

1 IN THE DISTRICT COURT OF COMANCHE COUNTY
2 STATE OF OKLAHOMA

3 NEIL WEST and LACY WEST,

4 Plaintiffs,

5 vs.

No. CJ-2025-135

6 STATE FARM FIRE AND CASUALTY
7 COMPANY; and NANCY HOLCOMB
8 INSURANCE AGENCY, INC.,

9 Defendants.

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14 HEARING ON PLAINTIFFS' MOTIONS

15 AND DEFENDANTS' COUNTER MOTIONS

16 BEFORE THE HONORABLE GRANT SHEPERD

17 ON SEPTEMBER 24, 2026, BEGINNING AT 3:03 P.M.

18 IN LAWTON, OKLAHOMA

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REPORTED BY: D. Luke Epps, CSR, RPR, CRR

FILED
DISTRICT COURT
COMANCHE COUNTY, OKLAHOMA
October 8, 2026 4:57 PM
ROBERT MORALES, COURT CLERK
Case Number CJ-2025-135

1 Now, I think we have combined, and I think
2 it's fair, their motion for sanctions as to
3 Ms. Manduca's testimony --

4 THE COURT: Before we get into that, did
5 you have any other response?

6 MS. WHITTEN: I do, and, Judge, I was
7 actually just reading from the response. I haven't
8 even gotten into any of the briefing for our motion
9 for sanctions.

10 MS. ROTHER: Okay. Well, then, I
11 didn't -- she was talking about the sanctions issue,
12 so I was going to address the authority for
13 sanctions, so I can hold off on that.

14 THE COURT: Okay. Let's hold off on that.

15 MS. ROTHER: Let me just make sure I don't
16 have anything else on this one. On the discovery
17 protocol itself, if they have suggested edits, I
18 mean, we've invited them to confer, to make red
19 lines, if there's something they think that they can
20 do to improve it, we're happy, you know, to have
21 that done, but they have not raised any specific
22 issues, and, again, I have to -- I hate to do this,
23 but the whole -- the giggling thing, I was not
24 there, but I am told that -- I don't know what
25 happened exactly at that point, but after -- on a

1 break, Mr. Whitten said something to the "little
2 ladies," so, again, demeaning not just to the
3 witness, but to counsel.

4 So just last thing on the authority.
5 First, Ms. Whitten said I didn't -- we didn't cite
6 any cases in Oklahoma, and then she acknowledged
7 that we did cite a Western District of Oklahoma
8 case, which she tried to distinguish, but it's just
9 another form of improper question that the Court was
10 dealing with, and so the Court did enter a discovery
11 protocol, and I don't dispute that usually you would
12 want those in these multidistrict litigation kinds
13 of cases, but that doesn't foreclose them in cases
14 like this one, and they cited not a single case
15 where the Court rejected the entry of one. Thank
16 you, Your Honor.

17 THE COURT: Thank you. Response?

18 MS. WHITTEN: Yes. Just very briefly.
19 I'm not going to get into the "little ladies." I
20 just think that that's not relevant here for today.
21 I do think what's interesting is that you do have
22 records in front of you, and I'm grateful that we
23 have more than just Ress because there are several
24 speaking objections made in these depositions, and,
25 for the record, I would like to point you to Wensley

1 Herbert's deposition, page 261. You can see where
2 Ms. Rother and Mr. Sonne go back and forth on the
3 record, and this is not an objection to the form.
4 These are speaking objections. These are merits
5 objections, and this is exactly what their
6 deposition protocol prevents, and that's what I'm
7 speaking to, Judge. That's exactly what I'm
8 speaking to here is that there are speaking
9 objections throughout all three of these depositions
10 that are not objection to the form, that go directly
11 against the protocol that State Farm has prepared
12 and wants to bind both parties to.

13 I think at the end of the day we can all
14 acknowledge that Oklahoma law sets a deposition
15 protocol that we can all abide by, and there are
16 consequences if we don't follow those, including
17 sanctions. So I would say the deposition protocol
18 is unsupported, and just for clarity, I said that
19 there's no Oklahoma state court authority for a
20 deposition protocol. I do not believe the Western
21 District is controlling on this court, and,
22 furthermore, the facts of that case are completely
23 distinguishable from what's happened in this case.

24 THE COURT: Thank you, Ms. Whitten. This
25 has been the most contentious and litigious case

1 I've ever dealt with, and so I think anything we can
2 get to keep us on the rails is beneficial, so I'm
3 going to adopt the protective order for deposition
4 protocol. I have made a few changes to it. It will
5 be attached to this order as Court's Exhibit Number
6 1. So with regard to the remainder of these
7 motions, we've got about 20 minutes to get those
8 resolved, so I think all that's left would be the --
9 do you want to hear the motion for sanctions or the
10 counter-motion to not consolidate?

11 MS. WHITTEN: I would greatly appreciate
12 taking the counter-motion to not consolidate.

13 THE COURT: Okay. Let's do that.

14 MS. WHITTEN: And to the extent -- you
15 know, but whatever you want, Your Honor. I'm happy
16 to address that there, so it's up to you, Your
17 Honor.

18 THE COURT: I've kind of been holding off
19 on any of the sanctions anyways, so let's go ahead
20 and move on with the counter-motion to consolidate.

21 MS. WHITTEN: Thank you, Your Honor. I
22 think what's important here, Your Honor, is that you
23 have the ability to control your docket, but so does
24 Judge Palumbo, and you guys's orders are different
25 because that's your inherent ability and authority

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12 CERTIFICATE OF THE COURT REPORTER

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15 I, D. Luke Epps, Certified Shorthand
16 Reporter within and for the State of Oklahoma, do
17 hereby certify that the foregoing transcript in the
18 above-styled case is a true, correct, and complete
19 transcript of my shorthand notes of the proceedings
20 in said cause.

21 I further certify that I am neither
22 related to nor attorney for any interested party nor
23 interested in the event of said action.

24 IN WITNESS WHEREOF, I have hereunto set my
25 hand and official seal this 28th day of
September, 2026.

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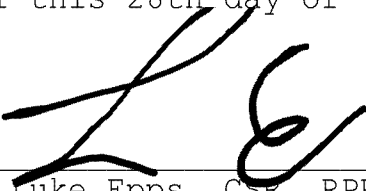
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