain.

3 Q. Are you sure of it?

4 A. Not 100 percent.

5 Q. Okay. So you think Cori may have
6 actually forwarded e-mails you sent to her to
7 third parties?

8 A. I don't think she did, but I can't speak
9 for her.

10 Q. Have you ever discussed that with

11 her?Scruggs

12 A. We have discussed the e-mails.

13 Q. And what was the nature ever the
14 discussions?

15 A. The discussion was that her e-mails had
16 disappeared as well.

17 Q. Her e-mails disappeared, you're talking
18 about the August of 2006 time?

19 A. Correct.

20 Q. What were you doing when you learned
21 that your e-mails had disappeared?

22 A. I had gone online and working on the
23 computer and realized that the e-mails had
24 disappeared.

25 Q. Okay. And this was August of 2006? 30

1 A. I would say it was August or early
2 September.

3 Q. Of 2006?

4 A. Correct.

5 Q. And you still at that time had your
6 State Farm laptop?

7 A. No.

8 Q. Okay. When you say you were working on
9 line, were you accessing State Farm's account at
10 that time?

11 A. No.

12 Q. Okay. When you were working on line,
13 what laptop were you working on?

14 A. I was working on Cori's home computer.

15 Q. Do you know what kind it is?

16 A. I and it's a del.

- 17 Q. Okay. Do you know how old it is?
- 18 A. No.
- 19 Q. Okay. And Cori at that time was living
20 where?
- 21 A. In Ocean Springs.
- 22 Q. Do you know the address?
- 23 A. 1002 1 mockingbird circle.
- 24 Q. All right. Let me see if I can
25 understand the situation about the e-mails a 31
- 1 little clearer. You were working on line on
2 Cori's desk top or laptop?
- 3 A. It's a home computer.
- 4 Q. But it is a desk top or laptop?
- 5 A. It's a desk top.
- 6 Q. It has some form of a tower or monitor
7 to go with it?
- 8 A. Yes.
- 9 Q. And it is from that laptop that you
10 discovered -- excuse me that desk top that you
11 discovered your own e-mails had disappeared?
- 12 A. Correct.
- 13 Q. What account did you access or what file
14 or folder had you accessed when you determined
15 that?
- 16 A. My mail.
- 17 Q. And your mail account was that American
18 on line account?
- 19 A. Yes.
- 20 Q. And are you aware that the same thing
21 happened with Cori's you said?
- 22 A. Correct.

23 Q. And have you done -- made any efforts to
24 attempt to retrieve those e-mails since then?

25 A. Yes.

32

1 Q. What efforts did you make?

2 A. Cori hired a computer expert to evaluate
3 her computer.

4 Q. Who was that?

5 A. I know his name is Joe, but I don't --

6 Q. Joe?

7 A. Joe. I know his name is Joe.

8 Q. Do you know where he's from?

9 A. I believe he lives in Ocean Springs or
10 Biloxi. He's local.

11 Q. All right. So you had e-mails on -- you
12 and Cori both had e-mails on your American on line
13 account?

14 A. Yes.

15 Q. Up until August of 2006?

16 A. Correct.

17 Q. Some of those e-mails would be e-mails I
18 assume that pertain to the information that you
19 had retrieved from State Farm?

20 A. Correct.

21 Q. Some of those e-mails would have been
22 e-mails forwarded to your account and/or Cori's
23 account from the State Farm account?

24 A. Correct.

25 Q. And it's your testimony that those just
33

1 disappeared from your American on line account in
2 2006?

3 A. Correct.

4 Q. And a computer person named Joe from
5 perhaps Ocean Springs you're aware of looked at
6 Cori's desk top computer to determine if he could
7 what the reason for that was, correct?

8 A. Correct.

9 Q. Did he ever tell you what the reason for
10 it was?

11 A. He told her this was a conversation
12 between Cori and Joe.

13 Q. Did you overhear it?

14 A. I did not over hear it. I was told
15 later.

16 Q. By Cori?

17 A. By Cori, what he had said.

18 Q. And what was that?

19 A. And he had said that he picked up spy
20 wear on the computer and that it appeared that
21 those e-mails had been tracked and taken.

22 Q. Okay. All e-mails had been tracked and
23 taken?

24 A. No. Only the e-mails that we forwarded
25 from State Farm.

34

1 Q. Oh, okay. And what happened did he say
2 to the other e-mails?

3 A. What other e-mails?

4 Q. Will, I thought you said all your
5 e-mails were gone?

6 A. All the e-mails I had forwarded from my
7 State Farm account were gone. Not all my e-mails,
8 only those.

9 Q. Did he do anything about identifying the
10 spy wear that you're aware of?

11 A. No. I don't know what he did about the
12 identification testify.

13 Q. But you don't remember this guy's name
14 beyond Joe?

15 A. I met him several times, but I cannot
16 think of his last name. I have his business card
17 at home. It's what he does.

18 Q. Okay. I suspect that business card
19 would be within the purview of some of these
20 requests. Let me move on through these, please.
21 I believe we were at Number 8. I had asked you
22 about communications between you and Mark Train
23 Drain and that's what led to the discussion about
24 e-mails disappearing on the American online
25 account. Did Cori, to your knowledge, have an
35

1 American online account, too?

2 A. I believe she did.

3 Q. Do you remember what her e-mail address
4 was?

5 A. No, no.

6 Q. I'm not saying you should. All right.
7 With respect to Number 8, do you have any
8 documents reflecting communications between you
9 and Rachel Fisher between August 2005 and present?

10 A. I do not.

11 Q. Would the same be true with respect to
12 Number 9 specifically with reference to Tammy
13 Hardison?

14 A. I do not.

15 Q. I recall that there was some testimony
16 and this is with respect to Number 10. I recall
17 there was some testimony and I won't -- we'll get
18 into perhaps or more of that later, but
19 specifically with respect to Number 10, I recall
20 some testimony where when documents ever obtained
21 from State Farm that those were printed and then
22 copied; is that right?

23 A. Correct.

24 Q. Okay. And let me focus on what I think
25 in the hearing and/or the deposition testimony 36

1 that y'all gave in the case over in Alabama.

2 There was a weekend in early June of '06 that some
3 people I guess for lack of a better expression
4 referred referred to as a data dump weekend do you
5 remember that?

6 A. Yes.

7 Q. And I understood that during that time
8 that y'all were actually in volume printing off
9 documents from the State Farm system?

10 A. Correct.

11 Q. And in addition to printing off
12 documents or subsequent to you copied those
13 documents; Right?

14 A. Yes.

15 Q. This request, I say all that to say all
16 this: this request asks for documents reflecting
17 any expenses incurred with the connection of the
18 printing or copying of the documents in June of
19 2006 including receipts or paper purchased
20 receipts for toner ink jet toner rental receipts

21 etcetera. Do you have anything like that?

22 A. We did not keep the receipts for that,
23 no.

24 Q. All right. Did you rent equipment?

25 A. No.

37

1 Q. Was the equipment that you used
2 equipment that either you or Cori already
3 possessed prior to June of '06?

4 A. Part of it was what we possessed, but to
5 actually make the top piece, we had to go
6 somewhere to make them.

7 Q. All right. Where did you go?

8 A. I stayed and I did the printing. I
9 didn't go to make the copies, so I'm not sure what
10 the location was. I know it was a friend's
11 business of some sort.

12 Q. Okay. There were three people that you
13 identified who assisted you in the copy. Was it
14 any of those people?

15 A. Yes.

16 Q. Which one of those people's business did
17 you use?

18 A. I believe it was Karen's fiancée's
19 business.

20 Q. Okay. Do you know what business name
21 that is?

22 A. I don't.

23 Q. Do you know what Karen's fee ANSI at the
24 time name was?

25 A. His name is Leonard. I don't know his

38

1 last name.

2 Q. Have they since married?

3 A. No.

4 Q. Okay. So you stayed -- you printed
5 documents. And was it Cori and the others who
6 took the documents to that place to be copied?

7 A. Cori and I stayed and did the printing.
8 We did not do the copying.

9 Q. Okay. So you sent the documents to be
10 copied by Karen and the other two people?

11 A. Correct.

12 Q. Did all three of them take them or was
13 it just Karen?

14 A. I believe -- I know at least two of them
15 went at a time.

16 Q. Do you know how many trips necessary
17 made to the copy place?

18 A. I do not.

19 Q. Do you have any idea at all how many
20 trips they made?

21 A. Several.

22 Q. So that be more than 10 that weekend?

23 A. I would be guessing. I don't know that
24 that would help you. It would be a guess. I
25 would say less than 10.

39

1 Q. But you're not sure?

2 A. But I'm not sure.

3 Q. Okay. . Do you have any recollection at
4 all about how the documents were collected when
5 they were taken, you know, in boxes like some of
6 the boxes we have here or otherwise?

7 A. They were in the way paper comes, rooms

8 of paper in boxes. They were transported in those
9 types of boxes.

10 Q. The way paper comes in realms of paper.
11 Like in my office, we get paper in boxes and then
12 have several that separation collections of paper?

13 A. Correct.

14 Q. Are you talking about one of those sets
15 of paper or are you talking about the everyone
16 tire box?

17 A. Entire box.

18 Q. And where did the paper come from?

19 A. We purchased the paper.

20 Q. And where did you purchase the paper
21 from?

22 A. Cori -- you would have to ask Cori where
23 she got the paper.

24 Q. Okay. So Cori handled the purchase of
25 the paper?

40

1 A. Correct.

2 Q. Do you recall if you had to replace any
3 ink jets or anything like that during the process
4 of printing?

5 A. Oh, yes. I'm sure we did.

6 Q. Okay. Where did you get those from if
7 you know?

8 A. I don't recall.

9 Q. Would Cori have handled that, too?

10 A. Probably.

11 Q. You don't remember if you did?

12 A. I know I did not.

13 Q. And insofar as knowing who else done it,

14 you don' t know?

15 A. I can' t i magi ne anybody el se havi ng done
16 i t.

17 Q. All right. Do you know how the paper
18 was pai d for?

19 A. No, I do not.

20 Q. Do you know how any of the cartridges
21 were pai d for?

22 A. No. I do not.

23 Q. You personal ly di dn' t pay for any of
24 those yoursel f?

25 A. Correct.

41

1 Q. Okay. Scruggs fi rm or anybody el se pay
2 for or reimbursement you for those charge?

3 A. No.

4 Q. Wi th respect to the document boxes of
5 paper that you talked about, were those already
6 present when you talked about the boxes printing?

7 A. Yes.

8 MR. SCRUGGS:

9 You mean the copy paper?

10 MR. WEBB:

11 I mean the paper that was used to print
12 the copi es out on which I understand was the disc
13 di sc the blank paper that was used.

14 MR. WEBB:

15 Yes.

16 A. I understand that.

17 MR. WEBB:

18 Q. Do you understand?

19 A. Restate.

20 Q. Okay. You testified that there were
21 boxes, some boxes of paper that had multiple but
22 separate collects of blank paper that were used to
23 printout documents on from State Farm system,
24 right?

25 A. Correct.

42

1 Q. Do you recall how many boxes like that
2 were there and available when you began the
3 process?

4 A. No. I don't recall.

5 Q. Okay. Do you recall if there was any
6 paper left in boxes when you completed the
7 process?

8 A. I don't recall their being any paper
9 left.

10 Q. Do you recall if you had to go out and
11 get or someone had to go out and get more paper
12 during the printing process?

13 A. It's possible, but I don't recall.

14 Q. Okay.

15 Q. And I believe you testified in the
16 Renfroe case that there were you, Cori and three
17 other people involved in that weekend, correct?

18 A. Correct.

19 Q. Karen that you mentioned and two other
20 people. What are their names?

21 A. Michelle and Heidi did you.

22 Q. Michelle?

23 A. Michelle Lee. Heidi and I think her

24 last name now is Fisher and Karen Rocko.

25 Q. And do you know how long it was before

1 that weekend that any contact was made with these
2 folks for them to be there that weekend?

3 A. I didn't call them personally, but I
4 having heard what has happened since then, I know
5 that Cori did not give them much notice. It seems
6 like she call them the day of.

7 Q. And the day of, who that have been a
8 Friday or Saturday?

9 A. It was a Friday.

10 Q. Okay. Y'all were both still employed
11 with Renfroe and officially still assigned to the
12 cat P L R, correct?

13 A. Correct.

14 Q. Do you recall if you went to work the
15 next week?

16 A. With a did go into work on Monday.

17 Q. Okay. That would be both of you?

18 A. Correct.

19 Q. Okay. Scruggs.

20 With respect to the expenses that were
21 incurred in the process, your testimony would be
22 that Cori would know about that as opposed to you?

23 A. Correct.

24 Q. But you don't know how she paid for
25 that, check, credit card?

1 A. I have no idea.

2 Q. Do you know if she went to a paper
3 supplier?

4 A. I have no idea.

5 Q. Do you know if there was normally a

6 place that like she'd go to to buy paper?

7 A. No.

8 Q. Okay. No office supply place that y'all
9 regularly frequented to get office supplies?

10 A. We were rarely here. We're usually on
11 the road in another state. I assume Office Depot
12 but I couldn't be sure. It could have been
13 Wal-Mart.

14 Q. The last time prior to the weekend in
15 June of 2006 that you purchased any office
16 supplies, do you know where that would have been?
17 And you may not recall.

18 A. I rarely purchase office supplies.

19 Q. Okay. So you don't remember?

20 A. I don't remember.

21 Q. Request Number 11 is a request to
22 produce documents that you claim support your
23 allegations of wrongdoing by State Farm any of
24 it's associate it's and/or engineers in connection
25 with the handling of Hurricane Katrina claims. If
45

1 you claim any of these are privileged, applied a
2 detailed privilege log.

3 MR. WEBB:

4 I'm assuming that go y'all's position is

5 --

6 MR. HAWLEY:

7 Our prior objection speaks for itself,
8 but again these documents are involved with Judge
9 Acker's injunction neither Kerri nor Cori
10 currently possess any as they have stated to the
11 court in the other case. But to the extent those

12 documents show up, we would object based on the
13 injunction and I'd ask her not to answer Dick.

14 MR. WEBB:

15 By show up? I'm not sure I understand
16 what you mean by show up.

17 MR. HAWLEY:

18 Well, I don't know what documents you
19 have nor the source of them. So I reserve that as
20 a potential issue in this deposition.

21 MR. WEBB:

22 I understand.

23 MR. SCRUGGS:

24 Not only that but State Farm is joined
25 from receiving those documents as well by Judge

46

1 Acker. So it's not just a --

2 MR. WEBB:

3 Well, perhaps.

4 Q. Let me ask you this question: Other
5 than the documents that have been the subject of
6 the Renfro case, do you know of any documents or
7 any evidence other than what's reflected in
8 those documents that you believe supports any claims
9 of wrongdoing by State Farm or State Farm
10 employees or other independents who work for State
11 Farm? I'm talking about other than the documents?

12 MR. SCRUGGS:

13 Evidence, you mean? I have to object to
14 the form.

15 MR. HAWLEY:

16 I'll object to the form.

17 MR. SCRUGGS:

18 I mean, does she know what someone did
19 to shoot a policyholder that aren't reflected in
20 the documents is that what you're asking?

21 MR. WEBB:

22 Let me ask the question again.

23 Q. Other than the documents that I
24 understand by your testimony and your position
25 have been returned to someone, some lawyers in 47

1 that Renfroe case and otherwise provided to
2 perhaps other people along the way, other than
3 those documents I'm not talking about those
4 documents I'm talking any other documents. Do you
5 know of any other documents that you believe
6 sports a claim of wrongdoing by State Farm
7 employees or --

8 A. Do I know of any other documents?

9 Q. Yes, ma'am.

10 A. That are in my possession?

11 Q. No, ma'am. At all?

12 A. Are there other documents out there.

13 Q. No. My question is: other than those
14 documents and I'm talking about the Renfroe case
15 documents, other than the documents that y'all
16 printed, downloaded or whatever and provided to
17 Mr. Scruggs firm or the state or other people
18 other than those documents do you personally know
19 of any other document that's support any claim of
20 wrongdoing by State Farm?

21 A. Yes.

22 Q. All right. Could you identify those
23 documents other than those documents?

24 A. Yes.

25 Q. What are they?

48

1 A. I believe they're privileged.

2 Q. Okay. You believe they're privileged?

3 A. I don't know that --

4 MR. SCRUGGS:

5 Any documents that -- and I'll object to
6 this on my work product. Any document that's I
7 have asked her to evaluate in connection did not
8 come in from neither Kerri or Cori Rigsby that she
9 might have evaluated, I'm going to instruct her
10 not to answer that. She's employed with the
11 Scruggs Katrina group and for the same reason we
12 discussed earlier and so to the extent those
13 documents exist and she has been asked to
14 evaluate them and interpret them, she's answered
15 your question if they exist. And that's as far as
16 I'll let her go.

17 MR. WEBB:

18 Q. Well, just so I'm clear about -- clear
19 about this, there are documents, specific
20 documents that you claim that you have looked at
21 other than the documents in the Renfroe case that
22 you believe support some claim of wrongdoing by
23 State Farm?

24 A. Yes.

25 Q. Do any --

49

1 MR. SCRUGGS:

2 Claim that State Farm did wrongdoing or
3 claimed by State Farm that someone did wrong?

4 MR. WEBB:

5 Well, perhaps they could support both or
6 either.

7 MR. SCRUGGS:

8 Would you restate the question, please.

9 MR. WEBB:

10 Well, I believe she's answered it.

11 Q. As I understand it, other than not
12 documents in the Renfroe case, you claim to know
13 that there are other documents that you've looked
14 at that specifically support some claim of
15 wrongdoing by State Farm?

16 A. Correct.

17 Q. Okay. With respect to those documents,
18 do any of them specifically relate to the McIntosh
19 case?

20 MR. SCRUGGS:

21 Same objection and there's no -- I'll
22 instruct her not to answer.

23 MR. WEBB:

24 On what basis?

25 MR. SCRUGGS:

50

1 Work product.

2 MR. WEBB:

3 Okay.

4 MR. HAWLEY:

5 And I will object to the form.

6 MR. WEBB:

7 With respect to the work product
8 objection, are you taking the position that there
9 are documents that are generated from some other
10 source other than your firm to which work product

11 would apply?

12 MR. SCRUGGS:

13 I think I don't have to make that
14 explanation to you, Mr. Webb. She is working for
15 the Scruggs Katrina group in the McIntosh and many
16 other case matters. She is our employee and is
17 helping us prepare the McIntosh case. And to the
18 extent that those documents exist, I'm not going
19 to allow her to answer that based on that
20 objection.

21 MR. WEBB:

22 Okay. Well, I guess we'll have to
23 preserve our positions about that. So you're not
24 going to let her tell me whether there are
25 documents from third party sources and I would

51

1 exclude from that question documents created by
2 your office?

3 MR. SCRUGGS:

4 She said documents that she or Cori
5 Rigsby, her sister, obtained from State Farm.
6 We're not talking about those.

7 MR. WEBB:

8 That's correct.

9 MR. SCRUGGS:

10 Other documents and she said they exist
11 and that's as far as it's going to go.

12 MR. HAWLEY:

13 Mr. Webb, my objection is as to form and
14 that covers anything that calls for a legal
15 conclusion that can be called later.

16 MR. WEBB:

17 Well, I don't waive any positions but
18 I'm going to move on and I understand your
19 position stated in the record.

20 Q. Please produce any and all documents
21 brother contained by you since you ceased
22 employment with E. A. Renfro manuals, claims
23 handling manuals. Do you have any documents like
24 that from your employment with Renfro?

25 A. No.

52

1 Q. Did you ever have them?

2 A. Yes.

3 Q. What happened to them?

4 A. I got rid of them.

5 Q. Do you know when you did that?

6 A. Over the years, we get them periodically
7 and we take them up to the office. Sometimes we
8 leave them at the storm site when we leave because
9 they're training manuals.

10 Q. For that particular catastrophe?

11 A. Right. Well, they're kind of generic
12 training manuals but you have them, you pass them
13 on, you use them in training, but they change
14 periodically. So you don't really keep them for a
15 long time because they're always changing.

16 Q. Okay. You as an independent adjuster
17 when you receive what you refer to as training
18 manuals, are you saying that you wouldn't keep
19 those for a reference at some point in the future
20 as a matter of course?

21 A. Some things, I would.

22 Q. Give me an example of what you did keep

23 for any time.

24 A. It would be helpful to have diagrams and
25 mathematical equations to help other adjusters

53

1 understand how to measure a roof, how to measure

2 and diagram a roof. We would keep things like

3 that. Before you a lot of our training material

4 would come from companies like Haag Engineering

5 would train us at our corporate meetings on roofs

6 and wind and water damage and things like that.

7 And we'd get those. And then I would usually take

8 them to the storm site where I was working and

9 have them there for people as a resource.

10 Q. Anything from -- let's see. During

11 Katrina, you were a certified flood adjuster,

12 weren't you?

13 A. Yes.

14 Q. Any training from the NFIP?

15 A. Oh, yes. We had training from -- you

16 had to have training from NFIP.

17 Q. What kind of training did you have to do

18 from. NFIP to get your certification?

19 A. We had to do a one day course, or it was

20 a seminar. And the seminar was put on by Lecky

21 King. She apparently was authorized to do the

22 certification for the NFIP. And so every year --

23 I know she did it for it seems like the last two

24 years at least when Renfroe would have their

25 conference, yearly conference, they would set

54

1 aside one day of the conference for NFIP training.

2 And then elect Lecky King would come in and

3 certi fi cate us.

4 Q. Di d you reef any materi als?

5 A. They handed out the flood poli cies.

6 Q. Any other train ing materi als other than
7 the poli cies themsel ves that's you got from the
8 semi nars?

9 A. No. Just the poli cies.

10 Q. Okay. You were asked to produce a list
11 of any and all computers owned by you from August
12 2005 to the present date and a list of all e-mail
13 accounts mai ntained by you ei ther as personal
14 e-mail , performing your duties wi th Renfroe and
15 company and then wi th the Scruggs group. I thi nk
16 you already testi fied about what your e-mail
17 accounts were, correct?

18 A. Correct.

19 Q. And knows were the only ones you had?

20 A. Correct.

21 Q. The laptop you had was a State Farm
22 i ssued laptop?

23 A. Correct.

24 Q. Di d you have any other laptop?

25 A. No.

55

1 Q. Any time between August of 2005 and
2 currently, di d you have any ki nd of portabl e
3 storage devi ces that you used?

4 A. No.

5 Q. Do you know what I'm tal king about?

6 A. External hard dri ve or something?

7 Q. Yes.

8 A. No, I di dn' t.

- 9 Q. Do you know if Cori did?
- 10 A. I don't know if she did.
- 11 Q. Do you know what's referred to I think
- 12 some people refer to them as a thumb drive?
- 13 A. No.
- 14 Q. Or any kind ever storage mechanism that
- 15 you -- you know what a USB port is on a laptop?
- 16 A. Yes.
- 17 Q. Tell me about your experience with
- 18 laptops generally?
- 19 A. Limited.
- 20 Q. Okay. Nobody can claim worse computer
- 21 knowledge than me, but tell me what your
- 22 background is in dealing with customer computers
- 23 generally.
- 24 A. My background would be State Farm.
- 25 That's the only time I really used a computer. 56
- 1 And we used it all day every day, but it was their
- 2 programs. So that's what I know most about.
- 3 Q. Okay. Have you ever owned a personal
- 4 laptop other than that you used other than your
- 5 State Farm laptop?
- 6 A. I owned one a long time ago.
- 7 Q. More than five years ago?
- 8 A. Yes.
- 9 Q. Is that the last time you owned one?
- 10 A. Yes.
- 11 Q. Have you ever gone through any computer
- 12 training outside of Renfroe and State Farm, how to
- 13 use computers?
- 14 A. No.

15 Q. All right. Ever done it on your own
16 like order computer doctors discs?

17 A. I took a computer class probably in
18 1995.

19 Q. Okay. What did it deal with, just
20 computers generally?

21 A. Just how to turn them on kind of thing.

22 Q. Have you ever used a device to hook up
23 to a USB port to download information issued by
24 State Farm?

25 A. They do that -- they did that while I 57

1 was working with State Farm.

2 Q. Who's the they?

3 A. Sometimes -- if I'm understanding the
4 question, it's a little thing that plugs into the
5 side of the computer and it has memory and you can
6 take things off the computer or you can put things
7 own the computer from the little memory stick.
8 And they would come around to our computers when
9 they wanted to put something on our computer.

10 Q. Like a program?

11 A. Like a program. If they wanted to
12 update our price list and Xactimate, they would do
13 that.

14 Q. What about using something like you've
15 just described, I and you called it a memory
16 stick?

17 A. A memory stick.

18 Q. A memory stick, a flash drive or
19 anything like that that you would plug it into the
20 computer and download off the computer. Have you

21 ever done that with your State Farm laptop?

22 A. No.

23 Q. Do you know if Cori has with hers?

24 A. I don't know.

25 MR. SCRUGGS:

58

1 Dan, when we get to an appropriate
2 point, we've been going a little over an hour.

3 MR. WEBB:

4 Please forgive me. About an hour is
5 normally about the time I have to take a break
6 these days.

7 MR. SCRUGGS:

8 Finish your line of questioning, please.

9 MR. WEBB:

10 I want to if I could go through the rest
11 of Exhibit 1.

12 Q. Have you ever owned a flash drive or
13 memory stick or USB drive or thumb drive?

14 A. No.

15 Q. Do you know if Cori has?

16 A. It's possible.

17 Q. But you don't know for sure?

18 A. I don't think she's ever owned one. I
19 know she's used one.

20 Q. Have you ever allowed anyone else other
21 than yourself to access your State Farm computer
22 with a memory device such as the ones we just been
23 talking about?

24 A. Yes.

25 Q. Who?

59

1 A. State Farm trainers.

2 Q. Have you ever allowed anyone outside of
3 State Farm trainers to do that?

4 A. No.

5 Q. Have you ever allowed anyone with any of
6 the lay firms involved with the Katrina litigation
7 to do that?

8 A. No. I have not.

9 Q. With respect to Number 14, there's a
10 request for you to produce all credit card
11 statements or which you were an authorized
12 signature from August of 2005 to the between date.
13 Y'all's possession is no time anterior what?

14 MR. HAWLEY:

15 You may ask her, but I think she
16 positive says none.

17 A. I don't have any.

18 Q. It's April 30, 2007, you don't have a
19 credit card?

20 A. No. I have credit cards. I don't keep
21 my statements.

22 Q. What credit cards do you have?

23 MR. SCRUGGS:

24 Dan, we're going pretty far afield here,
25 okay.

60

1 MR. WEBB:

2 Well, we don't know if it's far afield
3 or.

4 MR. SCRUGGS:

5 You're fishing.

6 MR. WEBB:

7 We don't know whether it's far afield or

- 8 not.
- 9 Q. My question is, from August of 2005, did
10 you have any credit cards?
- 11 A. Yes.
- 12 Q. What companies?
- 13 A. Bank of America.
- 14 Q. Master card, Visa?
- 15 A. Master card.
- 16 Q. Any others? And I'm not talking about
17 something in a department store or anything like
18 that I'm talking about a general credit card that
19 you can use to charge things such as copy paper?
- 20 A. Right. I have two credit cards. Both
21 of them with bank of America.
- 22 Q. One Master Card and Visa or do you
23 recall?
- 24 A. I don't recall.
- 25 Q. But you get bills from them monthly, I
61
1 assume?
- 2 A. Yes.
- 3 Q. Okay. Have you charged anything
4 relative to your obtaining and retrieve Vidalia of
5 documents from State Farm to either of your
6 personal credit cards?
- 7 A. No. And my bank account has a --
- 8 Q. Debit card?
- 9 A. Debit card that can be used as a credit
10 card, but it's my bank account.
- 11 Q. That's through Keesler?
- 12 A. Yes.
- 13 Q. Have you charged anything on that debit

14 card related to your downloading, copying or
15 otherwise obtaining documents from the State Farm
16 system?

17 A. No. I did not.

18 Q. Number 15, any and all documents audio
19 recordings or video recordings evidence
20 communication between you and media in in 2005.
21 Do you have in your possession any transcripts or
22 recordings whether audio or video of any of the
23 interviews that you've done?

24 A. I do have a copy of the 20/20 interview.

25 Q. Okay. And the copy that you have of the
62

1 20/20 interview, is that video or a transcript in
2 writing?

3 A. Video.

4 Q. Okay. I haven't had as much television
5 experience as some, but I understand that when
6 they interview you, particularly when they're
7 interviewing yourself and other people regarding
8 an event, that they may talk to you about more
9 things than what they eventually put on the air
10 and you have different -- or additional questions
11 and answers that don't make the broadcast. Was
12 that your experience?

13 MR. HAWLEY:

14 I'll object to the form, but answer if
15 you can.

16 A. They sent me the disc. I never watched
17 it.

18 MR. WEBB:

19 Q. Okay. Did you ever watch the 20/20

20 program?

21 A. I watched the program.

22 Q. Was there anything in your interview in
23 terms of questions and answer the actual interview
24 that you did that was not included in the program?

25 A. I'm sure there was.

63

1 Q. Okay.

2 A. Oh, yeah. I watched the 20/20 show.

3 Q. That was in August?

4 A. In August. And absolutely there was --

5 Q. So it's clear it's August of 2006?

6 A. Correct.

7 Q. And I'm not sure whether this is from
8 yours or Cori's testimony of the Renfroe case, but
9 I understand that was done around August the 15th.

10 A. That sounds close.

11 Q. And within 10 days about the 25th, I
12 believe, is when not interview was broadcast. I'm
13 not certain of that date, do you recall?

14 A. It's around that date.

15 Q. Okay. But you've never actually looked
16 at the video that you had been provided?

17 A. Right. I was provided a video from
18 20/20, and I did not view it.

19 Q. So you don't know whether that video as
20 we sit here today, you don't know whether that
21 video contains the entire interview with you or
22 whether it was just the material that was on the
23 television?

24 A. I do not.

25 Q. You seem to be fairly certain from your

1 testimony and actually the expression on your face
2 that the information that you exchanged during the
3 interview was more than what was shown on the
4 broadcast is that a fair assumption on my part
5 from your answer?

6 A. Yes.

7 Q. What, if anything, do you recall was the
8 extent -- excuse me, was the nature of the
9 communications that occurred between you and 20/20
10 during the interview?

11 MR. HAWLEY:

12 You you mean other than what was aired?
13 In other words, what was left on the editing
14 floor.

15 MR. WEBB:

16 Well, I don't know that she can tell me
17 that because she's not seen the other as I recall.

18 MR. BANAHAN:

19 She watched the program.

20 MR. WEBB:

21 Yeah. She asked the actual program.

22 Q. So what was left on the editing floor if
23 that was, in fact, what happened?

24 A. I know they were taping for several
25 hours or were at the house for cereal hours. And
65

1 I believe the actual footage was, you know, I
2 don't know, 10 minutes, 15 minutes. So there had
3 to be more video than what was shown. But a lot
4 of it was down time. They videotaped us
5 interacting with each other and walking around the

6 house and driving up the road so there was a lot
7 of that. But I don't know the -- I couldn't tell
8 you exactly what was said that wasn't aired.
9 There's no way for me to do that.

10 Q. How many hours were you videotaped?

11 A. I don't know how many hours I was
12 videotaped. I know they were there at the home
13 maybe four -- maybe four hours.

14 Q. Okay. And do you recall who all was
15 there at the home?

16 A. Cory and myself. My mother was there.

17 Q. Ms. Labrano?

18 A. Ms. Labrano the crew.

19 Q. Camera, lights?

20 A. Make up. Brian Ross, his producer.

21 Dick came by. He wasn't there for the whole
22 thing, but he did come by.

23 Q. Meaning Mr. Scruggs?

24 A. Yes.

25 Q. When you say the house, what house are ⁶⁶

1 you talking about?

2 A. 1002 Mockingbird Circle.

3 Q. Were you interviewed by the 20/20 program
4 at any place other than that house?

5 A. Yes.

6 Q. Where?

7 A. We went to a slab on Lovers Lane, and
8 they wanted to see, you know, some of the slabs
9 and devastation outside.

10 Q. So it will be clear in the record, you
11 said a slab on Lovers Lane. Lovers Lane is a

12 street?

13 A. Correct, it's a street.

14 Q. In Ocean Springs?

15 A. Ocean Springs.

16 Q. And did you pick the slab or did Cori?

17 A. We just knew there was a lot of

18 devastation on Lovers Lane, so we road down there

19 and just picked one of the slabs. There was many

20 to chose from.

21 Q. Yes, ma'am. Do you recall who owned

22 that particular property or did you know at the

23 time?

24 A. I know who owns the property, yes.

25 Q. Who is that?

67

1 A. Judy Guice.

2 Q. So you went to Ms. Guice' house?

3 A. Uh-huh.

4 Q. Any particular reason that you picked

5 hers that you remember?

6 A. There's no reason, no.

7 Q. Do you know Ms. Guice?

8 A. No.

9 Q. You never met her?

10 A. I'm sure I've met her before Katrina,

11 but, no. I mean, in passing.

12 Q. Okay.

13 MR. WEBB:

14 I don't see what the difficulty would be

15 at least in providing the video. I don't know

16 what's on the video.

17 MR. HAWLEY:

18 That's something we can provide again.

19 MR. SCRUGGS:

20 I have no objection.

21 MR. HAWLEY:

22 Frankly, I assumed you had a copy of it.

23 MR. WEBB:

24 I don't know what's on the one that the
25 witness received.

68

1 Q. Do you have any other items covered in
2 request Number 15 here other than that video that
3 you received from ABC?

4 A. No. I do not.

5 MR. WEBB:

6 We can take a break.

7 VIDEO TECHNICIAN:

8 We're going off the record. The time is
9 10:40 a.m.

10 (Off the record.)

11 VIDEO TECHNICIAN:

12 We're back on the record. The time is
13 11:06.

14 MR. WEBB:

15 Q. Ms. Rigsby, before we took the break, we
16 had talked about several different items and there
17 was a couple of things I want to go back and make
18 sure I'm clear on. I know you testified or I
19 recall you testified that the last time you had a
20 laptop other than the one you used through Renfroe
21 and State Farm was -- the last time you had a
22 computer was way back a long time ago, correct?

23 A. That's correct.

24 Q. Have you in that interim time had any
25 other computers other than a laptop, like a desk
69

1 top for example?

2 A. No.

3 Q. Okay. So you don't -- you don't on or
4 use a personal computer yourself?

5 A. No.

6 Q. Do you have a black berry?

7 A. No.

8 Q. Have you ever?

9 A. No.

10 Q. Okay. Do you have a cell phone?

11 A. I do.

12 Q. Do you have a cell phone issued to you
13 at cat sites by companies?

14 A. At one time they were issued to us, and
15 then we went to bringing our own cell phone.

16 Q. For the Katrina catastrophe, did you use
17 your own cell phone?

18 A. Yes.

19 Q. What's that number?

20 A. 2 28 -- are you talking about my phone
21 number.

22 Q. Yes, sir?

23 A. 321, 4177.

24 Q. Is that the same number that you had
25 from August of 2005 up through and including
70

1 today?

2 A. Oh, yes.

3 Q. What provider?

4 A. Cingular.

5 Q. Cingular, I believe is now the new AT&T
6 according to their address, but it's the same
7 company and you maintained that service with them
8 from August '05 up until the current time?

9 A. That is correct.

10 Q. During that time, did you have any other
11 cell phones available for your use that you used?

12 A. No. I don't believe.

13 Q. Okay. Did you and Cori, for example,
14 ever swap out cell phones?

15 A. It's possible, we did.

16 Q. But not as a routine?

17 A. No.

18 Q. Okay. In terms of your residence, you
19 told me your current residence, where did you
20 reside immediately prior to that, to where you
21 live now?

22 A. 10021 mockingbird circle.

23 Q. Cori's house?

24 A. Right.

25 Q. And before that, where did you reside?
71

1 A. 306 Rue Tonti and that's in Ocean
2 Springs, Mississippi.

3 Q. Are all those houses in Ocean Springs?

4 A. Yes.

5 Q. Okay. Rue Tonti is where you were
6 living at the time Katrina came in, correct?

7 A. Correct.

8 Q. And did you stay there during the storm?

9 A. I did.

10 Q. Okay. Was anyone there with you?

- 11 A. Yes. My mother and stepfather were
12 there.
13 Q. Okay. But no one else other than them?
14 A. No. A couple of the adjusters stayed
15 there as well that were working hurricane Dennis.
16 We were all in Pensacola. And we evacuated but
17 anyway came to Ocean Springs and stayed through
18 the storm there.
19 Q. Okay. You evacuated from Pensacola?
20 A. Pensacola and came over here.
21 Q. Okay. Let me go back --
22 A. They were in campers.
23 Q. They were in campers?
24 A. Yes.
25 Q. Who were they?

72

- 1 A. Tammy Hardison.
2 Q. And who else?
3 A. I believe Rachel may have come over.
4 Q. Rachel?
5 A. Fisher may have been over there as well
6 during the evacuation time.
7 Q. Were they paying you rent?
8 A. Oh, no.
9 Q. Doing anything for new exchange for
10 staying there?
11 A. Oh, no. They were just staying during
12 the storm period.
13 Q. Okay. Because y'all were friends?
14 A. Yeah. We all worked together and we're
15 on the rode together, so --
16 Q. With respect to the 20/20 interview, do

17 you remember if Mr. Scruggs brought anything with
18 him documents that he provided to the 20/20 folks?

19 A. I don't recall seeing him bring
20 documents.

21 Q. I know a portion of that interview was
22 directed toward a copy of an engineering report
23 from Forensic, correct?

24 A. Correct.

25 Q. Do you remember seeing that document 73

1 that was there at that interview when it was on?

2 A. They had some documents there. I don't
3 know what the documents were. I saw the producer
4 holding the documents and I'm not sure where he
5 got the documents.

6 Q. Okay. Okay. Do you remember seeing any
7 -- I'll hold up this post it, any yellow sticky
8 notes or post its?

9 A. No.

10 Q. With respect to the question that I
11 asked you about documents that you knew about
12 other than the documents covered in the Renfroe
13 case and other than documents that may have been
14 provided to you to look at or analyze from anyone
15 connected with Mr. Scruggs firms or the Scruggs
16 Katrina Group, I want to go back to that question.
17 I want to leave all of those things out. I don't
18 want you to include in that anything that you have
19 looked at. Independently of those documents, do
20 you know of any documents out there that you
21 believe supports any claim of wrongdoing by State
22 Farm?

23 MR. HAWLEY:

24 I'll object to the form, but answer if
25 you can.

74

1 A. I don't think there were any additional
2 documents out there that I'm aware of.

3 MR. WEBB:

4 Q. Okay. Have you been told by anyone --
5 once again, not including your lawyers -- that
6 such documents exist while while do you mean has
7 she been told by anyone not acting in a legal
8 capacity to her?

9 MR. WEBB:

10 A. Yes.

11 A. No.

12 Q. Let me go back just a little bit. We
13 got to talking about subpoena and that led into
14 other things. And I'll go back if we can and
15 get some of those. Tell me about your educational
16 background?

17 MR. SCRUGGS:

18 Dan, can I interrupt for one moment.
19 This young lady didn't identify who she was with.
20 You gave your name but that's all Kellogs I'm with
21 State Farm.

22 MR. BANAHAN:

23 She's an employee of State Farm.

24 MR. SCRUGGS:

25 Anybody here that isn't working for a
1 party?
2

MR. BANAHAN:

3 No. Everybody here is employed by State
4 Farm or hired by State Farm for the McIntosh case.

5 MR. SCRUGGS:

6 Thank you.

7 MR. WEBB:

8 Q. What's your education background?

9 A. I went to college at Mississippi State
10 university and I graduated with a BS in education.

11 Q. You taught school for sometime?

12 A. I taught school for several years.

13 Q. Where?

14 A. I taught in Jackson, Mississippi and I
15 taught in Memphis, Tennessee.

16 Q. And somewhat in the late '90s, as I
17 understand it, you went into adjusting. Those are
18 my words, but is that what happened?

19 A. Correct.

20 Q. Okay. Tell me about how that came
21 about.

22 A. I believe in 1997 is when I first
23 obtained my adjusters license. I started working
24 my first storm in 1998. I got into the business
25 because I had an aunt and an uncle who were in the
76

1 business.

2 Q. Who are they?

3 A. Willie Nell and Elwin crop and they live
4 in Alabama.

5 Q. C R O P P?

6 A. C R O P P.

7 Q. And they live in?

8 A. Alabama, mobile, Alabama.

9 Q. Are they still in the adjusting
10 business?

11 A. No, no. But they were in it and enjoyed
12 it and told Cori and I about it and had offered if
13 we'd like to get into the business that we could
14 travel with them and learn the ropes.

15 Q. They were working for what company?

16 A. They were working for Worley.

17 Q. That's your first employer as an
18 adjuster, correct?

19 A. I don't know that I was employed by
20 Worley. I was trained by my uncle who was working
21 with Worley and they contracted out through State
22 Farm.

23 Q. So --

24 A. He was working as a State Farm adjuster.

25 Q. Okay. Well, are you saying that on a ⁷⁷

1 continuous basis since the time you went to work
2 with Worley and working with your relatives, that
3 you worked as a State Farm adjuster?

4 A. I was in training.

5 MR. SCRUGGS:

6 All right. I have to object to that.
7 She didn't say she was working with Worley. She
8 said she was working with her aunt and uncle who
9 work for Worley.

10 MR. WEBB:

11 Okay.

12 Q. What's the difference between those two
13 things that you were working with your aunt and
14 uncle and they were working for Worley?

15 A. I wasn't hired by Worley.
16 Q. I see, okay. Did your aunt and uncle
17 have a separate business name under which they
18 operated other than Worley or do you know?
19 A. I don't know.
20 Q. Okay. And that relationship working
21 with your aunt and uncle lasted for how long?
22 A. Just a couple of storms.
23 Q. Okay. Do you remember what they were?
24 A. There was a storm in Iowa and a storm in
25 Louisiana.

78

1 Q. The storm in Iowa, I would suspect is
2 not a hurricane. What was it?
3 A. It was a windstorm.
4 Q. Okay. And the storm in Louisiana could
5 have been a hurricane. Was it?
6 A. No. I think it was a hail storm.
7 Q. Okay. All right. So the first storm
8 you actually went to was a windstorm?
9 A. Correct.
10 Q. And that was in Iowa. Do you remember
11 where in Iowa?
12 A. Waterloo.
13 Q. Okay. How long did you work there?
14 A. I don't recall.
15 Q. Do you remember what you did?
16 A. I rode with my uncle and assisted him in
17 evaluating the damage, writing the estimate,
18 docking the damage.
19 Q. Okay.
20 A. So I was his assistant.

21 Q. Did he make you climb roofs and stuff
22 like that?

23 A. Yes.

24 Q. Okay. So you started doing the hard
25 work from the very beginning?

79

1 A. Yes.

2 Q. And from that time eventually that
3 relationship came to an end and you moved on I
4 suppose to a relationship with Renfroe?

5 A. Yes.

6 Q. And that occurred in approximately when,
7 if you know?

8 A. 1998, and I believe it was May of that
9 year.

10 Q. Okay. And up until 2006 in terms of
11 your address adjusting activities, is that
12 something that's been offered through Renfroe to
13 State Farm and perhaps any other companies that
14 they work with?

15 MR. HAWLEY:

16 Object to the form. Answer if you can.

17 A. Restate the question.

18 MR. WEBB:

19 Q. Since the time that you would work with
20 Renfroe -- let me ask it this way: have you
21 worked for any other adjusting companies?

22 A. Yes.

23 Q. What?

24 A. I worked for Worley I believe in 1999.
25 Other than that, I've only worked with Renfroe.

80

1 Q. Okay.

2 A. And State Farm.

3 Q. Okay. And you went to work with Renfroe

4 -- when you went to work with Renfroe, did you

5 receive any training?

6 A. It would be field training.

7 Q. Okay. Otherwise on-the-job training?

8 A. On-the-job training.

9 Q. Somewhat like you described with your

10 uncle in Iowa?

11 A. Correct, correct.

12 Q. Okay. How many hurricanes and -- before

13 Katrina, let's focus on that period of time. How

14 many hurricanes have you worked?

15 A. There's only been a few that hit. There

16 was a hurricane in South Carolina that I worked.

17 Q. Hugh go?

18 A. No. Hugo was earlier. I don't remember

19 the name of the hurricane. I don't know if it was

20 Bonnie or there was a hurricane I worked in South

21 Carolina.

22 Q. All right.

23 A. There was a hurricane Floyd and I don't

24 remember the name, but I think it was Floyd in

25 Miami. I was in Miami. I worked tropical storm
81

1 Allison in Houston and Galton, Hurricane Charley,

2 hurricane Jenny. There was four hurricanes that

3 hit Florida that year. I managed to work all of

4 them.

5 Q. 2004?

6 A. 2004. I was all over Florida.

7 Q. I believe you testified that you came

8 from Pensacola over to work on the Gulf Coast?

9 A. Right. I ended up at Hurricane Ivan in
10 Pensacola, but while I was at Hurricane Ivan,
11 hurricane Dennis hit so I worked that too before
12 coming to Katrina. So several hurricanes. You
13 know, I'd have to look back over the years to see,
14 but main hurricanes.

15 Q. Before I forget it, during the break,
16 did you have a chance to think about whether or
17 not you remembered this computer guy Joe's name?

18 A. No. I didn't think about it. I didn't
19 give it any thought.

20 Q. Okay. Did you ever see a written report
21 or a bill or anything from Joe?

22 A. That would have been between Cori and
23 Joe.

24 Q. So you haven't seen one?

25 A. I have not seen one.

82

1 Q. After the hurricanes, what kind of work
2 did you do -- well, let's just focus on the work
3 you did in Pensacola. You were working on Ivan?

4 A. Hurricane Ivan.

5 Q. And then Dennis came in July?

6 A. Yes.

7 Q. And with respect to where Ivan hit,
8 where did Dennis hit in comparison?

9 A. You're talking about location?

10 Q. Yeah, landfall.

11 A. It was the same area. It just wasn't as
12 devastating of a storm. Some of the same homes
13 were affected.

14 Q. Okay. So you had to go back out to
15 places you had already been as a result of the
16 second storm?

17 A. Correct.

18 Q. Okay. With respect to hurricane cane
19 Charlie I believe you said you did, that was in
20 '04, too, correct?

21 A. Correct.

22 Q. You were where?

23 A. Fort Myers.

24 Q. Fort Myers Florida. How long were you
25 in Fort Myers?

83

1 A. I believe I was there 30 to 60 days
2 before another hurricane hit, and I was then moved
3 to the second hurricane, which was in Tampa or
4 Panella Park, St. Petersburgs, Tampa.

5 Q. We're still in '04?

6 A. We're still in '04.

7 Q. And from there to Pensacola?

8 A. From there to pin Cola.

9 Q. And then from Pensacola over to Katrina?

10 A. Correct.

11 Q. Now, with respect to the work that you
12 did in hurricanes working through Renfroe, what
13 was your first job title?

14 A. When?

15 Q. Just your first job title on your first
16 hurricane?

17 A. I was considered an adjuster, storm
18 adjuster, property adjuster.

19 Q. And how long were you in that position?

20 A. I did that from 1998 --

21 Q. Okay.

22 A. -- until spring of 2004. I managed a
23 hail storm in Amarillo Texas. So that's when I
24 went from adjuster to management at that point.

25 Q. Okay. And you stayed in management from
84

1 the time of the Amarillo storm through the work
2 you did in Katrina?

3 A. Correct.

4 Q. And what's the difference between what
5 you were doing as an adjuster and once you became
6 in management?

7 A. As an adjuster, you obtain files, a file
8 load and you actually go out to the property and
9 inspect the property and work your file load. And
10 that's pretty much all you focus on.

11 Q. Okay.

12 A. As a team manager, you have a team of
13 possibly 10 adjusters that work with you, and you
14 assist them in getting their file load, you know,
15 helping them put their files together, whether
16 it's riding with them or helping them with
17 estimates. It's more of a training, you know, how
18 can I help you.

19 Q. Okay. I've seen the AI Natalie and this
20 may have been in the other deposition that you
21 gave in the Renfroe case, but -- and it may not
22 be, but is there a trainer position that's
23 different from a manager position?

24 A. There is a trainer position that is
25 different from a manager position.

1 Q. Okay. Were you ever the trainer that
2 position?

3 A. No.

4 Q. Okay. What is a trainer position, if
5 you know?

6 A. Trainers usually don't have a team.
7 They simply ride randomly with different adjusters
8 and train, and they go to the -- they focus on the
9 most inexperienced adjuster and start with them
10 first ride with them for a while. Where a team
11 manager not only does training, but also helps
12 keep up with numbers and file load and computer
13 complaints.

14 Q. So basically a team manager would have
15 some administrative responsibility that the
16 trainer would not have?

17 A. Correct.

18 Q. But the team manager would also have
19 responsibility in training, responsibility for
20 their team?

21 A. Oh, sure.

22 Q. And I take it in catastrophes including
23 Katrina and others that sometime the team members
24 would change during the presence on a cat site?

25 A. Sure.

1 Q. Is that the common thing?

2 A. Common.

3 Q. Would that be common in all the
4 catastrophes that you worked on?

5 A. Yes.

6 Q. Have you ever worked before Katrina a
7 storm that involved a substantial amount of flood
8 loss?

9 A. Yes.

10 Q. Before Katrina, which was the most
11 recent one that you worked?

12 A. The most recent flood claims or
13 substantial flood claims?

14 Q. Substantial?

15 A. Substantial flooding would be tropical
16 storm Allison.

17 Q. And before Allison?

18 A. It was some flooding in South Carolina
19 hurricane. There was flooding in the Miami
20 hurricane. There was flooding in Jackson,
21 Mississippi on a stormy worked I believe in 2003.
22 So the -- several issues where there's been
23 flooding.

24 Q. And since 2004, any work that you've
25 done related to catastrophe claims has been as a
87

1 team manager on those cats?

2 A. Yes. Team manager and then in Pensacola
3 as the storm dies down and people start going
4 home, the needs change.

5 Q. Clean up is that what it is?

6 A. Clean up, right. You have clean up and
7 needs change. So for a time the start of the
8 stormy may have been the manager, the team
9 manager, but as it dies down and they want you to
10 stay for clean up, there's no need for team
11 managers and we all become adjusters. In the

12 Pensacola case, I became a part of the mediation
13 team over in Pensacola Florida.

14 Q. And the mediation team when you same
15 became part of the mediation team, who was aided
16 you?

17 A. It was a very small mediation team.

18 A. Sandy Smith was our manager over
19 mediation.

20 Q. Was the mediation winding down in
21 Pensacola around the time that the prospect of
22 coming to the Mississippi Gulf Coast for Katrina
23 occurred?

24 A. I think so. I think it was winding
25 down.

88

1 Q. All right. By the way, is there -- I
2 anyone I understand this to be true. You can
3 certainly clarify if for me. There is a
4 difference between how you're compensated is there
5 not if you're an adjuster versus being a manager;
6 is that right?

7 A. Yes.

8 Q. How is that different?

9 A. Well, it depends on what stage of the
10 storm it is. In the beginning of the storm, the
11 adjuster is paid on a per file, so it's a
12 percentage of what happens in that file, how much
13 the loss is or maybe it's a component. There's
14 component billing and percentage billing and it
15 depends on if you're working an NFIP file or a
16 State Farm file. Team managers are paid a daily
17 rate. Flat daily rate. Once the adjuster, if

18 they stay and go to clean up, they go to a daily
19 rate as well after they've worked a majority of
20 their files and they were able to bill a
21 percentage, now they'll go to a daily rate.

22 Q. Okay. So was there a difference in
23 Katrina when you began working between the amount
24 of money that adjusters were paid on flood claims
25 versus wind claims?

89

1 A. Say that again.

2 Q. Was there a difference in the way
3 adjusters were compensated when they were working
4 flood claims under the flood policy as opposed to
5 working wind claims under the homeowners policy?

6 A. Yes.

7 Q. Was that true also in Ivan?

8 A. Yes.

9 Q. Charlie, Allison, the others?

10 A. Yes.

11 Q. Okay. And the flood claims, do you have
12 to be certified or did you have to be flood
13 certified to handle flood claims?

14 A. You were supposed to be flood certified.
15 And in order to be certified, you have to have
16 been an adjuster for at least three years.

17 Q. Okay.

18 A. However, I know that they do emergency
19 certifications and for people who haven't adjusted
20 that long. And I know that Lecky King would do
21 that at our office to give emergency certification
22 to, you know, less skilled adjusters who had never
23 worked flood claims. They would be issued an

24 emergency certificate and then allowed to go work
25 flood claims.

90

1 Q. Okay. Were any of those people on your
2 team?

3 A. It's possible.

4 Q. Do you remember?

5 A. I wouldn't be surprised. I would have
6 to look at a rooster, but I would not be surprised
7 if they were on my team.

8 Q. Have you ever prior to Katrina -- well,
9 you already told me that you done flood losses and
10 wind losses. Were you -- have you ever made
11 recommendations as to the coverage decision on a
12 flood claim before on Katrina?

13 A. Yes.

14 Q. Okay. Tell me if you have ever had any
15 kind of training directly through any other source
16 other than Ms. King or State Farm concerning
17 flood.

18 A. When I first got my certification, it
19 seems like I went to a class in Mobile and there
20 was a man teaching it, and that was my first
21 experience with the certification. But other than
22 that, no.

23 Q. Okay. You don't know who that person
24 was?

25 A. No, nuh-uh. It was like in '99. You
91
1 know, it was a long time ago.

2 Q. Okay. Do you know who that person
3 worked for?

4 A. Of the NFIP.

5 Q. Okay. As I understood it, to originally
6 get your certification with NFIP, you do have to
7 go through direct NFIP training; is that right?

8 A. What do you mean direct?

9 Q. Well, someone other than an insurance
10 company would provide you with that certification
11 to get it?

12 A. Well, on the certifications that Lecky
13 performed, there was an NFIP representative in the
14 room. So I don't know if that allowed them to
15 give the certification.

16 Q. All right. Have you ever been to a --
17 and I'm call them a seminar, but a training
18 session involving flood certification put on by
19 Lecky King but there was no NFIP people there?

20 A. No. There was always NFIP people there.

21 Q. And so it will be clear, NFIP means
22 what?

23 A. National flood insurance program.

24 Q. And National Flood Insurance Program
25 fogs are to your knowledge are people not employed
92

1 by either Renfroe or State Farm, correct?

2 A. Correct.

3 Q. Do you know what the extent of their
4 role is in the certification process when they are
5 in these classes that you've talked about where
6 Ms. King has done certification training?

7 A. What their role is?

8 Q. Yes. Do you know?

9 A. I do not know what their role is.

10 Q. Okay. Do you recall any differences

11 between the way you adjusted claims and the way
12 you did your job in let's say the hurricanes that
13 you worked on in Florida in '04 and even into 2005
14 compared to what you did relative to Katrina?

15 A. Could you be more specific?

16 Q. I'll try. Really what I'm trying to get
17 you to tell me, if you know, is if there are any
18 differences in the way you work to handle your
19 responsibilities during those storms that occurred
20 before Katrina and in Katrina -- Katrina itself
21 and after Katrina?

22 A. There were changes made.

23 Q. Okay.

24 A. I don't know that personally my
25 performance changed. I still had the team. We ⁹³

1 still had things to do. But directives changed.
2 What we normally did on a storm changed,
3 procedures changed.

4 Q. Okay.

5 A. So there were a lot of changes.

6 Q. Okay. We'll talk about those in a
7 minute, but did you feel -- feel perhaps is a poor
8 choice of words. Were you in 2004 a couple potent
9 flood adjuster?

10 A. Yes.

11 Q. Tell me what you would look at when you
12 would either go to a scene as an adjuster or as a
13 manager in a training function with another
14 adjuster to look at to make a determination as to
15 whether, A, there was flood damage and B, the
16 extent of it?

17 A. The first thing you would look at is the
18 water line if the residence was still there.

19 Q. And why is that person?

20 A. Well, it's important to the NFIP. They
21 want to know exactly how much water was in the
22 house and they want to take measurement on it.
23 That's very important to them.

24 Q. Okay.

25 A. So we are taught that's the first thing
94

1 we look for.

2 Q. Okay. What else?

3 A. As far as flooding only?

4 Q. Just flooding at this point?

5 A. We look for the water line. We look to
6 see if other areas of the neighborhood had
7 flooded. There's a requirement that says for
8 coverage to be enforce so many acres or so many
9 properties have to flood. So just one house
10 flooding does not constitute a flood.

11 Q. For NFIP?

12 A. For NFIP purposes. So things have to be
13 set up right for it to be considered flood.

14 Q. And plus also flooding in that
15 particular property that you're looking at?

16 A. Correct.

17 Q. Okay. Other than a water line, what do
18 you look for, if anything?

19 A. To see if it flooded?

20 Q. Yes.

21 A. Other than a water line, that pretty
22 much tells you if it flooded.

23 Q. All right. What if you don't have a
24 water line?

25 A. That's more difficult and that's 95

1 happened. You just -- you go a lot by what the
2 policyholder, you know, if they were there, they
3 will be able to tell you exactly where the water
4 was. You look at air conditioning units, condense
5 search coils outside. I have been to homes where
6 the water was so clean you could hardly tell.
7 Sometimes you have to pull the baseboards off to
8 see if water got behind there. So you kind of
9 have to investigate a little bit if there is no
10 water line. And you try to be safe. If there's
11 water in the house you want to go up four feet.
12 If it's above the baseboard, because you don't
13 want any mold. Water leaks up, gets in the
14 insulation.

15 Q. When you say go up four feet, if there
16 is water in the house, you want to go up that high
17 to replace it?

18 A. Absolutely.

19 Q. For repair purposes?

20 A. For repair purposes.

21 Q. If you had a water line at four feet in
22 the house or five feet in the house and no other
23 damage, would you go higher than the four or five
24 feet?

25 A. Absolutely. 96

1 Q. How high would you go?

2 A. Eight.

3 Q. Eight feet?

4 A. Yes.

5 Q. So you want to stay at least four feet
6 above where the known water line got to?

7 A. Well, if it's not -- if it was five
8 feet, I'd still go eight feet. If it was six feet
9 I'd still go eight. It's a common the way drywall
10 is cut and placed it's easiest to go four or
11 eight.

12 Q. All right.

13 A. Instead of cut the drywall in the
14 center.

15 Q. Is there anything else that you look for
16 in those situations where you can't see a water
17 line to determine if there's flood damage to a
18 house other than pulling the baseboards off?

19 A. Pulling baseboards off. You talk to
20 people. You talk to neighbors. You look at the
21 contents. You feel furniture. You feel the
22 floor. A normal investigation.

23 Q. Okay. And with respect to the normal
24 investigation of a flood claim, if you also have a
25 homeowners policy at team manager, I assume you
97

1 would be doing that, too, normally?

2 A. Well, as a team manager, you don't have
3 claims.

4 Q. Please forgive me. I assume that the
5 adjusters assigned to the claims would be doing
6 both the flood claim as well as a homeowners claim
7 normally?

8 A. Well, yes. You try to do that but that

9 isn't always the case. Many times we have had two
10 different adjusters on the same home.

11 Q. But would you say it's a common practice
12 or was not a common practice during Katrina to
13 have a single adjuster?

14 A. It was the goal.

15 Q. It was the goal?

16 A. Yes.

17 Q. You remember how well you met that goal
18 in your team?

19 A. We probably met it 95 percent of the
20 time. There were times when we could not get that
21 file back.

22 Q. Do you remember any specific time when's
23 that occurred or who was involved in it?

24 A. I don't remember the policyholder's
25 name.

98

1 Q. Do you remember any of the claims people
2 involved in it?

3 A. No. But adjusters, when they start
4 working a claim, they don't want it to give it up.

5 Q. Why would that be?

6 A. Because they've worked on a claim at
7 that point for free. They don't get to bill on T
8 so when they start working that claim and my
9 adjuster has the flood claim, the wind adjuster
10 does not want to give that file up because they
11 can't bill on it.

12 Q. Have you had to intervene in some of
13 those?

14 A. Absolutely and sometimes it works and

15 sometimes it doesn't.

16 Q. Okay. But you think -- and I understand
17 you didn't or I assume you haven't figured a me
18 size percentage, but you think probably within 10
19 percent and 100 percent in your team?

20 A. Oh, yeah. We tried hard to make sure
21 one adjuster handled the whole claim.

22 Q. That is the rule isn't it or the
23 objective or the goal stated by FEMA, correct?

24 A. Yes.

25 Q. Called the sink he will adjuster

99

1 program?

2 A. Program.

3 Q. And that was both before Katrina and
4 after Katrina, right?

5 A. I think it was before Katrina, yes.

6 Q. Okay. Go back to your work over and
7 around Pensacola, you were working -- or people
8 working under you were working flood and wind
9 claims. Was that program in effect that you
10 recall?

11 A. Yes. We did try to pair them up.

12 Q. So at least in that respect, that was no
13 different in Katrina than it was in previous
14 hurricanes?

15 A. Right.

16 Q. Have you ever been involved in a file
17 either as a trainer or an adjuster where actual
18 payment of a flood -- after payment of the flood
19 claim, it's been determined what the flood claim
20 was and a properly paid?

21 A. Inappropriately paid how?
22 Q. Well, paid for damage that was not flood
23 damage?
24 A. Yes. I have seen files that has
25 happened on.

100

1 Q. Once that you were either working on
2 managing?
3 A. Managing.
4 Q. Okay. And do you recall any of those
5 specifically?
6 A. No. I don't recall the specific files,
7 but I know that it's happened and I've seen other
8 adjusters have that happen before.
9 Q. Okay. Do you remember any of those
10 adjusters names?
11 A. Nuh-uh.
12 Q. That was a no, right?
13 A. No. I'm sorry. No.
14 Q. That's fine. With respect to that
15 question, I'm not just asking you about Katrina,
16 I'm asking about other hurricanes you've worked.
17 A. I never saw it on Katrina. I saw it at
18 other hurricanes. But on Katrina, I never saw us
19 pay back the National Flood Insurance Program for
20 anything under Katrina. Now in tropical storm ail
21 son, there were payments made where we had paid
22 out. NFIP and shouldn't have, and State Farm
23 reimbursed the NFIP for that. I did not see that
24 in Hurricane Katrina at all.
25 Q. Before Katrina, did you work on any of
1 those claims either as a manager or adjuster?

2 A. Sure.

3 Q. That that occurred in?

4 A. Sure.

5 Q. Do you remember how it occurred,
6 anything about the specifics?

7 A. It was just simply I guess when the
8 adjuster writes two estimates, one for flood, one
9 for wind, and accidentally he put an appliance or
10 something under the wrong thing and paid it and
11 then it gets caught by management and you say how
12 you can't paid pay that under the flood and you
13 did we've got to reimburse flood now. That's not
14 covered.

15 Q. And in that management in those claims
16 that you were involved in would be you?

17 A. It wouldn't necessarily be me because in
18 all Sonny was an adjuster.

19 Q. Okay.

20 A. Yeah.

21 Q. Have you ever seen that, then in
22 connection the context of where you were the
23 manager that caught it?

24 A. It's possible.

25 Q. You don't remember any specifics?

102

1 A. I don't remember any specifics.

2 Q. From that experience that you had, do
3 you recall anything about reaching the conclusion
4 that anybody was intentionally doing something
5 wrong to do that?

6 A. No, nuh-uh.

7 Q. Have you --

8 A. Not before Katrina.

9 Q. Okay. Not before Katrina. So that
10 means that you're asserting that you're aware of
11 situations where flood was paid intentionally when
12 it was not flood?

13 A. It's possible.

14 MR. HAWLEY:

15 Object to the form. But answer if you
16 can.

17 A. I believe that there were instances
18 where flood paid, yes intentionally when wind was
19 the cause of the damage, absolutely.

20 MR. WEBB:

21 Q. That's your belief. Tell me what facts
22 you know to support that belief.

23 A. Could you be more specific.

24 Q. Well, I'm asking you actually to be
25 specific.

103

1 A. There was a lot of facts.

2 Q. Well, what specific facts. Let's start
3 with this: is there a specific claim that you
4 remember?

5 A. A few claims that I remember.

6 Q. Well, do you remember any names?

7 A. Sure.

8 Q. What are they?

9 A. I remember the McIntosh claim.

10 Q. Okay. Anything else?

11 A. I remember a claim that we did pay
12 policy limits on for wind, but denied everyone
13 else on the street saying it was flood.

14 Q. What was that name?
15 A. It was an Anna Beale claim.
16 Q. What was the street?
17 A. I don't remember the street.
18 Q. Do you remember the adjusters?
19 A. I remember that it was engineer report
20 that come back as wind and they had -- the manager
21 had been directed to send the file back.
22 Q. The manager?
23 A. Mark drain. And he did not send it back
24 and he paid the limits, so I remember that.
25 Q. And mark drain paid the limits for
104
1 water, wind?
2 A. For the home under the wind policy.
3 Q. Okay.
4 A. So that was one case where we didn't put
5 it off on the NFIP but one of the only cases that
6 we didn't.
7 Q. Well, what I really want to know, you
8 named two, you mentioned McIntosh and you
9 mentioned that file. And that other file, the one
10 Mr. Drain was involved in as I understand it, the
11 wind was paid?
12 A. Correct.
13 Q. What other specific files do you recall?
14 A. Which was unusual. That was an unusual
15 thing where all the neighbors around this house
16 was paid, they were denied coverage.
17 Q. Do you remember any of their names?
18 MR. SCRUGGS:
19 Let's be clear. Which coverage ever

20 they denied.

21 THE WITNESS:

22 The neighbors were denied wind coverage.

23 MR. WEBB:

24 Q. By who?

25 A. By State Farm.

105

1 Q. State Farm had all the coverage on that
2 street?

3 A. Had several of the policies on that
4 street.

5 Q. And do you remember the names of any of
6 those people?

7 A. Oh, no. I don't remember the names, but
8 I remember reviewing the files.

9 Q. And you remember reviewing the files
10 why?

11 A. Because the adjuster who handled the
12 Anna Beale case thought it was very odd that we
13 would pay policy limits on this when we've been
14 denying all the other houses and she was
15 instructed originally to deny the claim.

16 Q. Who is that, the adjuster?

17 A. The adjuster, yeah.

18 Q. Who?

19 A. Tammy Hardison.

20 Q. Okay. Tammy Hardison?

21 A. Yeah. She came to me concerned and said
22 this is really strange. I had been told to deny
23 this claim and now I'm being told to pay policy
24 limits. And I have the neighbor next door who I'm
25 having to deny the claim. And she said so I'm

1 paying one policy limits and I'm denying the
2 next-door neighbor. She's a fairly new adjuster
3 and she said, is this normal. Is this how you
4 normally handle hurricanes and it made her very
5 nervous.

6 Q. How could you tell she was nervous?

7 A. She said this, doesn't seem right to me.

8 Q. It seemed incorrect?

9 A. Incorrect, absolutely.

10 Q. Okay.

11 A. And so when I talked to Mark Drain about
12 it and I asked him about it, he -- actually he
13 brought it up and said that Lecky had told him to
14 send the report back and have them change it, the
15 engineering report, and then Lecky went out of
16 town for a week. So while she was out of town for
17 that week, he went ahead and paid the claim. And
18 he said I will not sit in front of a jury and say
19 I sent this report back. He said I'm not going to
20 do that.

21 Q. He paid that claim?

22 A. He paid that claim. So we all kind of
23 knew what was happening.

24 Q. The kind of knew is a little bit
25 different from actual knowing, isn't it?

107

1 A. Well, we -- it was pretty suspicious.

2 Q. Okay. But that problem arose because
3 somebody paid a wind claim?

4 A. Right. And I thought that was just very
5 unique that the moment Lecky King left town, a

6 wind claim got paid.

7 Q. And you thought that was unique why,
8 because you knew what was done on every claim?

9 A. I knew what was being done on a lot of
10 the claims. Not on every claim, no. I couldn't
11 know what was going on on every claim, but I knew
12 that adjusters ever complaining or raising
13 concern. There were just things that would come
14 up like the adjuster would be out at the house
15 with the policyholder and the engineer and they
16 would review the loss and the engineer would say,
17 this is your damage, you'll have the report in two
18 weeks.

19 Q. How many times?

20 MR. SCRUGGS:

21 Let her finish, please.

22 THE WITNESS:

23 And anyway, the engineer would say this
24 is what I found and I'm going to have to report to
25 you, and then the report would come into the y₁₀₈

1 different than what the engineer had said the
2 report was going to say.

3 MR. WEBB:

4 Q. How many times did you see that
5 personally?

6 A. This would be years telling me this. I
7 wouldn't go search for it.

8 Q. How many times did that happen to you
9 personally?

10 A. Where adjusters were asking questions
11 those?

12 Q. Right?

13 A. Many times.

14 Q. Many, 0, five?

15 A. Discussions I had with adjusters, yeah,
16 it could be 20, 25.

17 Q. Did you ever initiate any of these
18 discussions?

19 A. No. And at the time I was getting these
20 discussions, I was oblivious. I would say yeah,
21 that's strange.

22 Q. And your perception on that is based on
23 what somebody was reporting to you, you thought
24 what they were reporting to you was strange?

25 A. I did.

109

1 Q. Did you go further at any point in time
2 and either report your feeling of strange to
3 anyone or take any other action relative to those
4 conversations that you had?

5 A. No, I did not.

6 Q. Do you remember any of those specific
7 adjusters other than Ms. Hardison?

8 A. There were plenty of adjusters. There
9 were even State Farm team managers who were --

10 Q. Let's go back disc?

11 MR. SCRUGGS:

12 Let her finish the answer please.

13 MR. WEBB:

14 Well, it's really non-responsive to the
15 question.

16 MR. SCRUGGS:

17 Let her finish the question.

18 MR. WEBB:

19 I just like an answer to my question.

20 MR. SCRUGGS:

21 She was giving you one and you
22 interrupted her.

23 MR. WEBB:

24 Do you remember what the question was.

25 A. I believe I do. There were several 110

1 people that were concerned, many people that were
2 concerned I believe that voiced concern. And most
3 of the time it was -- they would even try to make
4 a joke, but what was -- I thought was unique was
5 it was State Farm team managers raising eyebrows
6 saying why are we doing this way I actually had a
7 team manager say this sound like bad faith.

8 Q. Who?

9 A. His name was Gary Clatterbuck.

10 Q. He kind of knew, how do you know what he
11 kind of knew?

12 A. Because he express concern.

13 Q. Okay. How many times?

14 A. Maybe once or twice.

15 Q. Okay. Going back to what I asked you
16 before, do you remember any of the adjusters names
17 other than Ms. Hardison who came to you or
18 commented to you about different or their
19 perception of different claims handling?

20 A. I barely can remember my roster. I
21 don't know if I had an adjuster named Kevin
22 Fillini. I don't know if he ever expressed
23 concern. He was a knowledgeable adjuster. I

24 don't recall any other names of people that came
25 to me. I don't recall their names.

111

1 Q. And with respect to answers that you
2 gave about State Farm team managers, you mentioned
3 Gary Clatterbuck and a comment that he made. Do
4 you know what that comment was in reference to?

5 A. Yes, I do.

6 Q. And what was it?

7 A. That was in -- he was commenting about
8 the engineering reports and the fact that we were
9 cancelling the engineering reports.

10 Q. Oh, cancelling the engineering reports?

11 A. Yes.

12 Q. Anything else about that other than the
13 fact that engineering reports were being cancelled
14 that you remember?

15 A. By Gary Clatterbuck?

16 Q. Yes, ma'am?

17 A. No.

18 Q. Okay. Other than Mr. Clatterbuck and
19 also Mr. Drain was a team manager?

20 A. Team manager as well.

21 Q. Other than Mr. Drain and
22 Mr. Clatterbuck, anything from any other specific
23 team manager?

24 A. It seemed like David had expressed some
25 concerns. And I talked to these people when I

112

1 worked there on a daily basis. We'd see each
2 other daily.

3 Q. That wasn't uncommon?

4 A. It wasn't uncommon. And I can remember

5 David had dock having some he's soft spoken and he
6 doesn't say much, but some reservation about what
7 was going on in the engineering reports. I had a
8 team manager -- are we talking about irregular
9 things that were going on?

10 Q. Well, what I'm asking you is a follow-up
11 to the comment that you had made or the answer to
12 my question identifying generally team managers
13 had expressed concerns to you. Now, what I'm
14 trying to do now is to get you to tell me first
15 specifically who those team managers were and what
16 concerns they expressed?

17 A. Okay. I believe David and Gary were
18 concerned about the cancellation of the reports.
19 I think that concerned them. I think mark was
20 concerned when he was told to send a report back
21 and have it changed. I think that concerned him.

22 Q. And that's on the claim that he paid the
23 wind on?

24 A. Correct.

25 Q. Okay. Are there any other comments from
113

1 Mr. Clatterbuck or Mr. Had dock?

2 A. Not that I can recall at this time.

3 Q. Okay. And what you recall about
4 Mr. Clad buck's concern and Mr. Had documents'
5 concern was about the cancellation of engineering
6 reports?

7 A. Right. They felt that was odd.

8 Q. Odd? I mean is that what they said,
9 odd?

10 A. They didn't say odd. They raised

11 eyebrows. It was a lot of looks, a lot of what do
12 you think we're doing kind of things.

13 Q. Okay. Did they ever represent to you
14 that they knew what was being done and that it was
15 being -- they knew that it was being done for some
16 improper purpose?

17 A. I believe Gary indicated he knew Lecky
18 King was driving the train and he didn't agree
19 with it and he was ready to leave the storm and go
20 somewhere else.

21 MR. SCRUGGS:

22 I'm sorry. Ready to wit with the leave
23 the storm and go somewhere else. He was ready to
24 be transferred over T he wanted to leave.

25 MR. WEBB:

114

1 Q. You said he was ready to leave. My
2 question was: Whether either he or Mr. Drain ever
3 told you that they knew why engineering reports
4 were being cancelled and they knew that it was
5 done for some improper purpose?

6 A. Oh, no. They never told me that, no.

7 Q. Okay.

8 A. Lecky told me that she was sending them
9 back, but that may not be your question. I'll had
10 been happy to share that with you.

11 Q. I don't think there's any dispute that
12 some were cancelled. Do you know whether all of
13 them were cancelled?

14 A. I don't know whether all of them were
15 cancelled. They weren't just cancelled. We would
16 receive them and send them back. So it wasn't

17 just a cancellation. It was receive and send
18 back.

19 Q. Of the engineering reports that were
20 ordered, do you know how many were sent back?

21 A. I don't. I saw a Goodman I. There was
22 a large stack on Lecky's desk and she said all of
23 them had to go back.

24 Q. I recall you testifying about that in
25 the Renfroe deposition?

115

1 A. I would say a stack like that.

2 Q. Okay. Did you ever see any others that
3 were referred to as reports that needed to go
4 back?

5 A. The only person that referred to reports
6 needing to go back would be Lecky King. She had
7 she had them on the top of her desk and in her
8 file under lock and key.

9 Q. All right. Did she tell you how many
10 there were?

11 A. She never told me how many.

12 Q. Do you know how many of your own
13 knowledge?

14 A. Not specifically.

15 Q. Did you ever see anything referred to
16 other than that stack that you raised your hand to
17 try to demonstrate the height of the stack?

18 A. Did you know anything other than --

19 Q. Any reports referred to specifically by
20 Ms. King other than that stack that you're talking
21 about?

22 A. No.

23 Q. Okay. Did you inquire of her when she
24 made that comment about any reasons if any that
25 may have existed as to the reason the engineering

116

1 reports were going?

2 A. Her comment was they would almost be
3 related to the policyholders.

4 Q. That's what Lecky King said?

5 A. Uh-huh, and that's why they needed to go
6 back.

7 Q. Did you know anything beyond that about
8 the content of those engineering reports?

9 A. Well, she said that they all said that
10 there was wind damage and she said we all know
11 that didn't happen here in a hurricane. So they
12 had to go back.

13 Q. Oh, okay. And let me go back to where I
14 started. With respect to the flood work that you
15 did, that's where we're going back to. We had
16 talked about whether you had ever known if someone
17 improperly paid or it later being determined
18 having been improperly paid a flood claim and then
19 later something was done differently or not. And
20 I believe you testified that there were either
21 some or a couple of instances where you remembered
22 that occurring in Florida?

23 A. Probably Houston during Allison is
24 probably where that happened.

25 Q. Okay. Houston?

117

1 A. Yes.

2 Q. And I can't remember and I apologize for

3 this but I did ask you the question if that ever
4 happened when you were the manager of a team?

5 A. And I said I didn't think it could have
6 because I wasn't a manager in all son.

7 Q. Okay. Did that happen at any time when
8 you were a manager of a team in Katrina?

9 A. No. We never paid back flood claims.

10 Q. Okay.

11 A. We never said, oh, we -- no, that didn't
12 happen in Katrina.

13 Q. Tell me what with respect to your role
14 in Hurricane Katrina as a manager on just
15 generally what your job was daily?

16 A. Well, we would start the day with the
17 numbers.

18 Q. The numbers being?

19 A. The numbers each of our adjusters would
20 have -- we would know how many files they received
21 the day before, the how many they closed, how many
22 they inspected, how many they paid. So we would
23 do a spreadsheet every morning. That was the
24 first thing we do.

25 Q. Was that just your team or was that
118
1 everyone's team?

2 A. Everyone's team.

3 Q. Was everyone together?

4 A. What do you mean?

5 Q. In one place?

6 A. We were all at the same Gulfport office,
7 but we had trailers and then we had Ray big inside
8 of a building part of that, too.

9 Q. Okay. I'm sorry. Again, I'm I am
10 precise. Was this meeting that occurred no in the
11 morning, merely your team?

12 A. Yes. And they didn't appear before me.
13 They had e-mailed me their numbers the night
14 before.

15 Q. And then what did you do normally?

16 A. The numbers would go to State Farm.

17 Q. Okay.

18 A. And then if there was a meeting with
19 State Farm, we would meet with State Farm. And
20 usually adjusters would come in throughout the day
21 with their laptop and files that they fleded to
22 work on and we would sit with the adjuster and
23 help them get their file load down or if they
24 needed to ride with an adjuster to do an
25 inspection.

119

1 Q. Okay. Why would you ride with an
2 adjuster or meet an adjuster at the property as a
3 manager?

4 A. Well, that's part of being a manager,
5 especially if there's a lot of damage. You're
6 there as a second set the ice to help discuss the
7 rebuilding process of the house. It's nice to
8 have a second set hands.

9 Q. Okay. Were you still climbing on roofs
10 as a manager in Katrina?

11 A. Yes. Not all roofs. I don't climb all
12 roofs.

13 Q. But sometimes you did that?

14 A. I will, yes, yes.

15 Q. And what would you do normally when you
16 were with an adjuster at a scene?

17 A. I would -- it was their claim. It was
18 their file. So I would let them lead the file,
19 and I would be there basically to assist. And if
20 they did something that -- you know, if I noticed
21 they ever missing something I would bring it up
22 and say, hey, let's don't forget that. But for
23 the most part was there to help. I would let
24 them talk to the policyholder again it was their
25 file. I was there to help them.

120

1 Q. Okay. Looking over their shoulder, so
2 to speak?

3 A. So to speak. I do some of that.

4 Q. Did you ever have an opportunity that
5 you can remember specifically where an adjuster
6 was out on a scene and you had to correct what
7 they were doing?

8 A. I'm sure that has happened, but I don't
9 remember specifically.

10 Q. Okay. Other than I believe you
11 mentioned diagraming. Now, what do you mean by
12 that?

13 A. Drawing the footprint of the home.

14 Q. Okay. Is that something you would do
15 when you would go to the property with an
16 adjuster?

17 A. It depends on what the damage is. If
18 it's a hail storm, I would only draw the roof.
19 But if it's a wind -- you know, if the home is
20 damaged throughout, then, yes, you have to do a

21 footprint of the home.

22 Q. Just limited to Katrina, when you went
23 in that capacity, did you normally draw a
24 footprint?

25 A. Yes.

121

1 Q. Did you do any other drawing or writing
2 or reporting?

3 A. Yes.

4 Q. What would you do other than the drawing
5 and the footprint in those situations in Katrina?

6 A. You would write down next to the
7 footprint, you would go room by room depending on
8 the extent of the damage and you would jot down in
9 each room what was damaged, what you saw that was
10 damaged and would have to be repaired or replaced.

11 Q. Did you ever go out on a scene when
12 there was both a flood policy and a homeowners
13 policy?

14 A. Yes.

15 Q. And what, if anything, would be
16 different in terms of what you would do if they
17 were both a flood and a homeowners policy?

18 A. Well, you just kind of wear two
19 different hats. I personally would start off with
20 one of the two files.

21 Q. Okay.

22 A. And I would be the wind adjuster and I
23 would come in and look at the roof and go down.

24 Q. Why?

25 A. Because when you're a wind adjuster, you
122

1 usually start up and go down.

2 Q. Why?

3 A. That's just how I've always done it.

4 And as a flood adjuster, you always start at the
5 bottom and go up.

6 Q. Do you know why that is?

7 A. Well, you know if there's a windstorm,
8 you're going to look at the roof. If there's a
9 hail storm, you're going to look at the roof.
10 That's just part testify.

11 Q. I've heard that wind damages from the
12 top down and that water tend to damage from the
13 bottom up is that your understanding?

14 A. Well, I'm not an engineer, but I've
15 heard that from State Farm.

16 Q. Is that what were taught?

17 A. That's what State Farm taught us, yes.

18 Q. What did the NFIP people teach you?

19 A. The policy.

20 Q. The policy. and in the context of
21 teaching the policy, was there any instruction
22 from NFIP either by word of mouth or by pamphlet
23 or other presentation that described the nature of
24 the damage that water would do?

25 A. Yes.

123

1 Q. Do you remember anything about that?

2 A. Yes.

3 Q. What do you recall?

4 A. They would do during the presentation,
5 they would do slide shows and show damage from
6 flooding, houses shifting and, you know, bottom of
7 homes being flooded. They would show that.

8 Q. Do you remember any photographs of
9 bottoms of homes being gutted and roofs being left
10 but damaged by wind or not?

11 A. I'm sure I've seen that.

12 Q. Did you see that in Katrina actually
13 with your eyes?

14 A. I was going to say the slides that we
15 saw in training were not this isly the same type
16 of damage that I saw in Katrina. Of course
17 Katrina was so much more devastating than these
18 pictures of these little floods which may or may
19 not have had wind with it just because of area
20 flooded doesn't mean there was a windstorm.

21 Q. Specifically in Katrina do you have a
22 recollection of seeing homes where the bottom part
23 of a home was damaged by water and the roof was
24 substantially intact but damaged by wind?

25 A. Yes.

124

1 Q. And do you recall being a manager or
2 manager/trainer going with an adjuster on these
3 such claims?

4 A. Sure.

5 Q. I take it from your testimony that what
6 you would do in that event would be what you just
7 described to us a little bit ago when you were on
8 the scene?

9 A. Uh-huh.

10 Q. That uh-huh was a yes?

11 A. Yes.

12 Q. I'm sorry. And when the adjuster would
13 finish their job on the scene that you were there

14 companying them, what would you do then with
15 respect to their conclusion of their work that
16 day?

17 A. What would I normally do?

18 Q. Normally?

19 A. Or under Katrina work what would I do?

20 Q. Well, let's talk about normally and then
21 Katrina?

22 A. Normally what the adjuster would do and
23 if they needed my help I would help them, but they
24 would sit down with their wind file and flood file
25 and their diagrams and they would write an

125

1 estimate for both losses.

2 Q. Okay. And Katrina?

3 A. Well, Katrina was different because at
4 the beginning of the storm, they said that there
5 would be a blanket mass engineer request.

6 Q. Okay. I understand that there's
7 testimony about there being a blanket engineering
8 request on certain files, but my question really
9 goes to what you did with the adjuster after you
10 visited the scene?

11 A. Well, I'm getting to that.

12 Q. Okay. Okay.

13 A. It was a mass engineer -- every hoax
14 that was a cabana, slab, popcycle sticks were
15 going to get an engineer. So if we went out to
16 the property, we're ordering an engineer. So he
17 was going to be determining the extent of the
18 damage and what was damaged by wind and what was
19 damaged by water. Our job now changed. We would

20 go out there and we would determine, you know,
21 what's your damage, we'd document your damage and
22 we'll pay you flood limits. And then we're going
23 to let them determine what they're going to pay
24 you for wind after the engineer come so this was
25 totally different.

126

1 Q. Did all the claims that you went on as a
2 manager work like that?

3 A. All the claims I went on worked like
4 that is. And it was very strange because normally
5 a flood program is very meticulous. You have lots
6 of documents. It's actually harder to May a flood
7 claim except in this storm. We were actually
8 allowed to pay limits on those homes without an
9 inspection which was bizarre. We're going to hire
10 an engineer to see what the damage is, but we're
11 going to go ahead and pay limits on floor.

12 Q. Okay so you do know that FEMA directed
13 that those claims being handled that way?

14 A. I do know that they asked us to use
15 XactTotal and to speed up the process to handle
16 those claims. And I assume they knew we were
17 doing it, yeah, sure.

18 Q. Okay. Specifically are you aware that
19 at any point in time during the Katrina
20 catastrophe investigation whether FEMA authorized
21 all insurance companies that had flood insurance
22 coverage to adjust certain claims even based on a
23 telephone call?

24 A. Absolutely, yes.

25 Q. Did you ever do that?

1 A. I never based one on a telephone call.

2 Q. Did you ever have an adjuster in your
3 team base one on a telephone call?

4 A. Yes.

5 Q. Did you take issue with him doing that?

6 A. No. They were told they could do it
7 that way.

8 Q. Did you ever see to your recollection
9 the specific FEMA directive that allowed in that
10 to occur?

11 A. No. I never seen a directive.

12 Q. You never seen an e-mail?

13 A. Oh, I probably did.

14 Q. You just don't remember?

15 A. I don't remember. I received a lot of
16 e-mail. And if they were sending an e-mail around
17 about it, I'm sure I got it.

18 Q. Is that the kind of thing that you as a
19 manager would normally receive?

20 A. Yes.

21 Q. Even in Katrina?

22 A. Yes.

23 Q. Is that the kind of thing that you would
24 want to see as a manager?

25 A. Yes.

1 Q. Okay. During Katrina, on your company
2 and I'm referring to situations where you company
3 the claim rep or the adjuster to the scene, do you
4 recall any instances where that's resulted in both
5 a payment for flood shortly thereafter as well as

6 a payment under the wind policy, too?

7 A. Yes. There have been payments for flood
8 and payments for wind, but usually the payment for
9 flood would be maxed and then the payment for wind
10 would be substantially smaller. But, yes, where
11 I've seen two payments absolutely, sure.

12 Q. Have you ever knowingly allowed a
13 payment for flood yourself to be made by yourself
14 or by someone working under you when that payment
15 was not being paid for flood damage?

16 A. Say that again.

17 Q. Have you ever knowingly allowed an
18 adjuster working under you to make a payment for
19 flood damage when the damage that was being paid
20 for was not flood damage?

21 A. I believe when we paid the flood damage,
22 we all believed we were paying. We thought it was
23 great getting money into people's hands. So I
24 don't ever thing I thought at the time you're
25 paying for something you shouldn't be paying for.
129

1 Looking back now, I feel that way, but at that
2 time, no. I did not feel that way.

3 Q. Okay. I'm not sure of whether that
4 answered my question. Well, let me put it this
5 way: with respect to claims where you personally
6 went onto look at the scene, if you had seen
7 something that it told you when you were at the
8 scene that there was no flood damage, would you
9 have authorized payment?

10 A. No.

11 Q. Okay. If you went to the scene and an

12 adjuster was claiming there to be flood damage
13 when you knew it was wind damage, would you have
14 authorized them to categorize it?

15 A. No, no.

16 Q. Was that, in fact, one of your job
17 responsibilities to oversee that part of the
18 adjusting process as a manager?

19 A. Yes. We were there to -- yes, yes.

20 Q. Okay. And would it also be part of your
21 job responsibilities once the adjustment was
22 complete, whatever the result would be or whatever
23 was paid for you to submit the billing for Renfroe
24 to State Farm for your team's work?

25 A. The adjuster would fill out the billing.
130

1 I did not fill out the billing.

2 Q. Okay. Did you look it over?

3 A. I would randomly review it but I did not
4 look at every billing, no. But I would look at a
5 lot for the billing.

6 Q. Okay. Did you ever initial any bills?

7 A. Sure, yes.

8 Q. Was that a common practice?

9 A. Yes.

10 Q. Did you ever authorize anyone to sign
11 your initials?

12 A. No. I wouldn't think so, no.

13 MR. WEBB:

14 Take a break.

15 MR. SCRUGGS:

16 Yes.

17

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