

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

E.A. RENFROE & COMPANY, INC.,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.
	)	
-vs-	)	2:06-CV-06-WMA-1752-S
	)	
CORI RIGSBY MORAN and	)	Judge William M. Acker, Jr.
KERRI RIGSBY	)	
	)	
Defendants.	)	
_____	)	

**RENFROE’S OPPOSITION TO DEFENDANTS’ MOTION TO  
QUASH THE DEPOSITIONS OF CARRON ROCKCO AND  
MICHELLE LEE**

At 5:30 PM on Tuesday, April 24, 2007, Plaintiff E.A. Renfroe & Company, Inc. (“Renfroe”) received notice that Defendants Cori Rigsby Moran (now Cori Rigsby) and Kerri Rigsby (collectively “Defendants”) seek to quash depositions that were first noticed on March 30, 2007, and rescheduled with the consent of Defendants’ counsel, for April 26, 2007. When counsel for Renfroe consulted with counsel for Defendants about changing the date of the deposition to accommodate various scheduling problems, Defendants did not object to either the deposition date or the depositions themselves. Now, less than 48 hours before the depositions, Defendants find that they object to the depositions. There is no reason why

Defendants could not have filed their Motion to Quash in a timely manner. Defendants waited 25 days before objecting.

Renfroe's counsel will have to board an airplane by 1 P.M. today, Wednesday, April 25, 2007, to be able to get to Pascagoula, Mississippi for the depositions. Renfroe's counsel will probably already have traveled to Mississippi before this Court can rule on Defendants' Motion. Renfroe objects to the very late notice of Defendants wish to quash the depositions as well as the grounds for their objections.

Defendants claim that the depositions of two of the three women who helped the Rigsbys with the "data dump" should be quashed because the Court has indicated that it considered the factual record on the contempt issue was "closed." Therefore, Defendants reason, Renfroe should be precluded from asking the deponents any questions that could relate to the contempt issues. These are two issues should not be conflated as Defendants have done because they are clearly two separate issues.

At the civil contempt show cause hearing on March 19, 2007, Cori Rigsby testified FOR THE VERY FIRST TIME ANYWHERE that they only copied from the State Farm systems 5,000 pages versus the 15,000 pages they had previously and consistently claimed on national television, in

her deposition, and in Defendants Answer in this lawsuit.<sup>1</sup> Because Defendants' surprised everyone and changed their previously consistent testimony and statements that they had copied 15,000 pages of documents, Renfroe had no opportunity to find corroboration of one claim or the other. Because of Cori Rigsbys dramatic change in testimony, Renfroe is entitled to probe deeper to find out what other inconsistencies there are in her stories. The Rigsbys' credibility is central to all aspects of Renfroe's case, and these deponents have first-hand knowledge of the wrongdoing. Therefore, Renfroe is entitled to question them fully.

Whether the Court will consider any testimony developed during these depositions in the context of the contempt proceedings is a separate question that should be addressed at such time as it may be ripe. To date, there is no corroborating testimony, one way or another, as to the new version of how many documents were copied. The two deponents' testimony may be inconclusive, in which case no party would be interested in trying to offer it.

The Court has not yet been asked to consider the testimony of these two witnesses. If their testimony is significant to the allegations made by

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<sup>1</sup> See Dkt. # 14 Answer does not deny the allegation in ¶ 22 of Plaintiff's Amended Complaint that repeats the Rigsbys statement that they copied 15,000 pages of documents. See also, Dkt. 40, Objection to Renfroe's Motion to Compel Defendants' Attendance and Production of Evidence at the Preliminary Injunction Hearing at ¶ 1.

Cori Rigsby for the first time at the contempt hearing, Renfroe may, indeed, seek this Court's leave to offer the newly-discovered, relevant evidence. If not, preclusion of their deposition testimony would be premature and unnecessary.

There is no reason to limit the scope of Renfroe's questioning of these fact witnesses based solely on speculation regarding the possible use to which their testimony may be put. If Renfroe (or possibly even the Defendants) later seek to offer their deposition testimony on matters that the Court has indicated are "closed," that would be the time to object to re-opening the evidence relating to the Defendants' newly asserted claim of only 5,000 pages copied. Such an objection before the request is made is premature and unnecessary.

#### **PRAYER**

For the reasons stated above, Renfroe respectfully requests that this Court deny Defendants' Motion to Quash the Depositions of Michelle Lee and Carron Rockco or to limit the scope of those depositions.

Respectfully submitted this 25<sup>th</sup> day of April, 2007.

SIROTE & PERMUTT, P.C.

By: /s/ Jack E. Held

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record pursuant to the Federal Rules of Civil Procedure and the CM/ECF System on April 25, 2007.

/s/ Barbara Ellis Stanley

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