

NEIL and LACY WEST,

Plaintiffs,

v.

STATE FARM FIRE & CASUALTY
COMPANY and NANCY HOLCOMB INS.
AGENCY, INC.,

Defendants.

Case No. CJ-2025-135

**DEFENDANT STATE FARM FIRE AND CASUALTY
COMPANY'S REPLY IN SUPPORT OF MOTION FOR A PROTECTIVE
ORDER AND TO QUASH PLAINTIFFS' DEPOSITION NOTICE OF
STATE FARM'S CHIEF EXECUTIVE OFFICER JON FARNEY**

Plaintiffs’ Response to State Farm’s Motion to Quash is long on rhetoric but lacks any justification for deposing State Farm’s CEO. Plaintiffs point to *three emails* (out of over 700,000 documents State Farm has produced) which show *de minimis* reference to Mr. Farney—and nothing relevant to this claim or to the FME. Certainly, there is nothing relevant that has not been or could not have been covered with other State Farm employees who are included on those emails, including Ms. Manduca (who has already been deposed) and Mr. Welsh (whose deposition has been ordered). None of those emails suggest Mr. Farney has any unique, relevant knowledge: indeed, they suggest the opposite. Ordering the deposition of Mr. Farney in these circumstances would be unprecedented: *Plaintiffs cite no case* in which a defendant was forced to produce its highest-ranking executive for a deposition on arguments as flimsy as these.

I. MR. FARNEY’S TESTIMONY IS NOT UNIQUELY RELEVANT TO THIS CASE.

A. Plaintiffs Concede Mr. Farney Has No Unique, Relevant Information Regarding Their Insurance Claim.

Courts across the country have repeatedly quashed depositions of “apex” witnesses like Mr. Farney when the party seeking the deposition could not articulate any unique, relevant testimony the proposed deponent could provide.¹ (See Mot. at 7–10 (citing cases).)² As set forth

¹ Plaintiffs’ suggestion that State Farm has failed to meet its “burden” to establish the “marginal relevance” of Mr. Farney’s testimony (*see* Pls.’ Resp. at 9) has no basis in fact. State Farm has submitted declarations from both Mr. Farney and Ms. Manduca establishing that Mr. Farney has no unique, relevant information about Plaintiffs’ insurance claim or the FME. Plaintiffs submit no evidence to the contrary.

² None of the cases Plaintiffs cite are contrary. Rather, Plaintiffs miscite numerous cases regarding depositions of non-apex witnesses. *See, e.g., Kulp Minerals, LLC v. Apache Corp.*, No. 2:23-408 KG/KRS, 2025 WL 872531, at *3 (D.N.M. Mar. 20, 2025) (permitting depositions of an accountant and the accountant’s supervisor after a corporate representative “testif[ied] that [the accountants] had personal knowledge of Defendant’s payment and invoicing processes”); *Halley v. State of Okla.*, No. 14-CV-562-JHP, 2016 WL 4995393, at *1 (E.D. Okla. Sept. 19, 2016) (denying motion to quash deposition of eight-year-old “on whose behalf [the] case was brought”); *Denson v. Corp. of President of Church of Jesus Christ of Latter-Day Saints*, No. 2:18-cv-00284, 2018 WL 10247390, at *1 (D. Utah Dec. 4, 2018) (denying motion to quash third-party subpoena

in Mr. Farney’s declaration (and while it may have gone without saying, but to be clear) Mr. Farney did not assist Plaintiffs in procuring their Policy or have any involvement in the investigation, evaluation, or decisions regarding Plaintiffs’ insurance claim. (See Ex. 2, J. Farney Decl. ¶¶ 5–6.) Plaintiffs concede these facts. (See Pls.’ Resp. at 7 (“Plaintiffs do not allege Farney performed specific adjusting tasks on Plaintiffs’ Claim.”).)

B. Plaintiffs Concede—By Their Silence—that Mr. Farney Has No Unique, Relevant Information Regarding The FME.

In their transmittal letter accompanying the Farney Notice, Plaintiffs initially contended that Mr. Farney’s testimony was relevant because he was copied on unidentified “emails back in 2019” supposedly related to the FME. (See Mot. at Ex. 3, Letter from B. Sonne (June 30, 2026).) As State Farm explained in its Motion, none of those referenced emails has anything to do with the FME. (See Mot. at 16–17.) And in any event, Mr. Farney was not directly involved in the FME and did not attend the FME meetings. (See Mot. at Ex. 2, J. Farney Decl. ¶ 7; *id.* at Ex. 4, N. Manduca Decl. ¶ 5.) In their Opposition, Plaintiffs do not attach such emails and ***do not even account for*** their prior allegation that Mr. Farney was “involved” in the FME. Indeed, they only

to fact witness in sexual assault case); *Roberts v. City of Riverside*, No. 5:19-cv-01877-JGB-SHK, 2021 WL 5993528, at *1, 8 (C.D. Cal. Oct. 7, 2021) (denying motion to prohibit deposition of police officer witnesses in wrongful conviction case where officers were previously defendants); *Tri Minh Huynh v. Wal-Mart Assocs., Inc.*, No. 18-cv-01631-VC (SK), 2019 WL 4645724, at *1 (N.D. Cal. Aug. 19, 2019) (denying plaintiff’s motion to quash the deposition of his wife where plaintiff claimed emotional distress); *Jennings v. Family Mgmt.*, 201 F.R.D. 272, 273–79 (D.D.C. 2001) (granting motion to compel deposition of plaintiff and plaintiff’s attorney where plaintiff’s state of mind was at issue); *Naftchi v. New York Univ. Med. Ctr.*, 172 F.R.D. 130, 132–33 (S.D.N.Y. 1997) (denying motion to quash deposition of one of several named defendants where defendant “does not assert that he lacks familiarity with any of the matters at issue”); *Frideres v. Schiltz*, 150 F.R.D. 153, 159 (S.D. Iowa 1993) (granting protective order as to deposition of plaintiff’s sister in sexual assault case); *Motsinger v. Flynt*, 119 F.R.D. 373, 378–79 (M.D.N.C. 1988) (granting plaintiffs’ motion to continue his deposition due to illness); *In re McCorhill Pub., Inc.*, 91 B.R. 223, 224 (Bankr. S.D.N.Y. 1988) (***granting*** creditor’s motion for a protective order to prevent the deposition of its Chairman of the Board); *Reed v. Illinois*, 318 F.R.D. 77, 81 (N.D. Ill. 2016) (denying motion by non-party, the sister of the plaintiff, to quash a third-party subpoena).

mention the FME once, in introductory filler unrelated to Mr. Farney. (*See* Pls.’ Resp. at 1–2.) While Plaintiffs argue generally that “pattern and practice” evidence is relevant to bad faith claims (*see id.* at 11–12), they provide **no** connection between Mr. Farney and any “pattern and practice” regarding the FME or anything else alleged to apply to Plaintiffs’ claim.³ As such, they concede that Mr. Farney has no unique, relevant information regarding the initiative that—up until now—Plaintiffs have repeatedly represented **was** the supposed “scheme.”

C. The FPTF Is Not Relevant And Mr. Farney Does Not Have Unique Personal Knowledge.

Unable to justify Mr. Farney’s deposition based on unique knowledge of their claim or FME, Plaintiffs make a new claim—that a Fix Profit Task Force (“FPTF”) “continued to develop and implement” the “tactics” created by the FME. (*See* Pls.’ Resp. at 2.) Plaintiffs provide **no evidence whatsoever** for that notion—nor is it true. In fact, as Ms. Manduca explains in her declaration in support of State Farm’s Motion, the FPTF and FME have nothing to do with each other. (*See* Ex. 4, N. Manduca Decl. ¶ 6.) The Court should not allow Plaintiffs to depose State Farm’s highest-ranking executive based on new speculation supported by absolutely nothing.

But even if, counterfactually, the FPTF were relevant, Plaintiffs provide no evidence that Mr. Farney has any **unique**, relevant knowledge regarding the FPTF. Rather, out of the over **700,000**

³ Again, none of the “pattern and practice” cases cited by Plaintiffs is on point: none grants an apex deposition on the basis of such allegations. *See, e.g., Allstate Vehicle & Prop. Ins. Co. v. Russell*, 2025 OK 79, 579 P.3d 728, 729 (ruling that certain claims files “may be produced with proper redactions to personal identifiers”); *Barnes v. Okla. Farm Bur. Mut. Ins. Co.*, 2000 OK 55, 11 P.3d 162, 170 (discussing availability of punitive damages in bad faith action); *Magellan v. Zurich Am. Ins. Co.*, No. 16-CV-668-CVE-FHM, 2017 WL 3579209, at *2 (N.D. Okla. Aug. 18, 2017) (granting in part motion to compel certain claims files); *Reibert v. CSAA Fire & Cas. Ins. Co.*, No. 17-CV-350-CVE-JFJ, 2018 WL 279348, at *8 (N.D. Okla. Jan. 3, 2018) (granting motion to compel document discovery in bad faith case); *Vining v. Enterprise Fin. Grp.*, 148 F.3d 1206, 1218 (10th Cir. 1998) (discussing the admissibility of documentary evidence in bad faith action); *Metzger v. Am. Fidelity Assurance Co.*, No. CIV-05-1387-M, 2007 WL 4342082, at *1 (W.D. Okla. Dec. 7, 2007) (ruling on motions in limine).

documents State Farm produced in this case, Plaintiffs cite to **three** emails that include Mr. Farney, all of which also include multiple other individuals—and only one of which relates to the FPTF:⁴

- Plaintiffs attach a December 16, 2023 email from Michael Roper to Mr. Farney **and sixteen other State Farm employees**, with high level data about claims trends. (*See* Pls.’ Resp. at Ex. 3, WEST00020132–33.) While Plaintiffs focus on one line in this email, they fail to mention that they already questioned Ms. Manduca about this line—and she made clear that the line referred to **automobile claims**. Plaintiffs do not explain why such testimony is relevant in a **homeowners’** case or—even if it were relevant—why Mr. Farney, rather than the author of the email or one of the sixteen other employees copied on it, is uniquely positioned to testify regarding its contents.
- Plaintiffs cite to a December 14, 2023 email from Mr. Farney changing the agenda of a single meeting of the FPTF. (*See* Pls.’ Resp. at Ex. 3, WEST00020133.)⁵ Plaintiffs do not provide any evidence that Mr. Farney—rather than one of the other **seventeen State Farm employees** who received the revised meeting notice—has any unique, relevant knowledge of what was discussed at that or any other FPTF meeting, **let alone that any FPTF meeting, including the one in question, had anything to do with the claims and defenses in this case.**
- Plaintiffs attach an October 5, 2021 email from Tracy Haus, a Louisville, Kentucky State Farm agent, to State Farm’s executives, including Mr. Farney. (*See* Resp. at Ex. 6.) There is no indication that Mr. Farney even read this email, and the follow up email shows that any response was delegated to others. (*Id.*) Once again, Plaintiffs do not explain why testimony regarding an email pre-dating the date of loss by nearly two years is relevant here, or why Mr. Farney, rather than those to whom a response was delegated, is uniquely positioned to testify on this email.

There is nothing unique—or relevant—about Mr. Farney’s supposed “involvement” in the FPTF that requires Plaintiffs to depose State Farm’s CEO.⁶

⁴ Nor are Plaintiffs’ citation to documents regarding “reinspection results” at all relevant (*see* Resp. at 4.) State Farm has a reinspection process by which claim handling is evaluated *post hoc* to identify both overpayments and underpayments—and State Farm does not request repayment if an overpayment is identified during reinspection. That State Farm tracks these results, along with the percentage of claims that are “closed without payment” (or “CWP”) is not nefarious but is part of its larger effort to ensure that claims are paid correctly.

⁵ Plaintiffs also mischaracterize this email and incorrectly assert that the purpose of **all** FPTF meetings was to discuss claim payment trends when the document shows that the whole point was to change just one meeting to that discussion. (*See* Resp. at 2, citing Ex. 3.)

⁶ Plaintiffs cite only **four** cases regarding apex depositions—none of which supports Plaintiffs’ demands. *See, e.g., Rolscreen Co. v. Pella Prods. of St. Louis, Inc.*, 145 F.R.D. 92, 96–98 (S.D.

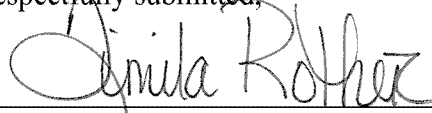
II. THE DEPOSITION OF MR. FARNEY IS NOT PROPORTIONAL.

Plaintiffs' Response also confirms Mr. Farney's deposition is entirely disproportionate. Despite now having access to over 700,000 State Farm documents, having deposed Ms. Manduca for 6 hours, and with the depositions of four other senior claim personnel ordered by the Court, Plaintiffs are unable to identify *a single fact* to which Mr. Farney could testify that cannot be obtained from some other source—because there is none. Nor do they explain why *State Farm's CEO* must spend hours preparing and testifying in a case involving an individual contract dispute. Plaintiffs' insistence that the tremendous burden to Mr. Farney—and State Farm—of depriving the company of its highest executive for at least a day is alleviated simply because Plaintiffs offer to take the deposition “where Farney is located” (*see* Pls.' Resp. at 14) is a *non sequitur*.⁷ Courts across the country have routinely quashed similar, burdensome efforts (*see* Mot. at 7–10) and this Court should do the same.

Iowa 1992) (allowing deposition in case regarding termination notice *where president admitted* that “he approved the sending of the conditional termination notice”); *Crest Infiniti, II, LP v. Swinton*, 2007 OK 77, ¶ 20, 174 P.3d 996, 1005 (issuing a writ of prohibition directing the trial court “not to enforce its order requiring [deponents] to appear for depositions”); *Apple Inc. v. Samsung Elec. Co., Ltd.*, 282 F.R.D. 259 (N.D. Cal. 2012) (allowing limited depositions of high-ranking executives *where there was substantial evidence that the executives had unique personal knowledge* and personal roles in the challenged actions); *Gauthier v. Union Pac. RR. Co.*, No. 1:07-CV-12 (TH/KFG), 2008 WL 2467016, at *4 (E.D. Tex. June 18, 2008) (*quashing* deposition notices to four current and former executives of defendant, holding that “Plaintiffs should first attempt to obtain the sought information through . . . less burdensome means of discovery”).

⁷ Plaintiffs' references to State Farm's profitability are also red herrings, because proportionality must be determined “in an even-handed manner that will prevent use of discovery to wage a war of attrition or as a device to coerce a party, *whether financially weak or affluent*.” *Lawson v. Spirit AeroSystems, Inc.*, No. 18-1100-EFM-ADM, 2020 WL 3288058, at *14 (D. Kan. June 18, 2020) (emphasis added); *see also id.* (“[C]onsideration of the parties' resources does not [in the context of determining proportionality] justify unlimited discovery requests addressed to a wealthy party.”) (quoting Fed. R. Civ. P. 26(b)(1), Advisory Committee's Note to 2015 Amendment).

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that on the 6th day of August, 2026, the undersigned caused a true and correct copy of the above and foregoing to be mailed to:

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