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Case Number CJ-2025-135

IN THE DISTRICT COURT OF COMANCHE COUNTY
STATE OF OKLAHOMA

NEIL and LACY WEST,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CJ-2025-135
	)	
STATE FARM FIRE & CASUALTY COMPANY and NANCY HOLCOMB INS. AGENCY, INC.,	)	
	)	
Defendants.	)	

DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S REPLY IN SUPPORT OF MOTION FOR ENTRY OF A PROTECTIVE ORDER AND DEPOSITION PROTOCOL GOVERNING COUNSEL'S CONDUCT AT DEPOSITIONS

Plaintiffs' Response to State Farm's Motion for Deposition Protocol cites no case, statute, rule, or any other authority barring the Court from entering State Farm's proposed Deposition Protocol as written. In fact, Plaintiffs do not even address the Protocol's provisions. Nor do they seriously argue that Mr. Whitten's behavior at Ms. Manduca's deposition was appropriate. Instead, Plaintiffs hang their hat on a baseless contention that counsel's conduct was justified because Ms. Manduca was a "hostile and unresponsive witness." (*See* Pls.' Resp. at 1.) But neither the Local Rules nor the OBA's Standards of Professionalism excuse violations based on a witness's alleged unresponsiveness, though the record does not bear out the contention in any event. Instead, Plaintiffs' counsel's recent inappropriate behavior at Ms. Ress's deposition—including repeatedly threatening, interrupting, and belittling the witness—further solidifies that Plaintiffs' counsel do not believe the civility rules apply to them, and confirms why this Protocol is necessary.

I. THERE IS NO JUSTIFICATION FOR COUNSEL'S MISCONDUCT.

As an initial matter, Plaintiffs' counsel's misconduct at Ms. Manduca's deposition cannot be justified. In its Protocol Motion, State Farm identified numerous examples of that misconduct, quoting directly from the deposition transcript. No "context" permits such behavior. Neither Local Rule 28 nor the Standards of Professionalism allow a questioning attorney to interrupt, shout at, or threaten a witness, accuse a witness of lying for disagreeing with counsel's theory of the case, or prevent a witness from providing context for her answers. The transcript, submitted with State Farm's Protocol Motion, speaks for itself. And, Plaintiffs' failure to address the specific misconduct quoted in State Farm's motion is telling.

Having no argument that Mr. Whitten's behavior was proper, Plaintiffs copy and paste from their Motion for Sanctions to suggest that his conduct was justified because Ms. Manduca was "unresponsive." But, as State Farm explained in its Opposition to Plaintiffs' procedurally improper Motion for Sanctions, Plaintiffs have not identified—and cannot identify—a single question that

Ms. Manduca failed to answer.[1] (*See* Opp. at 10–12.) The same is true here: Plaintiffs' three purported examples of Ms. Manduca's "unresponsive[ness]" omit context showing that she properly answered each question. (*See id.*) In any event, Plaintiffs' continued insistence that their counsel's misconduct was somehow "justified" only underscores the necessity of a Protocol to prevent further disputes over counsel's misconduct in any additional depositions in this matter.

II. STATE FARM IS NOT REQUIRED TO FILE A BAR COMPLAINT OR MOVE FOR SANCTIONS BEFORE REQUESTING A PROTOCOL.

Plaintiffs' "legal" argument—that State Farm cannot ask the Court to enter a Deposition Protocol unless it first files a bar complaint or moves for sanctions against Plaintiffs' counsel (*see* Pls.' Resp. at 9–12)—is baseless. Plaintiffs cite no authority requiring State Farm to pursue either course before seeking a protocol to govern depositions. Nor is there any authority preventing a party from alerting the Court about deposition misconduct before seeking sanctions.[2]

There is no authority because that is not the law. Pursuant to 12 O.S. § 3226(C), the Court, upon good cause shown, "may enter ***any order*** which justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression or undue delay, burden, or expense," including an order specifying "that ***the discovery may be had only on specified terms and***

[1] As set forth in State Farm's Opposition, counsel's questions regarding inapplicable, hypothetical legal scenarios are improper, and Ms. Manduca was not required to answer such questions. (*See* Opp. at 8–10); *see also Miller v. Vill. of Pinckney*, No. A 07-CV-10928-DT, 2008 WL 4190619, at *1 (E.D. Mich. Sept. 9, 2008) (denying "Plaintiff's request to have Defendant appear at another deposition" where the Defendant purportedly failed to answer incomplete hypotheticals, reasoning that "[q]uestions based upon facts not established or an incomplete statement of the facts are not proper"); *Howira v. New York City Health and Hosp. Corp.*, 249 A.D. 3d 506, 507 (N.Y. App. Div. 2026) (denying motion for sanctions for refusal to answer questions invoking "hypothetical scenarios not before the deponents").

[2] Ironically, in the very brief in which Plaintiffs insist on such a prerequisite, they accuse State Farm's counsel of misconduct in other depositions (although neither they nor any other plaintiff has moved for sanctions or filed any bar complaint against State Farm's counsel). (*See* Pls.' Resp. at 12–14.) If, as Plaintiffs insist, a party cannot allege attorney misconduct before filing a bar complaint or motion for sanctions, their Response should be stricken for that very reason. In all events, they have no examples of even remotely parallel conduct.

conditions." 12 O.S. § 3226(C) (emphasis added); *see also* 12 O.S. § 3226.1. If Plaintiffs' flawed argument was correct, no court could enter an order protecting a defendant's trade secrets until the plaintiff affirmatively disclosed the critical information to a competitor or enter any order protecting a third-party's personal identifying information until after the information was already disseminated.

A motion for sanctions, like a bar complaint, is a separate ***post hoc*** procedure for addressing misconduct: it does not prevent the Court from adopting well-settled procedures to avoid the harm before it occurs. That is why courts across the country, applying the analogous Federal Rules of Civil Procedure,[3] have entered similar deposition protocols. (*See* Protocol Motion at 11–12.) Despite Plaintiffs' overwrought rhetoric, there is nothing "self-serving" or "weaponized" about the proposed Protocol. (*See* Pls.' Resp. at 12.) State Farm seeks a protective order and deposition protocol—rather than sanctions or a bar complaint—to lower the already heated temperature created by Ms. Manduca's deposition, and to avoid further disputes and discourteous and abusive treatment of witnesses caused by counsel's conduct. Like protocols entered by courts across the country, the Protocol simply requires counsel to comply with existing law governing witness questioning, deposition instructions, and the use of exhibits. Plaintiffs' apparent belief that those requirements somehow advantage State Farm only confirms why the Protocol is necessary: to prevent the same issues from recurring at each subsequent deposition in this case.[4]

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[3] Because "[t]he Oklahoma Discovery Code mirrors the Federal rules," *Meritor, Inc. v. State ex rel. Bd. of Regents of Univ. of Oklahoma*, 2019 OK CIV APP 64, ¶ 20 n.15, 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.

[4] State Farm does not object to Plaintiffs' request that depositions of State Farm witnesses "occur in the presence of [the Court]" (*see* Mot. at 12); but such an "alternative" proposal does not address one of the primary issues here—Plaintiffs' counsel's improper refusal to provide copies of exhibits to the deponent and to State Farm's counsel. (*See* Protocol Motion at 17–20.) Thus, State Farm respectfully submits that entry of the Protocol is necessary regardless of a deposition's location.

III. PLAINTIFFS' UNSUPPORTED ACCUSATIONS OF MISCONDUCT AT OTHER DEPOSITIONS AND CONTINUED TRANSGRESSIONS FURTHER SUPPORT ENTRY OF A DEPOSITION PROTOCOL.

Plaintiffs argue that any protocol would be "pointless" because State Farm's counsel purportedly committed "blatant violations" of the Protocol in other depositions. That argument makes no sense. The proposed Protocol would bind ***all*** counsel, including State Farm's. If Plaintiffs believe State Farm violated the Local Rules or the Bar's Standards of Professionalism in other depositions or in other cases, they should have (1) objected to the purportedly improper questions at those depositions; and (2) raised those issues in the proper course. That they failed to do so until their own counsel was accused of misconduct is telling as are the de minimis examples provided. But in any event, Plaintiffs' accusations only reinforce the need for a Protocol. If further disputes over counsel's conduct at depositions are likely, the Court should enter clear rules governing all counsel—rules State Farm's counsel is prepared to follow.[5]

Moreover, Plaintiffs' counsel's continued intimidation and overly aggressive tactics during recent depositions demonstrate that they are unfazed by State Farm's request for a Protocol and further underscores the need for one to be entered in this matter. For example, at the recent deposition of Ms. Ress on August 28th, Mr. Deligans repeatedly threatened Ms. Ress that he would

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[5] For example, Plaintiffs accuse State Farm's counsel of "improper deposition conduct" in the Lorraine Hall case because counsel, "after being charged with bullying," asked the deponent whether she believed she was being "bullied." (*See* Pls.' Resp. at 12–13.) Plaintiffs, however, omit that the deponent could not identify a single example of the supposed "bullying" by State Farm's counsel. (*See, e.g., id.* at Ex. 3, Tr. at 214:8–18 ("Q. Are you alleging that I asked you the same question multiple times? A. Yes. Q. Which question did I ask you multiple times? A. I can't pinpoint that.").) In addition, Plaintiffs accuse State Farm's counsel of pursuing "intrusive lines of questioning" at Mr. West's deposition (*see* Pls.' Resp. at 13) but they omit that counsel legitimately asked a question about Plaintiffs' finances without objection from Plaintiffs' own counsel. (*See id.* at Ex. 4, Tr. at 209:25–210:14.) And although Plaintiffs now claim counsel "interrupted" Mr. West, they identify only two examples, neither of which drew an objection at the time. (*See id.* at 60:12–13; 61:9–11.) Finally, Plaintiffs accuse State Farm's counsel of "harassing, shouting, and interrupting" in the Weichbrodt case but provide **no evidence** supporting their accusations. Instead, they represent that the deposition transcript is "not available" such that they "cannot provide specific deposition transcript citations at this time." (*See* Pls.' Resp. at 13 n.4.)

move for sanctions and call Judge Palumbo to join the proceeding when he didn't get the answer he wanted. (*See* Ex. 1, Ress Dep. at p. 145, 158-164, 255-256.) Mr. Deligans also repeatedly interrupted and cut off Ms. Ress's testimony before she had completed her answer, asserting that he could do so before she even finished speaking because Ms. Ress's answers were "not responsive." (*Id.* at p. 122, 233-234, 251-252, 293.) And Mr. Deligans improperly pressed Ms. Ress to answer an unsupported hypothetical, then threatened to certify the question and seek sanctions when she explained she lacked any context to answer. After he continued to harangue her to "give it 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." (*Id* at p. 158:13-161:1.) Instead of moving on, Mr. Deligans' humiliation of Ms. Ress only intensified when he decided to write his question on a legal pad with a "check-the-box" of one box for yes, and one box for no, and attempted to force Ms. Ress to hold up the piece of paper for the camera and a future jury, even after she declined to do so. (*Id.* at 161:2-168:9.) Additional examples of Plaintiffs' inappropriate behavior that this Court should consider is excerpted in **Exhibit 1**.

These examples only underscore that Plaintiffs' counsel continued misbehavior supports that the Court grant the Protocol Motion and enter the proposed Protocol.

Respectfully submitted,

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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 14th day of September, 2026, to:

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EXHIBIT 1

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.

201 BROADWAY

NORMAL, ILLINOIS 61761

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Walter Haskins, Expert Witness (via Zoom)
Autumn Hobbs, Assistant, Whitten Law Firm
Jess Bryan, Naegeli Technician

EXAMINATION INDEX

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CERTIFIED QUESTIONS

reduced to a 2.5 to 1 ratio is an indicator of improved quality --

A. I don't know it is an indicator of improved quality.

Q. It's one of those times my Southeast Oklahoma brain was working slow, I guess. That wasn't my question.

It says here that it's an indicator of improved quality, correct.

A. It's an indicator that there -- that --

Q. Ma'am, the document, and I don't mean to cut you off, but I said --

MS. ZOLLNER: He said he wouldn't.

MR. DELIGANS: I said I wouldn't if you're responsive, okay?

Was something funny?

MR. LEFFEL: Why don't we take a break.

MR. DELIGANS: No, I'm going to --

MS. ZOLNER: Yeah.

MR. DELIGANS: -- finish my -- my question. What is funny then? Is something funny? We're giggling down at the end of the table.

MS. POWERS: Oh, no, we weren't giggling.

MS. ZOLNER: No, we weren't --

MS. POWERS: We weren't giggling.

A. -- that provides what my personal knowledge is.

Q. Okay. Are you finished? I'm going to ask you one more time, and then I'm going to certify the question for Judge Palumbo.

Do you agree with what is put under your name in Exhibit 19 where it says "Fire Weather Ress" before you forwarded it on to Mr. Wensley Herbert on June the 23rd of '21?

MR. LEFFEL: Objection to form.

Go ahead.

THE DEPONENT: I forwarded the document based on the -- the individuals who were qualified to send it on, and I relied on that to forward it to Wensley in the group summary.

BY MR. DELIGANS:

Q. So did you agree with it or not?

A. I would -- I would -- my recollection is I had no concerns with the document. That's my personal knowledge and recollection at this time.

MR. DELIGANS: I'm going to certify my question for Judge Palumbo.

BY MR. DELIGANS:

Q. Okay. So when you go in to the document that you had no concerns with but won't agree that

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

MR. LEFFEL: Objection, form.

Go ahead.

BY MR. DELIGANS:

Q. Wouldn't it?

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

Q. I'm not trying --

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

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

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

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

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

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

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

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

BY MR. DELIGANS:

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

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

Go ahead.

THE DEPONENT: I don't have context of

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

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

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

BY MR. DELIGANS:

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

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

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

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

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

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

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

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

MR. LEFFEL: I under --

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

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

You can go ahead.

THE DEPONENT: Could you restate the question, please?

BY MR. DELIGANS:

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

savings of 2-point -- 218 million to 300 million dollars, that would be wrong and State Farm should be held accountable for that kind of conduct given the commitment to policyholders, yes or no.

MR. LEFFEL: Objection, form and foundation.

Go ahead.

THE DEPONENT: I don't have the context of what you're referencing again, because you made a hypothesis. If -- if, right, and to my personal knowledge I don't know what you're referencing. It's not an area of my expertise.

BY MR. DELIGANS:

Q. Is that your answer?

A. I'm trying to answer the question --

Q. Is that your answer?

A. -- based on what I understand it and my personal knowledge of what you're saying.

Q. Is that your answer?

A. Would you like to restate it without a hypothesis and not sharing the document so I understand it to give the proper context based on my personal knowledge?

Q. You -- you have all kinds of hypothesis all through this that you answered questions for,

all through these papers. So I'm not going to keep dwelling on it. I have asked the question. You don't have to answer if you choose not to. Your lawyers aren't telling you not to answer, but you're choosing not to.

And so I am going to move to sanction you and State Farm. That's all I'm going to do. That's all I can do, and I don't -- I'm not a policeman, I can't arrest you, can't do anything like that, all right?

And so you don't want to answer the question, I see. It's fine, if that's how you feel. I'll just let the Judge deal with it. I'm not going to put on the robe. I'm not going to pretend to step into the shoes of the Court.

So do you want me to ask the question again, or not? Because I'm ready to move on.

MR. LEFFEL: Again, this --

MR. DELIGANS: And I'm not trying to -- Lance, I'm not trying to have a dissertation here. I'm not trying to have an argument. You know me, I don't argue ever on the record, and I'm just trying to move forward.

MR. LEFFEL: I understand that. I'm just being respectful in saying I disagree with that characterization. This witness is basically telling you she's unable to answer the question. And so let's move on.

MR. DELIGANS: Here we go, I know how to do this.

I'm going to make this as an exhibit to your deposition, and I'm going to put an area here. I want you to hold this up for our Court and jury.

MR. LEFFEL: And I'm going to object, Ryan. This is a deposition under 3230 by oral questions. We're not required to give you written responses to your answers or to create exhibits for you, so --

MR. DELIGANS: I'm not -- I'm not --

MR. LEFFEL: -- if you want to ask an oral question you can ask it, but we're not going to --

MR. DELIGANS: I'm -- I'm using an exhibit.

I want you to hold it up for our Court and jury. I -- I have a demonstrative exhibit -- I have a demonstrative exhibit that I want to use with this witness.

MS. ZOLNER: I didn't get a copy so I'm just taking a picture.

MR. DELIGANS: That's fine.

MS. ZOLNER: I assumed you wouldn't have any objections.

MR. DELIGANS: I don't.

(WHEREUPON, Exhibit 95 was marked for identification.)

BY MR. DELIGANS:

Q. Would you please hold that up for the camera so the jury can see my question. And would you please zoom in on that, sir. Would you point to the correct answer on that document?

MR. LEFFEL: Objection, Counsel. We're here to answer oral questions, we're not here to create exhibits. We're not --

MR. DELIGANS: Are you -- are you --

MR. LEFFEL: -- going to give written -- this is not a deposition on written questions.

MR. DELIGANS: Are you instructing the witness not to answer?

MR. LEFFEL: I'm -- I'm instructing that she can answer any oral questions under this oral examination under Section 3230, but she has no obligation to point to things on an exhibit or to create an exhibit for you, and I'd object. That's not the proper use of a deposition.

MR. DELIGANS: I disagree. Unless you're

instructing her not to answer --

MR. LEFFEL: She can answer all your oral questions if she wants. We're not going to create a document. We're not going to circle things. We're not going to answer by written questions.

MR. DELIGANS: I got you. Here, hold it up again for our jury, please.

MR. LEFFEL: She's already held it up.

MR. DELIGANS: I'm -- I'm going to have her hold it up again because I can't stand over the top of her.

BY MR. DELIGANS:

Q. Would you please hold that up so our videographer can zoom in on it, and I'm going to ask my question.

MR. LEFFEL: The videographer has already captured it.

BY MR. DELIGANS:

Q. Please, hold that up for me so that I can ask the question. Okay.

Ma'am, if State Farm -- are you on it?

THE VIDEOGRAPHER: Yes, sir.

BY MR. DELIGANS:

Q. Ma'am, if State Farm internally is engaging in analyzing the economic impact of

outcome-based claims handling, should they, being State Farm, be held accountable? Yes or no.

MR. LEFFEL: Objection to form.

Go ahead, you can answer.

THE DEPONENT: I don't believe State Farm is engaging in what you describe here, nor in my career this would not be consistent with the way we handle our claims. We were responsible to uphold our -- our commitment.

MR. DELIGANS: Let me -- let me hand you Exhibit 88. Actually I need 86 first because this was sent to her. There you go, 86.

(WHEREUPON, Exhibit 86 was marked for identification.)

MR. SONNE: You want this one, 88?

MR. DELIGANS: 88, yeah.

(WHEREUPON, Exhibit 88 was marked for identification.)

BY MR. DELIGANS:

Q. Do you see on Exhibit 86, ma'am, where it says: Kathy and team, here's the most recent copy of the deck we'll be working through this morning?

Do you see that?

MS. ZOLNER: I'm sorry. Are you on 86 or 88?

Go ahead.

THE DEPONENT: It would help in -- improve or claim handling accuracy overall.

BY MR. DELIGANS:

Q. It would reduce coverage.

A. Because at that time we had -- in 2020 in particular, not only the unprecedented catastrophe activity, but we were -- the resources that we had related to Covid had been depleted.

Q. Okay.

A. So we entered -- wanted to make sure that we had the management review in that for the claim handling accuracy.

MR. DELIGANS: Okay. I -- that is nothing I asked. I'm going to move to strike, and from here on out under 32, I think it's 27(A), I'm going to enlarge the time of the deposition for both reading documents and providing unresponsive answers.

MS. ZOLNER: Counsel --

MR. DELIGANS: And if we need to I'll get -- we can get -- I mean, I think I can still get done, but I'm getting nonresponsive answers and I'm getting reading documents after 30 hours of prep on the depo with nine different lawyers. And so -- or maybe that was -- maybe it was eight, whatever, but

I would just ask if you would answer my question so I don't have to ask it three times. That way we can get done.

MR. LEFFEL: I have no objection to a proper question-and-answer, but with respect to reviewing the documents, you're asking her to look at a document and you should be giving her a chance to read it.

And the statute, 3230(A)(3) contemplates that the time for the deposition includes time on the record that allows the witness to look at the document.

MR. DELIGANS: Does it also include nonresponsive answers that you have to ask three times before you get an answer?

MR. LEFFEL: Which is a matter of opinion, Counsel.

MR. DELIGANS: Okay. Well, I think the record speaks for itself, but I'm going to ask to enlarge the time of the deposition today if I'm not quite done, and you can consider it.

BY MR. DELIGANS:

Q. All right. So back to my question without the Covid implications which you've said about a hundred times today, without all of this severity

Q. Conversely, will you tell our jury that you believe that outcome-based claims handling is appropriate?

A. We were looking at the outcomes to improve --

Q. Okay. Can I -- can -- will you please answer my question?

MR. LEFFEL: She's trying to, so let her finish --

MR. DELIGANS: But it's going to be nonresponsive --

MR. LEFFEL: -- to interrupt her. You haven't heard all of her answer --

MR. DELIGANS: I have.

MR. LEFFEL: -- to say that.

MR. DELIGANS: I can already tell.

MR. LEFFEL: So let her answer it. She --

MR. DELIGANS: When my question calls --

MR. LEFFEL: -- has her own style --

MR. DELIGANS: -- for a yes or a no, not a when we look at the claims --

MR. LEFFEL: Okay.

MR. DELIGANS: -- okay? I'm not -- I'm not going there. I'm asking her a very specific question.

BY MR. DELIGANS:

Q. My question is, will you tell our jury, as the vice president of operations, that it's your belief that outcome-based claims handling is appropriate? Yes or no.

MR. LEFFEL: Okay. You made a comment there. The witness was trying to answer your question before she was interrupted. I understand that you may not always like the way the answer starts, but she gets a chance to take her attempt to make the answer, and if you want to ask another question you can.

So please go ahead.

THE DEPONENT: When I -- when -- the determination of outcome-based handling, we look at the customer experience. We look at our workforce. We look at claim accuracy, and how do we provide the outcome of a lower priced product to our customer through lower operating expenses.

And so when you talk about outcome-based claim handling, we're looking at the whole of the value proposition we can offer to our customers. So it's not specific to what you're referencing.

Out -- outcomes is how -- outcome is based on how do we improve our customer experiences, answer to it because it's just going back and forth between me and you, and you and she and I.

BY MR. DELIGANS:

Q. I'm simply asking, and then we can come back to letting you review the document and looking at it. My question is, will you tell our jury that outcome-based claims handling is appropriate and acceptable to the vice president of operations at State Farm? Look in the camera and tell them yes or no.

A. We project, right, on projections on how we can improve the overall product and service to our customers. So if that's an outcome around better service to our customers, faster service to our customers, as well as providing a lower cost product, and there is some reference, I haven't had a chance to -- to read this. This is about an operating model vision.

MR. DELIGANS: I'm going to certify the question for Judge Palumbo so that I can get an answer. All right, let's --

MR. LEFFEL: Were you finished --

MR. DELIGANS: -- go --

MR. LEFFEL: -- with your answer yet? Before you certify it. Did you have more to add?

THE DEPONENT: I -- I'm getting -- it's -- the whispering over there, sorry, is just a little distractive.

MR. LEFFEL: If you needed to complete -- please complete your answer.

THE DEPONENT: The term outcome-based handling is not being used in the same way that you're -- you're stating, because we don't have a pre-determined way to handle an individual or resolve an individual claim.

MR. DELIGANS: I'm certifying the question for Judge Palumbo. Outcome-based claims handling is a term of art in the insurance industry that I've dealt with many times with many carriers, and you and I both know it, and so does everybody sitting to your right.

And so we're going to certify that question for Judge Palumbo so that we can get an answer for our jury, okay?

Now, I want you to review the rest of that document that you've asked to review. Let's go off of the record while she does that.

MR. LEFFEL: Now, we -- if you want her to -- if -- if you want her --

MR. DELIGANS: That's fine.

A. The difference was is the depletion of resources related to Covid and -- and overall in the field the resources that we had had contracted significantly, and so to the point the experience -- the customer experience, communication experience was impacting the overall -- contributing to the rise in agency complaints.

Q. Okay. I'm going to move that your answer was nonresponsive to the simple question I asked.

I'm going to ask the court reporter to please read back my question, and you tell me if you can answer my question, okay?

(WHEREUPON, the record was read back.)

MR. LEFFEL: Objection, form.

THE DEPONENT: I was sharing the -- what the contributing factors to my personal knowledge. What else could contribute to the right of complaints.

BY MR. DELIGANS:

Q. Okay. I didn't ask you what contributed to the rise of complaints. My question was very simple. This isn't the first time or first year there were any catastrophes, that insurance companies have been dealing with catastrophes for decades and decades and decades, correct?