

STATE FARM'S REPLY IN SUPPORT OF ITS MOTION FOR A PROTECTIVE ORDER CONSOLIDATING THE DEPOSITIONS OF WENSLEY HERBERT, THOMAS MOSS, KATHY RESS, AND SCOTT WELSH AND RESPONSE TO PLAINTIFFS' COUNTER MOTION FOR RULE 4 ORDER THAT THIS CASE IS NOT TO BE CONSOLIDATED WITH ANY OTHER CASE

State Farm's motion to consolidate the depositions of Wensley Herbert, Thomas Moss (a retired employee), ¹ Kathy Ress, and Scott Welsh (the "Motion") was a narrow request for a limitation on duplicative discovery. In contrast, Plaintiffs' Response and Counter Motion to State Farm's Motion (the "Response"), is an off point, non-responsive, and gratuitous attempt to rehash allegations of purported corporate misconduct and to seek affirmative relief (a bar on any future consolidation) that neither the law nor the facts support. As set forth further below, State Farm respectfully requests that this Court deny Plaintiffs' Counter Motion and limit the scope and duration of the depositions State Farm previously sought to consolidate

Despite Plaintiffs' decision to write a response brief about it, State Farm did *not* even ask to consolidate this case with *Hursh* or any other case for all purposes. Rather, State Farm's Motion asked this Court for one narrow form of relief: an order consolidating the depositions of Mr. Herbert, Mr. Moss, Ms. Ress, and Mr. Welsh (the "State Farm Deponents") with their already-ordered depositions in *Hursh v. State Farm Fire & Cas. Co.*, No. CJ-2025-2626 (Okla. Cty.) ("*Hursh*") because, as the Plaintiffs here and in *Hursh* have repeatedly argued, the testimony they seek from the State Farm Deponents is non-claim-specific knowledge about the Fire Model Enhancement initiative ("FME"). While all the State Farm Deponents, except Mr. Moss (*see* footnote 1), have since been deposed in *Hursh*, rendering consolidation moot, the crux of the issue remains the same: it would be duplicative for the State Farm Deponents to sit for full depositions again because Plaintiffs' counsel in this case—who is also plaintiffs' counsel in *Hursh*—seek to depose these witnesses for the same reasons on the same non-claim specific facts. Had Plaintiffs

¹ As outlined in State Farm's related Motion for a Protective Order and to Quash and/or Stay Plaintiffs' Deposition Notice of Kathy Ress, Wensley Herbert, Thomas Moss, and Scott Welsh, Plaintiffs' deposition *notice* as to Mr. Moss is invalid because it improperly requires State Farm to produce a retired employee for deposition. *See* June 11, 2026, *West* Mot. to for Protective Order and to Quash and/or Stay. Rather, a subpoena is required and has not been served or even revisited by Plaintiffs. Accordingly, Mr. Moss is excluded from the discussion in this Motion.

agreed to State Farm's proposed consolidation, they would have had a single, efficient examination of the State Farm Deponents on the FME instead of the fragmented session now at issue—a result of their own uncompromising approach to these depositions.²

Plaintiffs do not meaningfully oppose the relief State Farm requests or the general principle of limiting discovery for the purpose of judicial economy and to avoid unnecessary burden on litigants and their employees. Moreover, instead of addressing the authorities and issues State Farm raises, Plaintiffs' Response repeatedly miscasts the Motion as a bid to consolidate this entire case with *Hursh*, and additional cases Plaintiffs' counsel has brought against State Farm.³ Plaintiffs also rehash previous consolidation disputes and reiterate their mischaracterization of State Farm's FME initiative as a scheme to deny or underpay claims.⁴ Tellingly, Plaintiffs do not cite a single

² As the Court may recall, State Farm filed its consolidation motion on August 10 and flagged it at the conclusion of other hearings on August 13, 2026. At that time, the Court indicated that it would be unable to hear this Motion until mid-September due to its pending three-week jury term, and that the parties should attempt to resolve it. Accordingly, State Farm offered to add an additional hour of testimony to each deponent's time in *Hursh* and present the witnesses in *West* at the same time as *Hursh*, but Plaintiffs refused that offered compromise and made no alternative one. See email, Ex. 1 hereto. Instead, the depositions occurred in *Hursh*—with no consolidation agreement from Plaintiffs—on August 26, 27 and 28. Thus, far from the delay Plaintiffs argued at the hearing, accepting State Farm's offer would have resulted in the quicker completion of these depositions in this case. Now, with the *Hursh* depositions completed in August, the Court's order that the depositions occur in this case by September 14 (State Farm is producing the deponents on September 15, 16 and 17 by agreement so they can occur successively in Bloomington), and the Court's indication that it could not consider any expedited requests until after jury term, the Court may not hear State Farm's modified request to limit the depositions in lieu of complete consolidation in time to prevent full depositions of these witnesses again. Nonetheless, State Farm submits this reply/response to show the burden counsel's unwillingness to compromise on these issues has created, as well as to respond to their cross-motion.

³ See, e.g., Response at 6, 8.

⁴ Plaintiffs filed this Response a week early and the day after the Court's Order partially granting Plaintiffs' motion challenging the confidentiality designations of some documents State Farm had produced. The Court's order de-designated certain documents, and Plaintiffs gratuitously attached nearly all of the de-designated documents to this response, purportedly to support their scheme allegations. However, given that those allegations have nothing to do with the merits of whether the same deponents should be deposed multiple times on the same alleged scheme, the goal instead appears to have been to publish the exhibits of public record. Indeed, it is the exhibits to this Response that the media is widely using to report on the documents. (State Farm secret documents

case holding that consolidating or limiting depositions of common, non-claim-specific witnesses who would provide repetitive testimony, such as the State Farm Deponents, is improper. Nor do they cite any case suggesting that a court lacks broad discretion to limit discovery as needed.

As Plaintiffs are aware, the State Farm Deponents do not have personal knowledge of the handling of the insurance claim at issue in this case. The only reason Plaintiffs' counsel seeks their testimony here, which was the same reason Plaintiffs' counsel sought their testimony in *Hursh*, is to inquire as to the State Farm Deponents' knowledge of the FME. Indeed, Ms. Manduca, whom Plaintiffs' counsel has already deposed, is the person with the most specific knowledge on the FME topics pursued by Plaintiffs. Nonetheless, Plaintiffs' counsel *already*—and extensively—covered the FME with the State Farm Deponents in *Hursh*, and those depositions revealed that these deponents, particularly Ms. Ress, have very limited knowledge of the FME. This lack of FME knowledge is particularly salient given this Court ordered the depositions because Plaintiffs had argued these deponents were knowledgeable about the FME. *See* June 24, 2026 *West* Order.

revealed after judge lifts protective order | KFOR.com Oklahoma City). But Plaintiffs' focus on the scheme allegations actually reinforces, rather than undermines, the need for the limited relief State Farm seeks here. These witnesses have no case specific information yet Plaintiffs' counsel is seeking to subject them to multiple depositions on the same subject matter, serving only to disrupt their work and personal lives rather than conferring any benefit to the individual plaintiffs.

- The Court after hearing argument & considering the filings, finds as follows:

- Plaintiffs have shown that all 4 Noticed deponents have knowledge of State Farm WHMET &/or FME. Therefore, the testimony of all 4 Noticed Deponents is relevant. According to *Barlow v. State Farm* (Civ-25-44-R), discovery tools may be used in any sequence so deposing corporate higher ups before claims adjuster is not improper. SO ORDERED.

GRANT SHEPHERD
DISTRICT JUDGE

* Δ's Motion to Quash depositions of Ress, Herbert, Moss & Welsh are denied.

As such, there is no legitimate reason for Plaintiffs to depose the State Farm Deponents for countless hours on the same subject matter.

The need to restrict duplicative testimony is particularly necessary to protect Ms. Ress, who testified during her six-and-a-half-hour deposition in *Hursh* that she was not involved in the FME. See Ex. 2, relevant excerpts of Deposition of Kathy Ress, *Hursh v. State Farm*, No. CJ-2025-2626 ("Ress Dep.") at pp. 339; 346:3-4. Ms. Ress thus has no relevant testimony that others cannot better address. See June 11, 2026 MTQ.

Without any authority or reason whatsoever, Plaintiffs also use their Response to file a Counter Motion requesting that the Court remove this "case[]" from any future consolidation order."⁵ Response at 6. Certainly, there is no authority supporting that kind of pre-emptive order. A court, whether through consolidation under 12 O.S. § 2018(C) or another method, "shall limit the frequency or extent of discovery otherwise allowed if it determines that" it is "unreasonably

⁵ Plaintiffs also stated they will file the same motion in *Hursh*. Response at 6.

cumulative or duplicative,” “can be obtained from some other source that is more convenient, less burdensome, or less expensive,” or is not “relevant to any party’s claim or defense, reasonably calculated to lead to the discovery of admissible evidence and proportional to the needs of the case[.]” 12 O.S. § 3226(A)(1), (B)(2)(c) (emphasis added).

Accordingly, State Farm asks that the Court: (1) deny Plaintiffs’ Counter Motion; and (2) strictly limit the duration and scope of the depositions of Mr. Herbert, Mr. Welsh and Ms. Ress in this case to two hours and only on topics their counsel did not address in their *Hursh* depositions.

A. Plaintiffs’ Response Seeks to Foreclose Relief State Farm Did Not Request and Does Not Meaningfully Address State Farm’s Motion.

As an initial matter, Plaintiffs responded to a motion State Farm did not file. Plaintiffs reframe the Motion as a request to consolidate this entire case with *Hursh* (and other cases Plaintiffs’ counsel has brought against State Farm). For example, Plaintiffs ask, “Why does State Farm now seek . . . consolidation of two cases proceeding against two different agent defendants across two different counties?” Response at 6. But State Farm did not request the described consolidation. Rather, State Farm asked for an order consolidating the *depositions* of the State Farm Deponents in this case with their depositions in *Hursh*.⁶

Plaintiffs do not meaningfully respond to the request in State Farm’s Motion. They fail to cite any authority holding that consolidation of depositions is improper. And rather than address the relief sought (i.e., the consolidation of the State Farm Deponents’ depositions), Plaintiffs use their Response to rehash stale consolidation disputes and unsupported allegations about a purported plan to deny or underpay claims. Plaintiffs also fail to cite, distinguish, or even acknowledge the authority on which the Motion relies, all of which clearly supports a court’s

⁶ Plaintiffs appear to be at least somewhat aware of the true relief sought in the Motion, given they inconsistently identify it in their Response. However, Plaintiffs’ erratic identification of the Motion’s request is puzzling at best.

authority to consolidate cases, in whole or in part. *See* Mot. at 4-7 (collecting authorities). To the contrary, Plaintiffs’ “response” offers 285 pages of non-responsive material.

B. Plaintiffs’ Counter Motion for an Order Barring Consolidation of This Case with Any Other Case Should Be Denied As Contrary to Law.

Plaintiffs’ Counter Motion lacks any merit. Plaintiffs ask the Court to enter an order removing this case “from any future consolidation order”—not just as to the depositions of the State Farm Deponents, but as to any consolidation, for any purpose, in any future proceeding. Response at 6. Paradoxically, in the same breath, Plaintiffs claim State Farm’s Motion for *this Court* to decide whether to allow consolidation of a deposition the Court itself ordered, “attempts to rob this Court and Judge Palumbo [in *Hursh*] of the ability to control their own dockets and orders[.]” *Id.* To the contrary, that is precisely what Plaintiffs are attempting to do with their Counter Motion. They are trying to stifle any court that may deem some form of consolidation with this case proper. Oklahoma County Rule 9, which Plaintiffs cite (*see, e.g.*, Response at 9, 17), specifically states that the authority to make consolidation decisions under that Rule resides with the judge assigned to the lowest-numbered case. Oklahoma County R. 9. Plaintiffs’ request is an attempt to usurp the power the judge presiding over that case would have to do so. Plaintiffs cite no statute, rule, or case supporting relief of such overreach and breadth.

To the contrary, as outlined in detail in the Motion, the law clearly supports a court’s “broad discretion” to consolidate. *Kent v. City of Oklahoma City*, 2020 OK CIV APP 21, ¶ 34, 467 P.3d 726, 734; 12 O.S. § 2018(C) (“[W]hen actions involving a common question of law or fact are pending before the court, it . . . may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.”); *Hernandez-Blanco v. Grant*, No. CIV-26-278-R, 2026 WL 543769, at *1 (W.D. Okla. Feb. 26, 2026) (noting courts have “broad discretion to decide whether consolidation . . . would be desirable”) (quoting

9A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2383 (3d ed. 2008)).⁷ This is true even if the cases to be consolidated, in whole or in part, are from different counties, despite Plaintiffs’ unsupported contention that such consolidation is “unprecedented.” Response at 6. Courts in Oklahoma have, in fact, consolidated cases from different counties. *See, e.g., Phillips v. Nat’l Oilwell Varco, LP*, 2024 OK CIV APP 4, ¶¶ 3, 26-27 (consolidating cases from Oklahoma County and Canadian County). ***But that is not even the request State Farm is making and there is no basis for this anticipatory motion.***

Plaintiffs also attempt to argue for an order barring any future consolidation with this case by stating that “[t]he cases where the plaintiffs are represented by the undersigned attorneys are facially inappropriate for consolidation across different counties” because they have different facts, involve different agencies, are in different stages of litigation, and consolidation could cause confusion. Response at 8. As an initial matter, this argument misses the point because State Farm’s Motion only sought consolidation of depositions in this case and in *Hursh*, not the type of global consolidation Plaintiffs describe in their Motion. *See* Section A. Regardless, Plaintiffs fail to acknowledge that—despite the case-specific factual differences among the cases involving their counsel—the discovery they are seeking regarding the FME (and other corporate policies and practices on which they seek to examine the same witnesses) are identical across the cases. So, while State Farm maintains that discovery across these cases should be case- and fact-specific, ***Plaintiffs*** have argued them as “pattern and practice” cases involving identical discovery.

⁷ Because “[t]he Oklahoma Discovery Code mirrors the Federal rules,” *Meritor, Inc. v. State ex rel. Bd. of Regents of Univ. of Okla.*, 2019 OK CIV APP 64, 451 P.3d 914, 922 n.15, Oklahoma courts often look to “discovery procedures in the federal rules when construing similar language in the Oklahoma Discovery Code.” *Crest Infiniti, II, LP v. Swinton*, 2007 OK 77, ¶ 2, 174 P.3d 996, 999. *See also A-Plus Janitorial & Carpet Cleaning v. Employers' Workers' Comp. Ass’n*, 1997 OK 37, 936 P.2d 916, 928 (“The terms of 12 O.S.1991 § 2018(C) and (D) are identical to Federal Rule 42, Fed. R. Civ. P. [the consolidation-relevant statutes]”).

Plaintiffs argument is also inconsistent with the nine pending federal court cases in which courts have granted State Farm's motions for protective orders consolidating the depositions of Nicole Manduca, who, like the State Farm Deponents, was not involved in individual plaintiffs' insurance claims but whom counsel (again, the same counsel here as in all of these federal cases) alleged was a participant in the FME initiative and the same supposed "scheme" alleged in this action. Mot. at 6-7. The Court allowed consolidation in these nine cases, despite their factual differences, because "common topics . . . were likely to be explored" in all of Ms. Manduca's depositions (i.e., the FME). *See, e.g., Newell v. State Farm Fire & Cas. Co.*, No. 5:25-cv-005620-R (W.D. Okla.) (Dkt. No. 54 at 2). Further, all cases "contain similar—if not identical—allegations related to State Farm's alleged company-wide scheme to reduce wind and hail payments," the same scheme alleged here. *Id.* As such, whatever differences may exist between this case and others Plaintiffs' counsel has filed with similar allegations, those differences do not support a blanket bar on consolidation, especially as to depositions where the same testimony is being sought on the same topics.⁸

The law is clear that courts have discretion to consolidate cases, either in whole or in part. Plaintiffs have not offered any authority that supports their request to remove this case from any other consolidation order. For these reasons, the Court should deny Plaintiffs' Counter Motion.

C. Because Plaintiffs Seek the Same FME Testimony from the State Farm Deponents in This Case as in *Hursh*, It Should Limit the Scope and Duration of Ms. Ress's, Mr. Herbert's and Mr. Welsh's Depositions.

⁸ As to Plaintiffs' contention that there might be some potential for confusion if this case were consolidated with any others in which Plaintiffs' counsel here also represents the plaintiffs there, they entirely ignore the reasons State Farm outlines in the Motion as to why there is little risk of confusion. *See* Mot. at 12. Put simply, there is little risk of confusion if Plaintiffs' counsel continues to bring substantially the same case against State Farm, with substantially the same allegations, and to seek substantially the same testimony from witnesses.

As the Motion discusses at length, this Court has authority to limit the frequency and extent of duplicative discovery. *See* 12 O.S. § 3226(B)(2)(c)(1) (“[T]he court shall limit the frequency or extent of discovery otherwise allowed if it determines that . . . the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive.”); *see also* Mot. at 4-6 (collecting authorities). Courts routinely limit depositions of witnesses whose knowledge does not vary across overlapping matters. *See, e.g.,* Motion at 10-13; *McSharry v. UnumProvident Corp.*, No. 00-00804 SOM/BMK, 2002 WL 32080544, at *2–3 (E.D. Tenn. Aug. 9, 2002) (ordering a single, consolidated deposition rather than subjecting a witness to repeat examination “concerning the same subject”); *Hicks v. Grove*, No. ELH-12-1422, 2014 WL 768685, at *2 (D. Md. Feb. 25, 2014) (limiting duplicative depositions “to save the parties and the witnesses the time and expense of conducting separate depositions, and to avoid establishing the same background facts twice”).

While the relief State Farm requested in the Motion (i.e., consolidation of the State Farm Deponents’ depositions in this case with their depositions in *Hursh*) is no longer available because the State Farm Deponents have already been deposed in *Hursh*, the underlying issue raised in the Motion remains the same given that Plaintiffs’ counsel seeks to depose the State Farm Deponents on an *identical topic*: the FME. If anything, the concerns about duplication the Motion raises are no longer prospective but concrete. Plaintiffs have not identified any topic relevant to their claim that their counsel could not have explored in the *Hursh* depositions (or had not already explored in the Manduca deposition), nor can they. Indeed, Plaintiffs have consistently maintained that the State Farm Deponents’ relevance is their knowledge of the FME. *See* Motion at 3 (Plaintiffs conceded the State Farm Deponents do not have a connection to the claim at issue) (citing June 26, 2026 *West Pls.’* Resp. to State Farm’s Mot. to Quash). Under these circumstances, permitting Plaintiffs to retake hours of largely duplicative testimony in this case—rather than a targeted,

limited session addressing anything genuinely new—would be unreasonably cumulative and disproportionate to the needs of the case. 12 O.S. § 3226(B)(2)(c)(1). Accordingly, the Court should limit the testimony of Mr. Herbert, Mr. Welsh and Ms. Ress to two hours and only to issues not already addressed by the same Plaintiffs’ counsel in their *Hursh* depositions.

The need to limit the deposition of Ms. Ress is particularly acute given her testimony in *Hursh* revealed that she has virtually no knowledge about the FME – the topic on which Plaintiffs insisted her deposition. Indeed, Ms. Ress’s first deposition should not have lasted even 6 hours, let alone the 12 total Plaintiffs now pursue. During her *Hursh* deposition, Plaintiffs’ counsel questioned her repeatedly about the FME and she explicitly testified that she “was not involved in the FME work[.]” Nonetheless, counsel continued to press asking, “Speaking of the FME, . . . who came up with this concept at State Farm[?]” Again, Ms. Ress testified “I don’t have personal knowledge of that, . . . of how it started when you talk about the brainchild of FME.” Ex. 2, Ress Dep. at p. 282:1-9. When asked to confirm that she was “not a member of the fire model enhancement team,” Ms. Ress testified, “That is correct. I was not a member nor a sponsor of that work.” Ex. 2, Ress Dep. at p. 339:7-11.

Counsel’s conduct in questioning Ms. Ress further underscores the need to limit the depositions. Plaintiffs’ counsel was increasingly hostile and condescending to Ms. Ress, and, at times, threatened to have her sanctioned when he did not like her answer. For example:

- Counsel pressed Ms. Ress to answer an unsupported hypothetical, then threatened to certify the question and seek sanctions when she explained she lacked context. After he continued pressing her to “get one more try,” she testified: “I feel like you’re being very oppressive with me and I’m not understanding what you’re trying to get me to say.” Ex. 2, Ress Dep. at p. 158:13-161:1.
- Counsel misrepresented to Ms. Ress that the Court ordered her deposition based on her knowledge of the claim at issue. Ex. 2, Ress Dep. at p. 60:18-24.
- Counsel repeatedly spoke to Ms. Ress in a condescending manner, at one point demanding a “true or false” answer and remarking, “I’m going to give you a little

-- you remember when we were kids we had true or false tests?" Ex. 2 Ress Dep. at p. 61:5-13.

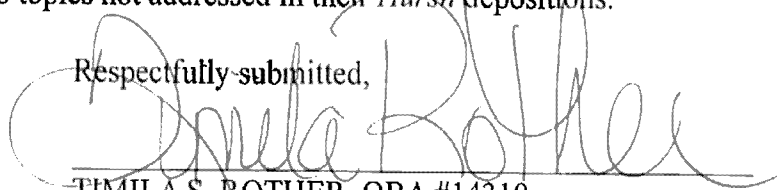
- Ms. Ress testified that "[t]here was only one time . . . I received adequate time [to review an exhibit], and that was at the beginning of the deposition, but throughout I was urged not to look at it." Ex. 2, Ress Dep. at p. 340:17-341:1.

Thus, not only is another full deposition of each witness duplicative, a limitation of the deposition is necessary to prevent the ongoing lack of civility of the questioning.⁹ Accordingly, State Farm requests that the Court order that any further deposition of Ms. Ress, Mr. Herbert and Mr. Welsh be limited to two hours and solely confined to questions not already explored by Plaintiffs' counsel in their depositions in *Hursh*.

CONCLUSION

State Farm respectfully requests that the Court: (1) deny Plaintiffs' Counter Motion, (2) strictly limit the duration and scope of any further deposition of Ms. Ress, Mr. Herbert and Mr. Welsh in this case to two hours and to topics not addressed in their *Hursh* depositions.

Respectfully submitted,



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NANCY HOLCOMB INS. AGENCY, INC.**

⁹ This conduct at Ms. Ress's deposition in particular was like that of Ms. Manduca's deposition and the reason that State Farm has pending its Motion for Entry of a Deposition Protocol, filed July 27, 2026.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served by U.S. Mail, postage prepaid, this 10th day of September, 2026, to:

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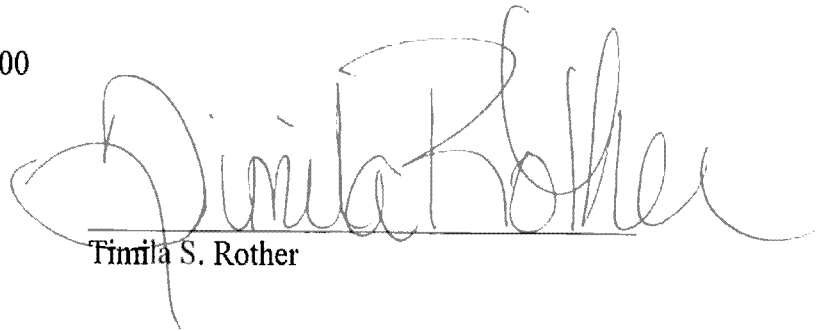
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A handwritten signature in black ink, appearing to read "Timila S. Rother", is written over a horizontal line. The signature is fluid and cursive.

Timila S. Rother

Exhibit 1

Timila S. Rother

From: Hannah Whitten <hwhitten@whittenburrage.com>
Sent: Friday, August 14, 2026 11:22 PM
To: Timila S. Rother
Cc: Reggie N. Whitten; Michael Burrage; Blake Sonne; Brad Burgess; Colby Stephenson; Ryan Deligans; Lance Leffel; Paige Masters; Amanda Finch
Subject: Re: West v. State Farm - Pending Deposition Scheduling

Follow Up Flag: Follow up
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ALERT: Email contains attachments from external sender. Be cautious.

Ms. Rother,

As we have told you, Judge Palumbo did not order any consolidation of the depositions she set by court order and object to any such consolidation. The depositions are not proper to consolidate across different counties and there is no such court order to do so.

Best,

Hannah Whitten

On Aug 14, 2026, at 5:01 PM, Timila S. Rother <timila.rother@crowedunlevy.com> wrote:

Counsel,

In discussing our Motion to Consolidate the Depositions at the end of the hearings yesterday, the Court suggested that we try and work something out on the depositions that overlap with Hursh. Therefore, for Wensley Herbert, Scott Welsh and Kathy Ress, we would propose the addition of one hour of deposition time to the six hours allotted by rule to be used to inquire about anything specific to West, to occur on the date currently scheduled for those depositions in Hursh – Aug 27 (Herbert), Aug 28 (Welsh) and Aug 29 (Ress). As I noted, that should allow for their depositions to occur in West faster than we would be able to get them scheduled otherwise. And, we are certainly willing to work on such a plan as to Mr. Moss as well but as he is not an employee and a subpoena is necessary, we can address that at a later time as I understand that remains pending in Hursh as well.

Thanks
Timila

Timila S. Rother

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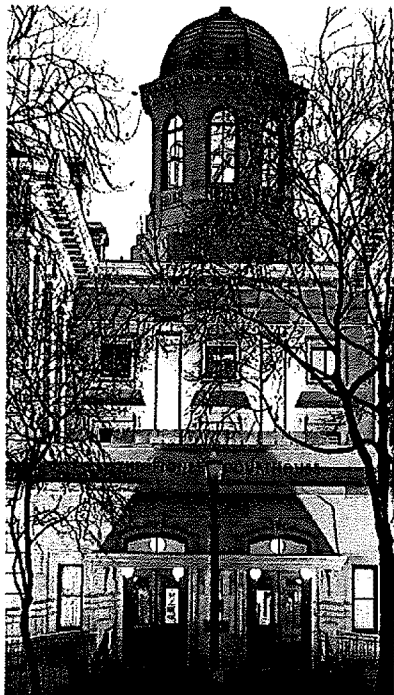
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—
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Exhibit 2



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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

BILLY and LACY HURSH,

Plaintiffs,

v.

Case No.: CJ-2025-2626

STATE FARM FIRE AND CASUALTY COMPANY;

MARK D. WELTY; and MARK D. WELTY

INSURANCE AGENCY, INC.,

VIDEOTAPED DEPOSITION OF

KATHY RESS

TAKEN ON

FRIDAY, AUGUST 28, 2026

9:18 A.M.

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NORMAL, ILLINOIS 61761

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CERTIFIED QUESTIONS

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1 of operations from saying, I want to see what's
2 going on with these Hursh folks. I want to see
3 what's going on with them. I'm going to go look and
4 see what's been going on in that claim file. True?

5 A. Well, I shouldn't be going into claim file
6 unless I had a reason to go in the claim file. And
7 generally I didn't -- there wasn't an escalated
8 complaint to me. I wasn't involved in that, didn't
9 oversee the -- or was a vice president at the time
10 over their claims.

11 Q. I don't mean to be condescending. When
12 you say there wasn't an escalated complaint to you,
13 a judge ordered you to give your deposition. That's
14 never happened before, correct?

15 A. Correct.

16 Q. Your lawyers fought to keep you from
17 having to give a deposition. That's never happened
18 before in your life, correct?

19 A. No.

20 Q. Am I correct?

21 A. You are correct.

22 Q. Okay. And so when you say it hasn't been
23 escalated, this is the most escalation you've had in
24 your professional career. Isn't that true?

25 MR. LEFFEL: Objection, form.

1 You can go ahead.

2 MR. DELIGANS: On a claim, this is --
3 that's a good objection, by the way. I'll sustain
4 that one.

5 MR. LEFFEL: Thanks.

6 BY MR. DELIGANS:

7 Q. On a claim from one of your insureds, this
8 is the most escalated claim you've had in your
9 career, to have to sit in that chair and give under-
10 oath testimony to our Court and jury in Oklahoma;
11 isn't that true?

12 MR. LEFFEL: Same objection.

13 You can go ahead.

14 THE DEPONENT: This claim did not come to
15 me. I wasn't -- my teams, to my knowledge, were not
16 involved in any of the claim handling.

17 BY MR. DELIGANS:

18 Q. This claim, the Hursh claim, a judge in
19 Oklahoma said that you have knowledge that you can
20 testify on in this claim. I'm asking you simply,
21 this is the most escalated a claim has ever gotten
22 in your professional career, for you to have to sit
23 in a chair and give sworn testimony to our Court and
24 jury. True or false?

25 MR. LEFFEL: Form.

1 Go ahead.

2 THE DEPONENT: I don't have any personal
3 knowledge of this claim.

4 BY MR. DELIGANS:

5 Q. I didn't ask that. Okay? Answer my
6 question. True or false. I'm going to give you a
7 little -- you remember when we were kids we had true
8 or false tests? True or false, this claim and you
9 having to sit in the chair and a judge finding that
10 your deposition, and actually the Oklahoma Supreme
11 Court, ordering you to be in this chair today is the
12 most escalated claim that you've ever been a part
13 of? True or false.

14 MR. LEFFEL: Objection, form.

15 Go ahead.

16 THE DEPONENT: It is true, that is the
17 first time I have been --

18 BY MR. DELIGANS:

19 Q. All right.

20 A. -- deposed on a specific claim.

21 Q. All right. Now, based on your training,
22 background, and experience when you were a claims
23 handler, what was your working definition of good
24 faith?

25 A. So from a good faith perspective, it's

1 Q. Because that would be egregious bad faith,
2 wouldn't it?

3 MR. LEFFEL: Objection, form.

4 Go ahead.

5 BY MR. DELIGANS:

6 Q. Wouldn't it?

7 A. I disagree with how you're characterizing
8 that and what -- and what you're trying to get me to
9 say, which I disagree with.

10 Q. I'm not trying --

11 A. Because you haven't showed me the
12 document.

13 Q. Ma'am, it's my deposition. I don't have
14 to. I can impeach with documents. I can do all
15 kinds of things. I know this is your first go-
16 around, but you provide testimony, I provide
17 questions.

18 And so I'm going to ask my question one
19 more time, then I'm going to move to sanction State
20 Farm and you for not answering my question, and I'm
21 going to do that with Judge Palumbo, and I'm going
22 to get an answer to my question.

23 So I'm going to ask it one more time, let
24 him make an objection, and let anybody on this side
25 of the table tell you not to answer it, okay?

1 MR. LEFFEL: So I object to the soliloquy
2 and the --

3 MR. DELIGANS: I don't even know what that
4 means.

5 MR. LEFFEL: -- to intimidate this witness
6 with your statements.

7 MR. DELIGANS: I'm not trying to
8 intimidate anyone. I'm just saying what y'all
9 didn't do was provide her what Judge Palumbo said on
10 the transcript, which will be attached as Exhibit
11 24, of witness conduct.

12 BY MR. DELIGANS:

13 Q. And so I'm going to ask one more time,
14 because I have it. I want to know, I want you to
15 look into the camera and I want to know, if State
16 Farm in fact behind the scenes in executive summary
17 meetings is analyzing the impact to the company to
18 the tune of 218 to 300 million dollars of employing
19 outcome-based claims handling, should our people in
20 the State of Oklahoma hold State Farm accountable
21 for that kind of conduct? Yes or no.

22 MR. LEFFEL: Objection to the form of the
23 question. Foundation.

24 Go ahead.

25 THE DEPONENT: I don't have context of

1 what you're referencing. You mentioned some
2 specific information. You're showing -- sharing a
3 document there. I am not involved in -- in directly
4 this quality claim handling, and everything that my
5 experience has been with State Farm is if we make
6 errors, we're going to make it right and put the --
7 and uphold our commitment to our policyholder.

8 MR. DELIGANS: All right, that didn't
9 answer my question. I move to certify the question.
10 I move to sanction State Farm orally. I move to
11 sanction you as a witness for refusing to answer my
12 question.

13 MR. LEFFEL: Objection to the commentary.
14 The witness did provide, saying it's inconsistent
15 with her experience based on her personal knowledge.
16 BY MR. DELIGANS:

17 Q. That wasn't my question whether it was
18 consistent or inconsistent. I asked you if it
19 happened. Do you want to answer it and get one more
20 try? Or not.

21 A. I don't even know, you're like pre-
22 supposing something with information without
23 providing a document or background, and to the
24 perspective of what you're trying to do, I feel like
25 you're being very oppressive with me and I'm not

1 understanding what you're trying to get me to say.

2 Q. I'm not trying to get you to say anything
3 but the truth. All I have is a little pencil over
4 here. I'm not trying, nobody's being aggressive
5 with you.

6 I'm trying to understand. This is a
7 cross-examination of a witness that the Oklahoma
8 Supreme Court had to order to come here. I'm trying
9 to get answers to my questions, and you're refusing
10 to answer them.

11 And so there are sanctions under the Shin
12 versus HCA case, Hicks versus Epworth Villa, that
13 the Court can employ, and I'm going to be seeking
14 them against you and State Farm for your failure to
15 answer my question. It's an easy question. Just
16 admit the obvious. Everybody knows.

17 And so if you're refusing to answer that
18 question, I'm just giving you one more time to get
19 off so I can move on. Do you want me to ask it
20 again or do you want me to move on?

21 MR. LEFFEL: Once again, I object to the
22 commentary. I object to the threats, and we object
23 to the characterization that this witness is not
24 attempting to answer the question based on her
25 personal knowledge.

1 MR. DELIGANS: I'm not making threats, and
2 I would never make threats. I'm putting everyone on
3 notice of the authority as required of what the
4 sanction could be under Hicks and under the Shin
5 cases.

6 MR. LEFFEL: I under --

7 MR. DELIGANS: So everybody here is on --
8 on notice of it, because we have out-of-state
9 lawyers in here. I know you know about it, but I'm
10 letting everybody know of what the consequences can
11 be. And I'm just letting this witness -- I'm giving
12 her another chance. If she's -- that's the best
13 she's going to do, just tell me that's the best I'm
14 going to do, Ryan.

15 MR. LEFFEL: We respectfully disagree with
16 your characterization of the forthrightness of this
17 witness and her effort to answer questions.

18 You can go ahead.

19 THE DEPONENT: Could you restate the
20 question, please?

21 BY MR. DELIGANS:

22 Q. Yes. If in fact internal documents at
23 State Farm provided in executive summaries
24 specifically state State Farm's implementation of
25 outcome-based claims handling and indicators of

1 Q. That's fine. So on the record I'm going
2 to challenge your lawyers to show our Court and jury
3 where it says it anywhere in the policy, okay? So
4 we don't waste your time, all right? Okay, you can
5 set that aside.

6 A. All of these?

7 Q. The ones we just went through on the
8 policy conditions, yes.

9 Now, did you tell me who the point of
10 contact was with Accenture, and I forgot?

11 A. I don't think we -- we discussed that
12 specifically.

13 Q. Okay. And who was the point of contact
14 with Accenture when it was dealing with the FME?

15 A. I -- I don't know specifically who the
16 point -- point of contact with Accenture was because
17 I wasn't involved in the work.

18 Q. Who was the -- who was involved the most
19 with Accenture, to your knowledge?

20 A. I don't know who was directly involved
21 with Accenture.

22 Q. Okay. You had direct involvement with
23 them, because we've seen the emails that have gone
24 back and forth with you and someone named Patrick,
25 and others.

1 A. Related to this set of work, which what
2 specific -- because I was not involved in the FME
3 work if that's what you're referencing.

4 Q. Speaking of the FME, who -- whose -- who
5 came up with this concept at State Farm to --

6 A. I don't --

7 Q. -- to go after the FME. I mean, you're a
8 vice president of operations, you're clearly
9 involved with it. Whose brainchild was this?

10 MR. LEFFEL: Objection, form.

11 Go ahead.

12 THE DEPONENT: I don't have personal
13 knowledge of that, of -- of how it started when you
14 talk about brainchild of FME.

15 BY MR. DELIGANS:

16 Q. Okay. Do you -- do you know of any --
17 whether you have personal knowledge or not, were you
18 ever on notice or hear from every -- anyone that
19 this was Nicole's idea or this was Tom's idea or
20 Scott's idea? Who as you understand it came up with
21 the concept of the FME?

22 A. My general knowledge is -- is it -- that
23 concept is pre-dated by the reinspection trends that
24 we were having in specific states. Who was involved
25 in that, I don't -- I don't know.

1 Q. Okay. And ask a question that you
2 answered -- you probably already answered, but would
3 it be accurate to say you had no involvement in the
4 Hursh claim?

5 A. I've had no involvement in the Hursh
6 claim.

7 Q. Did I understand your testimony correctly
8 that you were not a member of the fire model
9 enhancement team?

10 A. That is correct. I was not a member nor a
11 sponsor of that work.

12 Q. Okay. During the course of your
13 deposition, given what you've told us your areas of
14 focus were, were you asked questions about work you
15 were not involved in?

16 A. Most of the questions today I received
17 were not work -- about work I was not directly in --
18 involved in.

19 Q. Did you review a number of documents
20 during the course of your deposition today?

21 A. I was handed a lot of documents today,
22 yes.

23 Q. Were you shown documents that you had
24 never seen before today?

25 A. Yes, I received documents I had not seen

1 before.

2 Q. Were they documents that you wouldn't have
3 seen because they weren't related to your role at
4 State Farm?

5 A. There were documents I've never seen. My
6 -- my name wasn't on them. My role at State Farm, I
7 was not involved in the work. At times I received
8 documents that I may have attended a meeting but it
9 wasn't my area of focus.

10 Q. Were you shown documents today that not
11 only you haven't seen and not only did they not have
12 you on the distribution, but that you were not the
13 author of?

14 A. Yes, there -- there were -- I -- I believe
15 most of the documents I was not the author of, to my
16 recollection.

17 Q. When you were shown documents and -- that
18 you had never seen before and asked questions such
19 as, show me anywhere in this document where it says
20 X, did you feel like you were given adequate time to
21 review the document so you could understand it and
22 answer the questions?

23 A. There was only one time I -- I received
24 adequate time, and that was in the beginning of the
25 deposition, but throughout I was urged not to look

1 at it.

2 (WHEREUPON, Exhibit 12 was marked for
3 identification.)

4 BY MR. LEFFEL:

5 Q. Okay. I want to just ask you about one
6 document you were shown, and I'll give you my copy
7 because I'm such a good boy, but it's Exhibit 12.
8 Do you remember reviewing Exhibit 12 today?

9 A. Yeah, we talked about a -- a portion of
10 Exhibit 12.

11 Q. Is Exhibit 12 a conversation -- who were
12 you having a conversation with -- well, let me back
13 up. What is Exhibit 12?

14 A. It -- Exhibit 12 is a -- a very brief
15 conversation that I had with Nicole Manduca.

16 Q. Is it a transcript of what we refer to as
17 instant messaging?

18 A. Yeah, it was an informal instant message,
19 absolute -- yes.

20 Q. Well, there's been a lot of discussion
21 about this document in this deposition and others.
22 Can you -- can you tell us, as a participant to that
23 conversation, what's the context of this
24 conversation?

25 A. So this is a conversation that I shared

1 earlier in -- in my responses today that I was
2 responsible for organizing various executive
3 meetings, and in this case I reached out to Nicole.
4 I was -- she was a mentee of mine, asking her would
5 she have her work prepared to present to Executive.

6 And it comes from my mentoring
7 relationship where I was specifically helping grow
8 her and -- and develop her in her communication
9 skills, and giving her a -- frankly an opportunity
10 to be in front of an executive team that she hasn't
11 had that opportunity before, to my recollection.

12 Q. And the way that the document reports the
13 conversation, are there certain -- are there lines
14 where Ms. Manduca is speaking?

15 A. Yeah, she responds to -- to my question.

16 Q. But generally throughout the course of the
17 document, it -- it -- does it identify who the
18 speaker is or who's writing the instant chat
19 message?

20 A. Yeah, it's very clear. It's between
21 Nicole Manduca and I.

22 Q. Okay. On one of the comments or lines
23 that uses some casual language like you would expect
24 to see in an instant message, that has been
25 discussed here and in other proceedings is the line

1 BY MR. DELIGANS:

2 Q. Okay. So --

3 A. But I'm not directly involved in -- in FME
4 in a substantive nature, design, creation of FME.

5 Q. Right. Who reached out to you to reach
6 out to her to lead the FME?

7 A. My recollection is that came from the
8 executive sponsors who were Wendy Mazza.

9 Q. And?

10 A. And I -- I think Greg Jones, but my
11 recollection was a conversation with Wendy Mazza.

12 Q. Okay. And --

13 A. It -- it's the norms at State Farm that --
14 that claim managers worked on projects other than
15 them reporting to you.

16 Q. All right. Now, pull up Exhibit 16 over
17 there. You have it.

18 A. In this pile here?

19 Q. Yes. While you're looking for that, ma'am
20 --

21 A. Did you say 16?

22 Q. I did, ma'am.

23 A. Okay. I just found it at the bottom.

24 Q. All right. We've talked about this
25 document earlier today. It's your testimony to our