



FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY AUG 26 2026
STATE OF OKLAHOMA

BILLY & LACY HURSH,

Plaintiffs,

v.

STATE FARM FIRE AND
CASUALTY COMPANY; MARK D.
WELTY; and MARK D. WELTY
INSURANCE AGENCY, INC.,

Defendants.

RICK WARREN
COURT CLERK

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Case No. CJ-2025-2626
Honorable Amy Palumbo

**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO (1) STRIKE DEFENDANT
STATE FARM'S BLANKET CONFIDENTIALITY ASSERTION, (2) AND DE-DESIGNATE
DOCUMENTS PRODUCED FOR GOOD CAUSE BASED ON
STATE FARM'S FAILURE TO ENGAGE IN GOOD FAITH AS REQUIRED**

State Farm's lengthy Response contains no evidence. Not one affidavit. Not one declaration. Not one explanation of how disclosure of any particular document would competitively harm State Farm or any authority to justify a blanket assertion of confidentiality. State Farm concedes—as it must—that “the burden of proof remains on the designating party” and that its designations are merely “provisional.” (Resp. at 8). State Farm has simply failed to carry its burden under the Protective Order and stood by its overreaching blanket designation of confidentiality. Even worse, State Farm's central argument—that Plaintiffs should have proceeded under Paragraph 4 of the Protective Order—is refuted by Paragraph 4 itself, which places the burden of motion practice on *State Farm* and prescribes the consequence of its inaction: the documents “**shall no longer be subject to this Protective Order.**” (Ex. 1, Protective Order, ¶ 4).

I. PARAGRAPH 4 PLACES THE BURDEN ON STATE FARM, WHICH NEVER MOVED OR COMPLIED.

State Farm insists the “proper remedy” was the challenge procedure in Paragraph 4. (Resp. at 14, 17-18). Plaintiffs agree. That procedure requires written notice of disagreement, a written response within twenty days, and an attempt at informal resolution. It then provides:

If the Parties are unable to reach an agreement, the producing party shall have thirty (30) days to submit a motion for relief from the Court. If the producing party fails to timely file said motion for relief within the time prescribed, the document shall no longer be subject to this Protective Order.

(Ex. 1, ¶ 4 (emphasis added)). On June 6, 2026, undersigned counsel gave written notice that “State Farm's blanket delineation of all documents produced ... as being ‘confidential’ [is] a direct violation of the Protective Order and Oklahoma law,” and asked State Farm to “advise ... if State Farm has any intent on providing a narrowed and specific confidentiality delineation as opposed to the blanket statement provided when the documents were produced,” requesting an answer by June 9, 2026. (Ex. 2, Email Chain Between Counsel in *West v. SF*, at 5). State Farm never agreed to remove any

designation, and on June 9, 2026 counsel confirmed the impasse in writing. (Ex. 2 at 1-3). After State Farm's counsel sent this email in another matter, it was discussed in great length at two hearings in front of this Court, giving State Farm's counsel ample time to correct this issue. At the July 28, 2026 hearing, counsel for Plaintiffs informed this Court that "we have a pending motion to de-designate in Lawton, and the same thing is done here. They have designated every document as confidential and we're getting document dumps." Ex. 3, 7/28/2026 Trns. at 10:21-24. At the August 4, 2026 hearing, Plaintiffs' counsel told this Court:

We have filed a Motion to De-Designate in this case. We're filing it today, I believe, with numerous other documents, but the point is, is with respect to the document dump the initial question from the Court was did they do a document dump in West. The answer is yes. Did they do a document dump in Hursh, the answer is yes. Did they do a blanket confidential in West on 687,000 documents? Yes. Are they designated in every document in the Hursh production? Yes.

Ex. 4, 8/4/2026 Trns. at 24:24-25:8. State Farm's Response confirms that a subsequent meet and confer would do nothing but delay a hearing because State Farm is not going to change its position: State Farm "stands by its designations," and claims that "looking for the handful of documents that might not be confidential, would have delayed production by months." (Resp. at 2, n.2).

Paragraph 4 then gave State Farm—not Plaintiffs—thirty days to "submit a motion for relief from the Court." (Ex. 1, PO, ¶ 4). It filed none, then or since. The consequence is automatic: the challenged documents "shall no longer be subject to this Protective Order." *Id.* Plaintiffs' challenge is on the blanket nature of the confidentiality provisions to the entire document production. State Farm's failure also disposes any waiver or reliance argument. State Farm contends that a party who consents to a protective order and later seeks its modification "bears a particularly heavy burden." (Resp. at 14). The parties contracted around that rule in this very Protective Order, which provides: "a party's agreement to this Protective Order does not prejudice the party's right to move the Court to lift the Protective Order for good cause." (Ex. 1, PO, ¶ 4). Nor can State Farm claim justified reliance on an order it did not follow.

II. STATE FARM SUBMITTED NO EVIDENCE AND DEFENDED NO DOCUMENT AS REQUIRED, STANDING BY ITS BLANKET DESIGNATION.

State Farm's Response rests entirely on argument of counsel. It offers no affidavit, no description of the secrecy measures attached to any category of document, no evidence of independent economic value, and no showing of the "substantial competitive harm" its own definition requires. (Ex. 1, PO, ¶ 3(b)). The law demands more: "broad allegations of harm, unsubstantiated by specific examples or articulated reasoning," do not suffice. *Cipollone v. Liggett Grp., Inc.*, 785 F.2d 1108, 1121 (3d Cir. 1986); *see also Cook, Inc. v. Bos. Sci. Corp.*, 206 F.R.D. 244, 248 (S.D. Ind. 2001).

The omission is most glaring as to the exhibits referenced in Plaintiffs' Motion to De-designate¹. Plaintiffs did precisely what State Farm's own authority requires: they "indicate[d] precisely which documents [they] believed to be not confidential," at which point "the movant would have the burden of proof in justifying the protective order with respect to those documents." *Cipollone*, 785 F.2d at 1121 (quoted at Resp. at 8, 17-18). State Farm defends not one of them. It never explains what formula, method, or process any contains, or how an email boasting of billions in indemnity decreases (*See* Pls' Mot. to De-Designate at Ex. 3), or calculation showing the indemnity decrease every time a repair versus replacement decision is made, or the that declining to pay one percent of claims yields "5k claims at \$15,769 avg severity or \$78.8 million" (Pls' Mot. to De-Designate at Ex. 7), derives independent economic value from secrecy. *See* 78 O.S. § 86(4). That relevance and confidentiality are different questions (*see* Resp. at 11-12) is true and beside the point. Plaintiffs contend these documents are not trade secrets, not confidential research or development, not

¹ These are not the only documents in this case subject to the Motion to De-designate. Plaintiffs specifically incorporate the following exhibits which pertain to State Farm's bad faith tactics to intentionally reduce first-party claim payments, and cannot be considered confidential or trade secrets. *See e.g.* HUR00063569-73; HUR00034836; HUR00044257, HUR00068381, HUR00069466, HUR00037462, HUR00125604, HUR00053719, HUR00008080, HUR00078333, HUR00027781, HUR00061156, HUR00125604. Plaintiffs request an Order from this Court explicitly de-designating these documents, as well as the 20 exhibits to Plaintiffs' Motion to De-designate, and will present these 12 exhibits at the September 1, 2026 hearing on Plaintiffs' Motion to De-designate and Strike.

commercial information maintained in secrecy, and not personal confidential information. State Farm's silence concedes the point.

III. THE PROTECTIVE ORDER DOES NOT ALLOW FOR A BLANKET CONFIDENTIALITY DETERMINATION.

State Farm argues that the good-faith standard “does not require a producing party to make a particularized showing . . . as to each individual document.” (Resp. at 8). Paragraph 1 says otherwise: *“Each document or portion of a document the party in good faith believes to contain confidential information shall be marked ‘Confidential.’”* (Ex.1, PO, ¶ 1 (emphasis added)). State Farm's contrary position conflates the showing required to *enter* a blanket, umbrella order with compliance under an order that by its terms requires more. Paragraph 2 confirms the parties' intent: State Farm may not designate even one deposition transcript in its entirety “without first obtaining an order from this Court.” (Ex. 1, PO, ¶ 2). State Farm cannot need leave of Court to designate a single transcript yet be free to designate hundreds of thousands of pages of documents unilaterally. It is gamesmanship and a direct violation of the Protective Order.

State Farm also rewrites the carve-out exception in the Protective Order. Paragraph 3(a)(ii) excludes from trade secret protection *“any aspects of the handling of Plaintiffs' claim as first-party insureds, including but not limited to attempts to lower indemnity payments on Plaintiffs' claim.”* State Farm reads this to reach only the Wests' individual claim file. (Resp. at 9). But the enterprise-wide FME Wind/Hail tactics were the mechanism through which State Farm handled the Wests' claim, which resulted in a denial of a Full Roof Replacement – the very “opportunity” State Farm recognized, internally documents, and carried out to the tune of billions of indemnity reductions. Documents directing managers to review roof replacement recommendations in order to “reduce coverage,” and tracking the resulting savings, are “aspects of the handling of Plaintiffs' claim” in the most literal sense. State Farm's fallback—that these materials are independently protectable as “confidential research, development or commercial information”—still requires proof the information is “maintained in

secrecy” and “would result in substantial competitive harm if publicly disclosed.” (Ex. 1, PO, ¶ 3(b)). State Farm offered none because it has no such basis.

IV. PARAGRAPH 6 MAKES EVERY DESIGNATION A SEALING QUESTION.

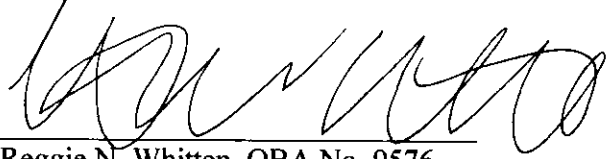
State Farm’s lead argument is that Plaintiffs confuse discovery confidentiality with the sealing of court records. (Resp. at 4-7). State Farm again is wrong. The Protective Order joins those questions via Paragraph 6, which provides that materials designated “Confidential” “shall, when filed with the Court, be submitted in a sealed envelope,” and Paragraph 13 subjects “the outcome of any ‘Confidential’ designations made in this Proceeding” to “judicial review and determination by the Court pursuant to 51 Okla. Stat. §§ 24A.29-24A.30.” (Ex. 1, ¶¶ 6, 13). Furthermore, because Plaintiffs are relying on these documents in pleadings, these exhibits are being improperly sealed from the public, so there is no conflation of sealing records with discovery confidentiality. As Judge Heaton has noted, “[t]he considerations change significantly once documents are used in litigation of the case. Court proceedings are public proceedings and there is a ‘strong presumption in favor of public access to judicial records.’” *Coker v. Hartford Life Group Ins. Co., et al*, CIV-06-0911-HE, 02/21/2007 Order, a copy of which is attached hereto as Exhibit “5”)(footnotes and internal citations omitted). Because it designated its entire production as confidential, Paragraph 6 converts every evidentiary filing in this case into a sealed court record, and Paragraph 13 makes §§ 24A.29 and 24A.30 the governing measure. *See Shadid v. Hammond*, 2013 OK 103, ¶¶ 2-3 (Taylor, J., concurring).

CONCLUSION

State Farm bears the burden. It submitted no evidence, defended no document, and never filed the motion for relief Paragraph 4 required. Plaintiffs respectfully request that the Court (1) strike State Farm’s blanket confidentiality assertion; (2) de-designate the documents produced in response to the Court’s Order on Plaintiffs’ Motion to Compel, and at a minimum Exhibits 2 through 7 as well as the Exhibits included in previous filings with the Court in opposition to the Motion to Quash Executive

Depositions; and (3) prohibit any future filing under seal absent a specific order of this Court supported by a particularized showing of harm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Reggie N. Whitten", written over a horizontal line.

Reggie N. Whitten, OBA No. 9576

Michael Burrage, OBA No. 1350

Blake Sonne, OBA No. 20341

Hannah Whitten, OBA No. 35261

John S. Sanders, OBA No. 34990

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ATTORNEYS FOR PLAINTIFFS

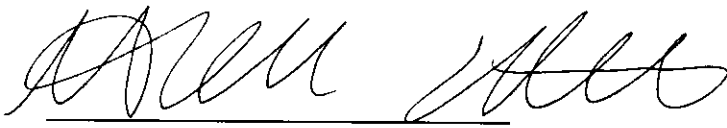
CERTIFICATE OF SERVICE

I hereby certify that on the August 26th day of August, 2026, a true, correct, and exact copy of the foregoing document was emailed and/or mailed to the following persons:

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ATTORNEYS FOR DEFENDANTS



Hannah Whitten

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STATE OF OKLAHOMA

DEC 11 2025

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**STATE FARM FIRE & CASUALTY
COMPANY;
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AGENCY, INC.,**

Defendants.

CASE NO. CJ-2025-2626

Hon. Amy Palumbo

PROTECTIVE ORDER

All Parties to this litigation, defined as Plaintiffs Bill and Lacy Hursh ("Plaintiffs"), Defendant State Farm Fire and Casualty Company ("State Farm"), Defendant Mark D. Welty ("Welty"), and Defendant Mark D. Welty Insurance Agency, Inc., ("Welty Agency") acknowledge that certain documents produced in this action may contain trade secret or other confidential information as defined in paragraph 3 of this Protective Order. The Parties, by and through their attorneys of record, therefore agree and it is hereby ordered as follows:

1. Any party may designate as "Confidential" any documents or any portion of a document produced by it in this litigation. The party making the designation of confidential material represents that it has done so after a bona fide determination made in good faith that the material is in fact trade secret or other confidential information as defined in paragraph 3. Each document or portion of a document the party in good faith believes to contain confidential

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information shall be marked "Confidential." The party shall take care that its designation does not obscure or render illegible the information on the document so designated.

2. Any party may designate as "Confidential" a portion of a deposition taken in this matter by stating on the record that the party is designating a portion of the deposition "Confidential" or by advising the court reporter and counsel for all other Parties, in writing, within thirty (30) days of receiving the deposition transcript of the page(s) and lines of the deposition that the party deems "Confidential." Nothing within this Protective Order shall allow a party to designate an entire deposition transcript as "Confidential" without first obtaining an order from this Court allowing such designation.

3. As used in this Protective Order, "Confidential" information shall only apply to the following materials:

a. "Trade secret" shall have the same meaning as in 78 O.S. §86(4).

i. "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process, that:

a. derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

b. is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

ii. "Trade secret" shall explicitly not include any aspects of the handling of Plaintiffs' claim as first-party insureds, including but not limited to attempts to lower indemnity payments on Plaintiffs' claim, including the total roof

replacement requested, and anything regarding denying or partially denying Plaintiffs' claim.

- b. "Confidential research, development or commercial information" shall refer to information that is maintained in secrecy from third Parties and which a party in good faith believes would result in substantial competitive harm if publicly disclosed.
 - c. "Personal confidential information" shall include a person's social security number, medical records, bank records, personnel records and tax information.
4. Any party may challenge any other party's designation of a document or portion of a document as "Confidential." A party shall not be obliged to challenge the propriety of a "Confidential" designation at the time made, and failure to do so shall not preclude a subsequent challenge thereto. In the event that any party to this litigation takes issue at any stage of these proceedings with such designation, such party shall provide to the producing party written notice of its disagreement with the designation. The producing party shall respond, in writing, within twenty (20) days, by stating whether it agrees or disagrees that designation should be removed. The Parties shall attempt to dispose of such dispute in good faith on an informal basis. If the Parties are unable to reach an agreement, the producing party shall have thirty (30) days to submit a motion for relief from the Court. If the producing party fails to timely file said motion for relief within the time prescribed, the document shall no longer be subject to this Protective Order. The fact a document has been designated as "Confidential" shall not create a presumption the document is, in fact, confidential or a trade secret entitled to protection by this Protective Order. The burden of establishing that a document or testimony contains trade secret or personal confidential information and is entitled to the protection of this Protective Order shall remain on the party

making the designation. Further, a party's agreement to this Protective Order does not prejudice the party's right to move the Court to lift the Protective Order for good cause.

5. Documents and/or deposition transcripts designated as "Confidential" shall not disseminated publicly, and may be disclosed only to the following persons, unless prior written consent to further disclosure has been obtained from counsel for the designating party or permission for such disclosure has been given by the Court:

- a. The Court pursuant to the terms of this Protective Order;
- b. The attorneys working on this action on behalf of any party, including inside, outside and consulting counsel, their legal associates, paralegals, and employees working under the supervision of such counsel;
- c. Any director, officer or employee of a party who is required by such party to work directly on this litigation, with disclosure only to the extent necessary to perform such work;
- d. Any person not employed by a party who is expressly retained or sought to be retained by any attorney described in paragraph 5(b) to assist in the prosecution or defense of this action, including outside experts and their employees;
- e. Any actual or potential deposition or trial witnesses in this action;
- f. Any mediator mutually agreed upon by the Parties in this action; and
- g. Any other Court or Judiciary with jurisdiction over this action.

The persons described in paragraphs (c), (d), and (e) shall have access to "Confidential" material only after they have been made aware of the terms of this Protective Order and have manifested their assent to be bound thereby.

6. It shall not be deemed a violation of this Protective Order for counsel to disseminate documents designated as "Confidential" at deposition or as part of their filings with the Court. If any "Confidential" material is used in any deposition, filing or court proceeding during the course of this litigation, it shall not lose its "Confidential" status through such use. This notwithstanding, any materials specifically designated as "Confidential" under this Protective Order shall, when filed with the Court, be submitted in a sealed envelope or other container, and shall be prominently labeled on the first page: "Contains Confidential Information - Subject to Court Order."

7. This Protective Order is not intended to preclude use or disclosure of any document, deposition transcript or information which is in the public domain, which has been provided to a party, his/her/its attorneys or experts, by a source independent of the designating party or his/her/its attorney.

8. Any of the undersigned may request the Court to modify or otherwise grant relief from any provision of this Protective Order. Nothing in this Protective Order shall operate as an admission by any party that any particular document is, or is not, admissible in evidence at the trial of this action.

9. Nothing in this Protective Order shall be construed as a waiver of any rights by any party with respect to matters not specifically provided for herein.

10. This Court shall retain jurisdiction to enforce this Protective Order and decide any issues relating to or arising from it. If the terms of this Protective Order are violated, the Court may grant such relief to the producing party as is just and necessary, including but not limited to sanctions.

11. The terms and conditions of this Protective Order shall remain in full force and effect and shall survive the final resolution of this litigation unless the Protective Order is terminated or modified in writing by the Parties or by further order of the Court.

12. All requests made by a party for a document to be filed "under seal" in accordance with this Protective Order shall be made by motion and conform to the requirements set forth in 12 O.S. § 3226(C)(2).

13. The outcome of any "Confidential" designations made in this Proceeding will be subject to judicial review and determination by the Court pursuant to 50 Okla. Stat. §§ 24A.29-24A.30 and 12 Okla. Stat. § 3226(C)(2).

IT IS SO ORDERED THIS 26th day of November, 2025.

AMY PALUMBO

THE HONORABLE AMY PALUMBO
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

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Michael Burrage, OBA No. 1350
Blake Sonne, OBA No. 20341
Hannah Whitten, OBA No. 35261
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Attorneys for Defendant State Farm, Defendant Mark D. Welty, and Defendant Mark D. Welty Insurance Agency, Inc.

Subject: RE: State Farm - WEST and Federal Cases with Deposition Notices for Nicole Manduca
Date: Tuesday, June 9, 2026 at 11:52:59 AM Central Daylight Time
From: Timila S. Rother
To: Blake Sonne, Paige Masters, Amanda Finch, Lance Leffel, Carrie McNeer, Grant Fitz
CC: Reggie N. Whitten, Michael Burrage, Hannah Whitten, John Sanders, Jake Denne, Karen Stratton, Kayli Price, Autumn Hobbs, James Warner, Brad Beskin, Lauren Guhl
Attachments: image019.png, image020.jpg, image021.jpg, image022.jpg, image023.png, image024.jpg, image025.jpg, image026.png, image027.jpg, image028.jpg, image029.jpg, image030.jpg, image031.png, image032.jpg, image033.jpg, image034.png, image035.jpg, image036.jpg, image037.png, image038.jpg

Blake,

In response to your email below, we respond in the order the issues were raised by you.

West

1. As to the categorizing of production, we do not agree with your interpretation of 12 O.S. 3234 and we take issue with your characterization of the information as a data dump. You asked for a massive number of documents, many documents would be responsive across multiple requests and State Farm had to formulate searches as best it could to identify documents across multiple requests. There is no meaningful way to categorize these documents among each request with accuracy. I am conferring with State Farm as to whether there is any way to provide information based upon the way the documents were searched or reviewed, as compromise, and will let you know what I learn. But, what you are asking otherwise is not reasonable because of the number of requests and the way they are written. We are happy to explain this to Judge Sheperd.
2. As to Request No. 44, despite your belief that this is easy and requires only a push of a button, the responsive documents involve numerous production volumes from more than ten separate workspaces. State Farm is working on it among other discovery orders and we will send it as soon as it is ready and in accordance with the Court's Order.
3. As to your notion that State Farm is intentionally withholding documents responsive to the requests, if you are talking about RFP 44, I have explained it, we are working on it, and the Judge has given us until June 15. So, I am not sure why you think there is a reason to request sanctions for withholding documents. We specifically disagree. Beyond Request No. 44, we anticipate another significant production on Monday which will get us close to complete, except for documents that have been flagged for a second review as potentially

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privileged which will then result in additional productions if documents are identified as in fact not privileged. As to Ms. Manduca, most all communications involving her for the time period ordered in West were in our June 1 production set. As to Ms. Manduca then, you already have that responsive information without regard to RFP 44. There may be a few additional documents regarding Ms. Manduca in the set to be produced on Monday but you will have them all well before the deposition. We reiterate our position, then, that we object to and will not agree to produce her a second time in West.

4. As to the other depositions, I believe that I made it known in the telephonic status call with Judge Sheperd that we intended to object to those depositions when explaining why the urgency you were conveying was negated but your second motion to compel as well as our intended objections to those depositions. If I did not or if it got buried in the other discussion, then I will confirm here that we intend to file Motions to Quash those depositions this week. I appreciate the courtesy of the recognition of my conflict on the 12th for Mr. Moss, but also, as a reminder, Mr. Moss is no longer a State Farm employee. Thus, we cannot require him to appear on noticed dates. I think this was discussed and accounted for in earlier cases in which you have tried to force his appearance. Thus, he will need to be treated differently regardless. As to your further threat of sanctions based on our refusal to agree to produce these individual voluntarily, our position will be as stated in our Motion, but your allegations are rejected.
5. We do not agree to withdraw our confidentiality designations.

Federal Cases

1. We are working on the production already ordered by Judge Russell in Porter and Barlow, and will have some documents to you in the next few days. As to the more "institutional" type documents, those are being gathered and prepared by State Farm but, as is evident from the above, we are juggling discovery orders in other cases as well.
2. But, as noted, we need to confer about the three or so categories on which Judge Russel has directed we attempt to narrow discovery. Right now the Motion to Compel is denied, subject to further conference. I know we have all had limited availability to have that conference and it is harder because Lance has been in non-stop depositions in other cases. I can confer at 1:00 tomorrow or Thursday morning from 10:00 to 1:00, before I have to leave for the wedding. But, it occurs to me that simply talking about these requests is not going to move the needle much. It seems one or both of us need to formulate a written offer of

- sorts and then meet to discuss it. I am open to the rest of the groups thoughts on that. It would seem that it would bring order to the discussion.
3. As to Ms. Manduca's deposition in the federal cases, I think the primary gating issue there, in addition to West scheduling, is the fact that we do not have rulings from Judge Dishman as to Wilder and Hall. Certainly we need to have all of that resolved to present her one time for that group of cases. However, I am happy to confer about dates when we confer about documents.
 4. Regardless of the document conference, in each of these cases, by Thursday we need to present a new agreed set of deadlines to the Court. Your recent motions have requested 120 days. Is that what you want to do on these as well? Of note, I cannot speak for Cisneros as that is not my case. And, it occurs to me that I would rather stagger Porter and Barlow so they are not on the same trajectory. So, could we do 90 and 120 or do we need to do 120 and 150?

Thanks
Timila



Timila S. Rother
Shareholder/Director
405.235.7757



This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

From: Blake Sonne <bsonne@whittenburrage.com>

Sent: Saturday, June 6, 2026 8:44 AM

To: Timila S. Rother <timila.rother@crowedunlevy.com>; Paige Masters

<paige.masters@crowedunlevy.com>; Amanda Finch <amanda.finch@crowedunlevy.com>; Lance Leffel <llefel@gablelaw.com>; Carrie McNeer <cmcneer@gablelaw.com>; Grant Fitz <gfitz@gablelaw.com>

Cc: Reggie N. Whitten <rwhitten@whittenburrage.com>; Michael Burrage <mburrage@whittenburrage.com>; Hannah Whitten <hwhitten@whittenburrage.com>; John Sanders <jsanders@whittenburrage.com>; Jake Denne <jdenne@whittenburrage.com>; Karen Stratton <kstratton@whittenburrage.com>; Kayli Price <kprice@whittenburrage.com>; Autumn Hobbs <ahobbs@whittenburrage.com>; James Warner <jwarner@nixlaw.com>; Brad Beskin <bbskin@whittenburrage.com>; Lauren Guhl <lguhl@whittenburrage.com>

Subject: Re: State Farm - WEST and Federal Cases with Deposition Notices for Nicole Manduca

ALERT: Email contains attachments from external sender. Be cautious.

Counsel for State Farm,

This email is being sent in conjunction with 12 Okla. Stat. 3237 and the Oklahoma Discovery Code regarding the recent document production in West v. State Farm as well as addressing several issues in the federal court cases as following up to my email below on May 28, 2026.

West v. State Farm:

First, we received two links of documents in apparent response to the Court's ruling on our Motion to Compel. As State Farm is well aware, Oklahoma law does not allow a document dump to comply with discovery obligations. Oklahoma law provides that "a party shall produce documents as they are kept in the usual course of business or shall organize and label them to correspond to the categories in the request." 12 O.S. 3234 (B)(2)(e). The document production was obviously not produced as they were kept in the usual course of business. However, State Farm failed to organize and label the documents to correspond the categories in the document requests. Unless we missed something, we have not received any index, label, or other delineation from State Farm as to the documents being produced to specific requests. This email provides notice of potential sanctions and to request that State Farm immediately comply with its discovery obligations and to correct this abusive process in violation of the Court's order.

Second, Request #44 specifically requested documents that were produced in several previous cases: Nida v. State Farm, CJ-2020-4453 (Oklahoma County); Hosier v. State Farm, CJ-2021-1741 (Oklahoma County); Kyger v. State Farm, CJ-2022-3990 (Oklahoma County); McDow v. State Farm, CJ-2022-1857 (Oklahoma County); Barnett v. State Farm, CJ-2020-141 (Grady County); McNeil v. State Farm, CJ-2021-926 (Cleveland County). To date, we have not received the bates stamped documents produced in each of those cases as ordered by Judge Sheperd. As you know, these same documents were ordered to be produced by Judge Palumbo back in December 2025. Please advise when we can expect those bates stamped documents from the previous cases under RFP #44. Again, this email is to provide notice to State Farm of our intent to seek discovery sanctions for the delay in such production, especially since these documents have already been organized, labeled, bates stamped, and previously produced.

Third, this email serves as notice under Section 3237 of our intent to seek discovery sanctions for intentionally withholding documents responsive to our discovery requests. Hopefully, the production under RFP #44 will cure some of the apparent lack of production of documents we know exist under our work product protections that were produced in prior litigation and were directly responsive to the West order on the motion to compel.

Fourth, in West, we noticed depositions of 4 State Farm executives:

- Thomas Moss on June 12, 2026
- Kathy Ress on June 15, 2026
- Scott Welsh on June 16, 2026
- Wensley Herbert on June 17, 2026

I indicated in my email below we would agree to move Moss' depo based on Timila's scheduling conflict. I further requested that State Farm inform us if they intend to object to such notices and to meet and confer on deposition dates. We have received no response. Now that we have documents produced, we have identified literally thousands of documents, emails, memos, etc. that involve all four of these executives, among many others. They were intimately involved in the implementation and success of the FME Wind/Hail. Examples are too numerous to list. Please advise by end of business on Tuesday, June 9, 2026 if State Farm will be cooperating on scheduling these depositions. (We assume that is the case based on the failure to respond to

my email below but that email was sent before we had the document production at issue).

If not, we intend to file motions to compel and seek sanctions under Section 3237 against State Farm for the lack of any good faith basis to object to these depositions considering the documents that we intend to show the Court in our motion. We plan on a special hearing setting to outline to Judge Sheperd the full extent of their involvement with an extensive array of documents showcasing their direct involvement that simply makes any attempt to thwart these discovery depositions as an abusive discovery practice and in bad faith. We stand willing to work with you on scheduling, but we would ask for a response so we can take appropriate action if State Farm continues to object despite what is undeniable in the document production.

Fifth, we believe State Farm's blanket delineation of all documents produced in West as being "confidential" as a direct violation of the Protective Order and Oklahoma law. Please advise if State Farm has any intent on providing a narrowed and specific confidentiality delineation as opposed to the blanket statement provided when the documents were produced. Please let us know by end of business, June 9, 2026.

FEDERAL CASES:

With respect to the federal cases, we have received no response as to the dates for the document production ordered by Judge Russell in Barlow, Cisneros, and Porter despite our previous requests for a timeline and a status on such production. Can you please provide a status as to the document production? We would prefer to get answers from State Farm without filing a motion with the Court to enforce the motion to compel. And similar to above, we expect full compliance with FRCP 34(b) with respect to the organization, labeling, and coordination of documents produced to the specific request. Please advise.

Further, as I mentioned below, there are numerous topics in our motion to compel that were neither denied or granted but required further meet and confer between counsel to determine what documents SF would be willing to produce and if we can reach an agreement. Again, based on document we have now seen, we are in a better position to engage in this discussion. I had previously requested times a conference to discuss. Can you please discuss and send us some times this week that work for all counsel?

With respect to Manduca's consolidated deposition in federal court, again we need to confer on potential dates and parameters of this depo that is being consolidated among numerous federal court cases. We need to address this in our meet and confer on the federal documents as well.

We look forward to your response. Thank you.

BLAKE SONNE
ATTORNEY, OF COUNSEL

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From: Blake Sonne <bsonne@whittenburrigelaw.com>

Date: Thursday, May 28, 2026 at 12:55 PM

To: "Timila S. Rother" <timila.rother@crowedunlevy.com>, Paige Masters <paige.masters@crowedunlevy.com>, Amanda Finch <amanda.finch@crowedunlevy.com>, Lance Leffel <lleffel@gablelaw.com>, Carrie McNeer <cmcneer@gablelaw.com>, Grant Fitz <gfitz@gablelaw.com>

Cc: "Reggie N. Whitten" <rwhitten@whittenburrigelaw.com>, Michael Burrage <mburrage@whittenburrigelaw.com>, Hannah Whitten <hwhitten@whittenburrigelaw.com>, John Sanders <jsanders@whittenburrigelaw.com>, Jake Denne <jdenne@whittenburrigelaw.com>, Karen Stratton <kstratton@whittenburrigelaw.com>, Kayli Price <kprice@whittenburrigelaw.com>, Autumn Hobbs <ahobbs@whittenburrigelaw.com>, james warner <jwarner@nixlaw.com>

Subject: Re: State Farm - WEST and Federal Cases with Deposition Notices for Nicole Manduca

Counsel,

Please find attached the Amended Notice for Nicole Manduca in West v. State Farm for June 9, 2026. I am cc'ing Lance and his firm as we have discussed at length coordinating the West deposition with the consolidated federal deposition. We put placeholders on location but assume as previously scheduled that Scottsdale, AZ is the preferred location. Please confirm. As noted in our response and motion to enforce filed today in West (attached) we request a second day of deposition in West for Manduca in consideration of State Farm's position it cannot comply with the June 1 deadline for production of documents. Your email below states there will be some lengthy production despite the motion filed, so please advise on that issue as well.

We had previously discussed the deposition of Manduca in the federal cases and we discussed this at length at the hearing before Judge Heaton in several of his cases with Crowe. It is clear that Judge Heaton and the other federal judges want us to confer and reach agreements on the scope, timing, and use/sharing of documents in the consolidated deposition. Judge Heaton specifically struck all deadlines in his cases until we can reach those agreements and take Manduca's deposition with State Farm's documents. We stand ready to discuss and confer so please advise on timing now that Lance is back from vacation. Do you want to reach on agreement on June 10th or another day for those depositions? This of course assumes we will have the documents as ordered to be produced or otherwise we will request additional deposition time once all of the document production is complete like we did in the attached West motion. Other arrangements could possibly be made, but not with State Farm's continued efforts to not agree to any scheduling extensions in any of the federal court cases. We are hopeful that will change after Judge Heaton's hearing and subsequent orders, but please advise.

In Barlow, Porter, and Cisneros, we have been ordered to meet and confer on numerous topics that Judge Russell deferred ruling on. Again, please advise as to proposed times for those discussions.

Finally, we will have the same issue with the other executives ordered to be deposed in Faust and Hursh and now West. Timila, we have requested you advise if State Farm will produce those executives per our notices. If we do not get an answer by Monday, June 1, we will go ahead and get our motion to compel on file with the court to be heard before those noticed dates in my email dated May 14, 2026: (Timila, I see that we have June 12th and you advised you are at a wedding so we can if we have to file our motion move that date to the following week like the others).

- Thomas Moss on June 12, 2026

- Kathy Ress on June 15, 2026
- Scott Welsh on June 16, 2026
- Wensley Herbert on June 17, 2026

We look forward to hearing back on these issues and time to discuss via meet and confer. Thank you.

BLAKE SONNE
ATTORNEY, OF COUNSEL

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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>

Date: Thursday, May 21, 2026 at 11:46 AM

To: Blake Sonne <bsonne@whittenburrage.com>, Paige Masters <paige.masters@crowedunlevy.com>, Amanda Finch <amanda.finch@crowedunlevy.com>, Lance Leffel <llefel@gablelaw.com>, Carrie McNeer <cmcneer@gablelaw.com>

Cc: "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Karen Stratton <kstratton@whittenburrage.com>, Kayli Price <kprice@whittenburrage.com>, Autumn Hobbs <ahobbs@whittenburrage.com>, james warner <jwarner@nixlaw.com>

Subject: RE: State Farm - WEST and Federal Cases with Deposition Notices for Nicole Manduca

Blake,

I think we have two different email strings going under the title of "Federal Cases with Deposition Notices for Nicole Manduca" one of which is more focused on West and does not include Lance and team and one of which is more global and does. To keep our last exchanges about West in one place, I am adding to an earlier response but as it covers some issues that touch on Lance's cases, I am adding he and Carrie McNeer to the string.

With that modest effort at organization, I write to note that I have conferred with State Farm about the status of document collection and production in West and handful of other pending issues, and report the following:

1. We anticipate having document production ready in several of the ordered categories

of production by June 1. It will be a lot of documents but it will not be all of them. Even with the advance work going on as a result of other discovery orders, the process is enormous and time consuming. In particular, given the passage of time between productions, and different date ranges on production orders for many of the requests, we cannot just reuse prior production as you all suggest as the reason this should not take very long. We must still search for, collect and review a large volume of documents to be in compliance with the Judge's Order in West.

2. Of note, while Judge Sheperd has ruled on the Protective Order issue and a form that complies with his order has been submitted, it has not been signed and entered by the Court as far as we can tell. I do not see it on the docket and have not received it by mail. Thus, we need to have that in place before we can produce documents, including the documents that we had agreed to produce in our original responses upon entry of a PO.
3. Our plan is to file a Motion with the Court for additional time to complete production pursuant to the Court's Order. Besides just the enormity of the task, at a minimum given that the Court's Order was signed on April 24 he intended to give us 5 weeks to complete the production but, as you know, neither we nor you received the order until May 4. Thus, our time to collect and produce was shortened by 10 days. I do not think we can complete full production in that period either but it would get us closer. I gather from your email that you object to additional time, but please confirm so we can state your position in our Motion.
4. On West scheduling issues more broadly, I was a business day early on deadlines for dispositive motions and preliminary witness and exhibit lists; they are due over the weekend and so May 26. As noted, we would prefer to move just those dates by agreement because I know your witness and exhibit list filings will include the caveats about the documents and then you will decline to respond to our MSJ due the status of depositions and document production (whether we have substantial compliance by that date or not). Further, you have indicated an intention to depose claim personnel but have not done so. I am fine keeping the pretrial date as is though the Judge may have a set window he needs between MSJ and pretrial. If you object, that is fine. We will proceed accordingly.
5. Our document production cannot be completed before the dates you propose below for Ms. Manduca's deposition. You have said more than once in the past when pursuing her deposition that you did not need the documents to depose her but recently have pivoted to a demand for complete document production before dates you propose for her deposition. We will object to presenting her more than once in West and so let us know if you want to look for a date a little further out or whether you want to proceed with an earlier date knowing document production will likely be ongoing. I am not presuming what the Court's ruling will be on our extension motion and State Farm is moving expeditiously to comply; I am simply stating that I understand it is not

possible to complete all aspects of the production by June 1 or the mid-June dates requested for depositions. I have also noted an immovable conflict for June 11 and 12.

6. As you plan to combine Ms. Manduca's deposition into one trip for West and the consolidated federal cases, that raises another issue. While Judge Russell has ordered that consolidation in all cases where the issue is ripe before him, and hopefully Judge Heaton will rule on or shortly after the May 26 hearing, we a) still do not have rulings from Judge Dishman as to Wilder and Hall and b) you have served new notices in Newell and White. Thus, we will likewise need to have some guidance from the Court in those cases before the deposition of Ms. Manduca in the federal cases as, absent a contrary order from the Court, we object to producing Ms. Manduca more than once in the federal cases.
7. As to document production in Porter and Barlow (and likely Cisneros though not my case) I do not have a timeline yet as we have been focused on West, but it will not be by June 1. Further, given the discovery conference process (on which we are awaiting Lance's return) that will not be wrapped up by June 1. I believe the Court has asked for a new scheduling order by June 11.
8. We do not agree to produce Ms. Manduca's deposition transcript or exhibits from other cases. There are separate confidentiality issues in those cases applicable to parts of the testimony and exhibits and your demand does not account for that. Further, as you note, the underlying information will be coming in separate document production in West and so what you are requesting is cumulative as you have the source information and thus there is no need to open the problems with transcript confidentiality designations and like issues.
9. We do not agree to produce what you group as "Accenture and industry standard document requests."

I know there are a lot of moving parts and I am certain we are going to need to confer about several of them in West and otherwise. For the federal cases, that will have to occur in person. Hopefully we can set something up right after Lance returns though we have the hearing in the Judge Heaton cases on Tuesday. Perhaps we will have some additional guidance on some of the federal cases at that hearing. But, if you can let us know your position on the West Tuesday deadlines and on our anticipated motion for extension of time to comply with the Court's discovery order sooner rather than later that will help us advise the court accordingly.

Thanks
Timila



Timila S. Rother
Shareholder/Director
405.235.7757



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From: Timila S. Rother

Sent: Tuesday, May 19, 2026 8:48 AM

To: 'Blake Sonne' <bsonne@whittenburragelaw.com>; Paige Masters <paige.masters@crowedunlevy.com>; Amanda Finch <amanda.finch@crowedunlevy.com>

Cc: Reggie N. Whitten <rwhitten@whittenburragelaw.com>; Michael Burrage <mburrage@whittenburragelaw.com>; Hannah Whitten <hwhitten@whittenburragelaw.com>; John Sanders <jsanders@whittenburragelaw.com>; Jake Denne <jdenne@whittenburragelaw.com>; Karen Stratton <kstratton@whittenburragelaw.com>; Kayli Price <kprice@whittenburragelaw.com>; Autumn Hobbs <ahobbs@whittenburragelaw.com>; James Warner <jwarner@nixlaw.com>

Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Blake,

I will, as noted, respond in more detail to the production and deposition issues, but respond quickly here to note that you overstated my question/request. My focus was on the Motion for Summary Judgment (and other) deadlines for Friday as, regardless of the timeline for depositions and production, I anticipate you all will not respond in 18 days because of ongoing discovery - even *if* the depositions were all agreed they would not be completed before your response is due and you have advised of an intended second motion to compel. To be transparent, I also advised that I do not believe the document production can be completed by June 1. I was not asking to extend the scheduling order, but rather anticipating that you would based on the discovery you are pursuing. I disagree with your premise that this is inconsistent with our prior objections as those are the federal court cases where the discovery was not timely pursued at all (the most recent cases) and/or was being asked to be halted in an effort to apply the Judge Palumbo orders to those cases. Indeed, in the early stages of those disputes we were noting that we would agree to a reasonable extension 30-60 days or the like, but not 120 and not on the premise that the Judge Palumbo orders were operative in the federal cases.

Regardless, we will proceed with summary judgment motions on Friday and object to any requested extensions to respond given the below, noting to the Judge our effort to avoid that situation being created at all. If there is an agreement to be reached there, let me know.

Perhaps we can discuss after a more full report on the status of the efforts to comply with the Judge's Order.

We have outstanding requests to you from a week ago about dates for the contractor depositions (see attached). Unless you have dates in the works, we will go ahead and notice them and then work with you to move them as needed. One of them is the public adjuster who is, I think, in Florida, and so that one will require more work to coordinate so we will likely just proceed with that subpoena and notice to get the ball moving. I anticipate we can take his deposition virtually.

Thanks
Timila



Timila S. Rother
Shareholder/Director
405.235.7757



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From: Blake Sonne <bsonne@whittenburragelaw.com>
Sent: Monday, May 18, 2026 2:43 PM
To: Timila S. Rother <timila.rother@crowedunlevy.com>; Paige Masters <paige.masters@crowedunlevy.com>; Amanda Finch <amanda.finch@crowedunlevy.com>
Cc: Reggie N. Whitten <rwhitten@whittenburragelaw.com>; Michael Burrage <mburrage@whittenburragelaw.com>; Hannah Whitten <hwhitten@whittenburragelaw.com>; John Sanders <jsanders@whittenburragelaw.com>; Jake Denne <jdenne@whittenburragelaw.com>; Karen Stratton <kstratton@whittenburragelaw.com>; Kayli Price <kprice@whittenburragelaw.com>; Autumn Hobbs <ahobbs@whittenburragelaw.com>; James Warner <jwarner@nixlaw.com>
Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

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Timila,

Thank you for your email. We do not agree to any extension of the deadlines in the West case. As you know, discovery is open through the pre-trial conference on July 23, 2026. We have sought extensions on

numerous occasions in other federal cases because State Farm has refused in every case to produce documents related to the FME Wind/Hail team and its implementation in Oklahoma. You have indicated an objection in every case so your request to seek an extension of deadlines now that the documents have been ordered to be produced in yet another case is not received well and is extremely inconsistent.

We also object to what appears to be your statement that State Farm will not comply with the Court's deadline of document production by June 1st. As you know, many of these documents (related to the last round of cases) were ordered to be produced by Judge Palumbo by December 24, 2025, with the remaining documents to be produced in late February I believe. If you file any motion for summary judgment, we will certainly file a response with use of these documents ordered to be produced by the Court by June 1st.

We look forward to hearing from you by Wednesday on the Manduca depo and the other executives to be deposed in June. As we stated very clearly, if you re-assert your objection to those other noticed depositions, we will file a motion to compel and get the issue before the Court as soon as possible so please advise.

We will likewise provide some dates for the depositions of the adjusters and TM we want to depose. Thank you.

BLAKE SONNE
ATTORNEY, OF COUNSEL

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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>
Date: Sunday, May 17, 2026 at 12:50 PM
To: Blake Sonne <bsonne@whittenburrage.com>, Paige Masters <paige.masters@crowedunlevy.com>, Amanda Finch <amanda.finch@crowedunlevy.com>
Cc: "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Karen Stratton <kstratton@whittenburrage.com>, Kayli Price <kprice@whittenburrage.com>, Autumn Hobbs <ahobbs@whittenburrage.com>, James Warner <jwarner@nixlaw.com>
Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Blake,

I am catching up on email after being out-of-state and in all day meetings since Thursday. I

have a call scheduled with State Farm on Tuesday to discuss the issues that are raised in your series of emails and I will send a quick separate response to the email that includes Lance on the issues as to deposition scheduling for Ms. Manduca and document production on Porter, Barlow and Cisneros.

As to West document production and timing, as noted I will respond more fully when I get an update from State Farm, but a couple of things. As you know, we did not receive this order until 10 days after it was entered. I am not sure if we could meet June 1 no matter what but certainly that is harder if we lost 10 days of the period allowed by the Court. I know this overlaps with other production and I know it is in the works but I am going to have to get more information. As you know, State Farm is juggling production orders in several cases.

But that brings me to a scheduling question. Our first round of filings, dispositive motions and preliminary witness and exhibit lists are due on May 22. In the last several cases we have filed MSJs and you all have responded with requests to extend the response date based on discovery issues. The pretrial conference date is mid-July with a lot of other deadlines due mid-June. Do you all anticipate asking to extend the scheduling order in this case as well and/or to ask for an extension to respond to our MSJ if we file it on May 22? If so, I think it makes sense to do that sooner rather than later to avoid what we both have due on Friday. If not, we can proceed with our Motion for Summary Judgment. I just wanted to get that out there before the week gets away. And certainly in the interest of candor, I anticipate State Farm may need more time to complete the ordered document production, even if it can begin production on June 1. Hopefully I will have more clarity on that by Wednesday but I am not sure how we meet a July pretrial conference either way.

Thanks
Timila



Timila S. Rother
Shareholder/Director
405.235.7757



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From: Blake Sonne <bsonne@whittenburragelaw.com>
Sent: Friday, May 15, 2026 3:49 PM
To: Timila S. Rother <timila.rother@crowedunlevy.com>; Paige Masters <paige.masters@crowedunlevy.com>; Amanda Finch <amanda.finch@crowedunlevy.com>
Cc: Reggie N. Whitten <rwhitten@whittenburragelaw.com>; Michael Burrage <mburrage@whittenburragelaw.com>; Hannah Whitten <hwhitten@whittenburragelaw.com>; John Sanders <jsanders@whittenburragelaw.com>; Jake Denne <jdenne@whittenburragelaw.com>; Karen Stratton <kstratton@whittenburragelaw.com>; Kayli Price <kprice@whittenburragelaw.com>; Autumn Hobbs <ahobbs@whittenburragelaw.com>; james warner <jwarner@nixlaw.com>
Subject: FW: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

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Timila,

With respect to my email below and the West case...we will be filing our motion to compel on the second set of discovery as mentioned. We have previously discussed requests to produce the industry standards/Accenture, claim files, and the Manduca depo in a conversation and phone call. I do not recall discussing the other depositions other than Taylor as well. However, I just wanted to again request production of these requested depositions and exhibits in our second requests without court intervention. Based on our conversations about Manduca and Taylor, I do not believe State Farm will produce these documents, depositions, or claim files, but please advise if you have any indication of a change in position. We plan to file Monday and of course stand willing to discuss at any time prior to any hearing on the motion. Thanks and hope you guys have a great weekend.

BLAKE SONNE
ATTORNEY, OF COUNSEL

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From: Blake Sonne <bsonne@whittenburragelaw.com>
Date: Thursday, May 14, 2026 at 10:19 PM
To: "Timila S. Rother" <timila.rother@crowedunlevy.com>, Lance Leffel <lleffel@gablelaw.com>
Cc: "Reggie N. Whitten" <rwhitten@whittenburragelaw.com>, Michael Burrage <mburrage@whittenburragelaw.com>, John Sanders <jsanders@whittenburragelaw.com>, Jake Denne <jdenne@whittenburragelaw.com>, Hannah Whitten <hwhitten@whittenburragelaw.com>, james warner <jwarner@nixlaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>, Kayli Price <kprice@whittenburragelaw.com>, Autumn Hobbs

<ahobbs@whittenburrage.com>, Karen Stratton <kstratton@whittenburrage.com>

Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Lance and Timila,

Hope all is well. We needed to follow up from our phone call last week regarding Nicole Manduca's deposition after we had a chance to review Judge Sheperd's ruling on the motion to compel and protective order. In addition to the documents ordered by Judge Sheperd, we now have documents ordered to be produced by Judge Russell in Cisneros, Porter, and Barlow. So, a few topics that include both firms so thought it would be better to include on this email chain:

1 - The West Production and interrogatories must be produced and answered by June 1st and we presume State Farm will produce the documents ordered by Judge Russell on or before June 1 as well. Please advise as to date of interrogatory responses and document production in the Cisneros, Porter, and Barlow cases.

2 - In addition, Judge Russell ordered us to meet and confer on numerous requests that were not granted outright. We propose some time next Tuesday or Wednesday to see if we can agree on narrowing the requests and focusing on documents in line with Judge Russell's other rulings.

3 - Judge Sheperd followed Judge Palumbo's ruling in ordering all documents produced in the key cases from our last bucket of cases, in addition to many other documents, which include documents that were the exhibits to Manduca's deposition in April 2024. As such and considering all the Court's rulings denying motions to quash and outlining the relevance of her deposition and the FME team, please advise if you will finally produce that deposition and exhibits as requested in our second set of requests. Otherwise, we will file our motion with Judge Sheperd and seek fees for having to do so based on these rulings we do not see any good faith basis considering the exhibits have been ordered produced and her motion to quash denied.

4 - we have previously conferred on the Accenture and industry standard document requests. Considering the Court's rulings, will you agree to produce these documents? If not, we will go ahead and file our motions to compel in Hursh, West, and the federal court cases in which we have made those requests related to Accenture, benchmarks, and industry standards. Please advise.

5 - With respect to scheduling Manduca, we propose two days in Scottsdale on back-to-back days for the Sheperd depo and the second day for the consolidated federal court depo. We propose looking at June 10-12 and/or June 15-19. This will allow time to review the document production for the depositions.

6 - I will be issuing notices in the West case for depositions of State Farm executives Wesley Herbert, Tom Moss, Wendy Mazza, and ____ as previously ordered in Hursh. If you would like to discuss consolidation of those depositions in the federal court cases, please advise. If you object to those depositions considering all of these rulings, we will move for an expedited hearing with Judge Sheperd to get rulings before the noticed dates in mid-June. We will notice for end of the week June 17-19 and/or June 22-24. Please advise so we can get these issues before Judge Sheperd prior to those dates.

Please review and let us know. Thank you.

BLAKE SONNE
ATTORNEY, OF COUNSEL

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WHITTEN BURRAGE

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From: Blake Sonne <bsonne@whittenburrage.com>
Date: Monday, May 4, 2026 at 1:07 PM
To: "Timila S. Rother" <timila.rother@crowedunlevy.com>, Lance Leffel <lleffel@gablelaw.com>
Cc: "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, James Warner <jwarner@nixlaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>, Kayli Price <kprice@whittenburrage.com>, Autumn Hobbs <ahobbs@whittenburrage.com>, Karen Stratton <kstratton@whittenburrage.com>
Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Here is the order in West on Plaintiff's Motion to Compel. Thanks!

BLAKE SONNE
ATTORNEY, OF COUNSEL

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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>
Date: Monday, May 4, 2026 at 12:28 PM
To: Blake Sonne <bsonne@whittenburrage.com>, Lance Leffel <lleffel@gablelaw.com>
Cc: "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, James Warner <jwarner@nixlaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>, Kayli Price <kprice@whittenburrage.com>, Autumn Hobbs <ahobbs@whittenburrage.com>, Karen Stratton <kstratton@whittenburrage.com>
Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Thanks Blake. I sent an invite for 1:00. Just a couple of quick responsive notes to make our call efficient:

1. You are basing your argument on an offered compromise of a discovery dispute that was conditioned on you all agreeing to certain terms too. You did not agree to those terms but instead offered different ones which are not acceptable to State Farm. Further, you declined to make West part of that agreement anyway.
2. Thus, it is not appropriate to argue that we now must agree to production demands arising from an *offered* discovery compromise that a) you were never willing to make applicable to West, b) was conditioned on terms to which you have not agreed and c) is much narrower than what you are presently demanding.
3. I do not see a request for transcripts in the West requests or in your motion to compel. If I am overlooking it please let me know. If the provision of transcripts was requested/ordered we would have included in our Motion to Quash that you did not need another deposition of Ms. Manduca.
4. Protective orders and confidentiality agreements prevent this production as demanded anyway.
5. In short, I respectfully disagree that you can move to compel a request you have not made based on a compromise offer applicable to different cases which you did not accept especially when the information is governed by confidentiality provisions in different cases.

As to the deposition, we are certainly willing to produce Ms. Manduca on the Court's ordered timeline but none of what you are now demanding was requested or ordered in advance of the deposition and you are the ones that chose the timeline. If you want to defer the deposition while you seek additional discovery then I appreciate you letting us know that for sure on the 1:00 pm call because we have folks incurring travel expense and juggling schedules today. We do have the continuing issue of the necessary entry of a protective order which I know the court intended to get to us before the 8th but I also understand Judge Shepperd was starting jury term and so he may have just not had the bandwidth to get to it. I know we all can relate.

Talk to you shortly.
Timila



Timila S. Rother
Shareholder/Director
405.235.7757



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From: Blake Sonne <bsonne@whittenburragelaw.com>
Sent: Monday, May 4, 2026 11:23 AM
To: Timila S. Rother <timila.rother@crowedunlevy.com>; Lance Leffel <lleffel@gablelaw.com>
Cc: Reggie N. Whitten <rwhitten@whittenburragelaw.com>; Michael Burrage <mburrage@whittenburragelaw.com>; John Sanders <jsanders@whittenburragelaw.com>; Jake Denne <jdenne@whittenburragelaw.com>; Hannah Whitten <hwhitten@whittenburragelaw.com>; James Warner <jwarner@nixlaw.com>; Paige Masters <paige.masters@crowedunlevy.com>; Carrie McNeer <cmcneer@gablelaw.com>; Kayli Price <kprice@whittenburragelaw.com>; Autumn Hobbs <ahobbs@whittenburragelaw.com>; Karen Stratton <kstratton@whittenburragelaw.com>
Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

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Timila,

I can do the call at 1pm so Reggie will miss it.

As mentioned, I sent the email last Tuesday and received no response. We have made both formal and informal requests for Manduca's deposition transcripts. Judge Sheperd overruled SF's motion to quash finding her testimony obviously relevant to the Scheme allegations and the FME team. Since that ruling, you have offered to produce these deposition transcripts and exhibits as part of a proposed consolidation of Manduca being deposed in federal court cases following Judge Dishman's ruling in Wiesman, again denying a motion to quash Manduca's deposition. So, there is no good faith basis for refusing to produce the transcript with exhibits. Certainly, it cannot be relevance considering Judge Sheperd and Judge Dishman's rulings. Nor can there be any prejudice as it would take a simple email. As you know, prior deposition transcripts of witnesses are often requested and produced both formally and informally. Here, Manduca's April 2024 deposition transcript of which our firm was involved in is undeniably relevant to her testimony regarding the Scheme. A protective order will be in place and you can designate it confidential and then make that argument to the Court. Again, no prejudice.

The refusal to produce the transcript and exhibits is self-serving, especially now that SF has offered to produce it in federal court cases based on our request to do so.

Reggie and I spoke to our local counsel there this morning and it may be difficult to get heard on this or have a ruling on our short motion before Thursday, but we intend to file our motion as stated and seek relief from the Court before taking Manduca's deposition. This most likely means we are having to continue the deposition but will wait until our 1pm phone call to determine if SF has changed its position. Thank you.

BLAKE SONNE
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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>

Date: Monday, May 4, 2026 at 9:57 AM

To: Blake Sonne <bsonne@whittenburrage.com>, Lance Leffel <lleffel@gablelaw.com>

Cc: "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, James Warner <jwarner@nixlaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>, Kayli Price <kprice@whittenburrage.com>, Autumn Hobbs <ahobbs@whittenburrage.com>, Karen Stratton <kstratton@whittenburrage.com>

Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Blake,

I can do 2:00 but we are juggling here and so earlier would be a bit better. Any chance you all could do earlier, maybe noon?

BUT, in case it makes a difference to next steps, I wanted to give you a heads up on our position in advance in my role as lead counsel in West. We are happy to discuss but do not see a good path to compromise if the demand is the production of the two mentioned Manduca depositions and exhibits before the Thursday deposition, for the reasons stated below:

1. You have not requested those deposition transcripts in discovery and thus they are not subject to a current motion to compel. Nor would an emergency motion to compel them be appropriate under the discovery code since you have made no request for them pursuant to 3234.
2. You chose to notice the deposition before document production knowing that you do not have and have not requested the transcripts and would not have other documents given pending motions. Indeed, you have done that consistently across cases and have said in past hearings that you do not need documents to take the deposition. You also then chose to press, at the hearing before Judge Shepperd, that the deposition occur within 30 days when you had not requested and did not have the transcripts and knew that other documents would not likely be produced that quickly given that the court

has taken your motion to compel under advisement and it will take time to produce documents, if ordered.

3. In all events, these depositions and their exhibits are subject to protective orders in other cases, including one in the Carson case in which your firm was never of record and has no good faith basis to obtain that deposition or its exhibits. As to the prior deposition in Nida/Kyger, those documents and confidentiality designations are protected by the confidentiality agreement in the Release as well as the Protective Orders under which the documents were produced.
4. Finally, if your intention is to depose Ms. Manduca yourselves to learn about FME then you do not need the other depositions to do that. If you had those depositions, that would substantially reduce the argument that you need to take this one at all.
5. I know there is a more global discussion about what to do in the federal court cases but I believe you all have chosen to carve this deposition in West out of that discussion. The compromise efforts there are therefore not applicable given that you are not applying them to this deposition.

Thus, there is no reasonable basis for your demand for these transcripts or a threatened emergency motion.

As to the broader effort to reach agreement on a path forward on the federal cases where Ms. Manduca's deposition is noticed, we will respond separately on that issue.

We have imminent travel plans and the witness holding dates. Can you tell me now whether you plan to proceed with the deposition on Thursday given the above as we have team members traveling starting today? Also, we are still waiting on the Court to enter a Protective Order but are hopeful that is coming. IF not, we may have to reach out to the Court about that gating issue.

Thanks
Timila



Timila S. Rother
Shareholder/Director
[405.235.7757](tel:405.235.7757)



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From: Blake Sonne <bsonne@whittenburragelaw.com>
Sent: Monday, May 4, 2026 9:17 AM
To: Timila S. Rother <timila.rother@crowedunlevy.com>; Lance Leffel <lleffel@gablelaw.com>
Cc: Reggie N. Whitten <rwhitten@whittenburragelaw.com>; Michael Burrage <mburrage@whittenburragelaw.com>; John Sanders <jsanders@whittenburragelaw.com>; Jake Denne <jdenne@whittenburragelaw.com>; Hannah Whitten <hwhitten@whittenburragelaw.com>; james warner <jwarner@nixlaw.com>; Paige Masters <paige.masters@crowedunlevy.com>; Carrie McNeer <cmcneer@gablelaw.com>; Kayli Price <kprice@whittenburragelaw.com>; Autumn Hobbs <ahobbs@whittenburragelaw.com>; Karen Stratton <kstratton@whittenburragelaw.com>
Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

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Reggie has a call at 1pm...can you all do a call at 2pm?

BLAKE SONNE
ATTORNEY, OF COUNSEL

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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>
Date: Monday, May 4, 2026 at 8:04 AM
To: Lance Leffel <lleffel@gablelaw.com>, Blake Sonne <bsonne@whittenburragelaw.com>
Cc: "Reggie N. Whitten" <rwhitten@whittenburragelaw.com>, Michael Burrage <mburrage@whittenburragelaw.com>, John Sanders <jsanders@whittenburragelaw.com>, Jake Denne <jdenne@whittenburragelaw.com>, Hannah Whitten <hwhitten@whittenburragelaw.com>, james warner <jwarner@nixlaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>, Kayli Price <kprice@whittenburragelaw.com>, Autumn Hobbs <ahobbs@whittenburragelaw.com>, Karen Stratton <kstratton@whittenburragelaw.com>
Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Does 1:00 pm work?



Timila S. Rother
Shareholder/Director
405.235.7757



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From: Lance Leffel <llefel@gablelaw.com>

Sent: Sunday, May 3, 2026 5:42 PM

To: Blake Sonne <bsonne@whittenburrage.com>

Cc: Timila S. Rother <timila.rother@crowedunlevy.com>; rwhitten@whittenburrage.com;
mburrage@whittenburrage.com; John Sanders <jsanders@whittenburrage.com>; Jake Denne
<jdenne@whittenburrage.com>; Hannah Whitten <hwhitten@whittenburrage.com>; James Warner
<jwarner@nixlaw.com>; Paige Masters <paige.masters@crowedunlevy.com>; Carrie McNeer
<cmcneer@gablelaw.com>; Kayli Price <kprice@whittenburrage.com>; Autumn Hobbs
<ahobbs@whittenburrage.com>; Karen Stratton <kstratton@whittenburrage.com>

Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

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I texted Reggie that afternoon is open for me. Not sure of Timila's availability.
Sent from my iPhone

On May 3, 2026, at 4:53 PM, Blake Sonne <bsonne@whittenburrage.com>
wrote:

External email – beware of links and attachments

Lance and Timila,

Hope you all are having a good weekend. No one has responded to our email last Tuesday and we are getting close to our deposition date on Thursday in Scottsdale. Just talked to Reggie and we are available tomorrow afternoon for a phone call to discuss. We prefer to work this out on production of Manduca's deposition transcripts without court intervention, but we will file our emergency motion in the morning and then happy to discuss in the afternoon. Please advise.
Thanks!

BLAKE SONNE
ATTORNEY, OF COUNSEL
<IMAGE001.JPG>

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From: Blake Sonne <bsonne@whittenburragelaw.com>
Date: Tuesday, April 28, 2026 at 12:58 PM
To: "Timila S. Rother" <timila.rother@crowedunlevy.com>, "Reggie N. Whitten" <rwhitten@whittenburragelaw.com>, Michael Burrage <mburrage@whittenburragelaw.com>, John Sanders <jsanders@whittenburragelaw.com>, Jake Denne <jdenne@whittenburragelaw.com>, Hannah Whitten <hwhitten@whittenburragelaw.com>, "james warner" <jwarner@nixlaw.com>
Cc: Lance Leffel <lleffel@gablelaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>, Kayli Price <kprice@whittenburragelaw.com>, Autumn Hobbs <ahobbs@whittenburragelaw.com>, Karen Stratton <kstratton@whittenburragelaw.com>
Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Timila and Lance,

This email follows our phone conversation with Lance on Friday and then receipt of Timila's email the same day. We do not agree with State Farm's desire to consolidate discovery when it suits State Farm (preventing its executives from depositions), but then argues over and over again to prevent documents produced in one case involving the FME Wind/Hail Initiative from being produced and utilized in all such cases as well as deposition transcripts that are clearly relevant based on both state and federal court rulings. In our view, it is inconsistent and self-serving.

We will take Manduca's deposition on May 7th in Scottsdale, AZ in the West case per Judge Sheperd's Order. We will provide the location in Scottsdale. To address one glaring inconsistency in your email below, we request that Manduca's depositions (the Nida deposition taken in April 2024 of which WB was a representative party & the recent deposition taken of Manduca in a non-WB case) be produced by end of business Wednesday, April 27, 2026. There is simply no good faith basis to withhold these deposition transcripts and exhibits considering Judge Sheperd's comments that Manduca's testimony is "obviously relevant."

And, a protective order will be in place and SF can designate them as confidential as is its right subject to our challenge via motions with the Court. Indeed, you state you are willing to produce her depositions on some cases but not others? Again, State Farm is taking an

inconsistent and self-serving position with zero good faith basis to do so. If State Farm does not produce such depositions, we will file a motion for emergency order to compel the transcripts and exhibits in order to allow for a more thorough and productive deposition of Manduca in the West case. Please advise.

With respect to your other comments, we do not agree to any consolidation per your terms, which excludes the Stafford case (in which notice of deposition was issued prior to the discovery cut off), refuses to allow production and use of SF documents in all such cases, fails to consolidate SF executive depositions in all cases, and fails to allow for additional testimony once the documents are produced to Whitten Burrage currently at issue on appeal in Hursh and Faust. Not one Court has quashed one of these depositions and not one Court has denied our motion to compel documents. Yet, State Farm seeks consolidation only after Judge Dishman's order to protect the very executives who implemented the entire FME Wind/Hail. We are not agreeable to such self-serving terms. Thank you.

BLAKE SONNE
ATTORNEY, OF COUNSEL
<IMAGE002.JPG>

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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>
Date: Friday, April 24, 2026 at 2:05 PM
To: Blake Sonne <bsonne@whittenburrage.com>, "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, "james warner (jwarner@nixlaw.com)" <jwarner@nixlaw.com>
Cc: Lance Leffel <lleffel@gablelaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>
Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Blake,

I believe you are talking to Lance today about the Wiesman depo and related consolidation issues as to Nicole Manduca's deposition. As we have discussed, State Farm remains willing to confer to try to reach an agreement on the most efficient way to move forward with Ms. Manduca's deposition to mitigate the

unnecessary and growing burden on Ms. Manduca, the court, and all the parties resulting from the duplicative deposition notices of Ms. Manduca across multiple cases.

As a preliminary matter, before addressing the components of your counter-proposal regarding consolidation, we want to address scheduling of Ms. Manduca's deposition in both West and Wiesman. While State Farm would prefer that you consider folding the West deposition into a consolidated deposition of Ms. Manduca, my understanding is that you want to proceed with the West deposition on or before May 8, per Judge Shepherd's order. Accordingly, absent agreement with the parties to include the West deposition in the proposed consolidation, State Farm will present Ms. Manduca for her deposition during the week of May 4. Due to travel schedules, we would appreciate if the West deposition could be scheduled for earlier in the week, either on Wednesday, May 6 or Thursday, May 7. We further understand that scheduling for the Wiesman deposition will turn on either the parties' agreement regarding consolidation, or, alternatively, any applicable court order. Therefore, absent an agreement by the parties or court order, we are currently not planning to go forward with the Wiesman deposition during the week of May 4.

In your response to State Farm's consolidation proposal, you asked why State Farm is limiting its efforts to consolidate Ms. Manduca's deposition to cases where Whitten Burrage represents the plaintiff(s). State Farm is not singling out Whitten Burrage. Rather, State Farm is seeking consolidation of Ms. Manduca's deposition in all cases where her deposition has been noticed—which at present happens to be cases in which your firm represents the plaintiff(s). Nor is State Farm's position regarding consolidation of Ms. Manduca's deposition contrary to what it has said in other cases. While State Farm maintains that the claim-specific issues in each case are unique to each plaintiff, to the extent you are deposing Ms. Manduca—who has no knowledge regarding any of the claims at issue and could only testify as to her personal knowledge of State Farm's corporate guidelines and practices—it makes the most sense to take one deposition and have it apply across the cases.

With that said, below is State Farm's response to your counter-proposal regarding consolidation of Ms. Manduca's deposition across the federal cases:

- State Farm will agree that transcripts from Ms. Manduca's depositions may be used in any of the cases where the parties agree to consolidate Ms. Manduca's deposition, except in *Stafford v. State Farm* where discovery has closed, provided that: (1) a protective order is entered in each of the respective cases that adequately covers Ms. Manduca's deposition testimony and exhibits; and (2) use of the transcripts is limited to the cases where we agree to consolidate Ms. Manduca's deposition.

- State Farm will agree to produce a copy of Ms. Manduca's April 2024 fact witness deposition taken in *Nida v. State Farm*, with exhibits, in each of the cases where the parties agree to consolidate Ms. Manduca's deposition, except in *Stafford v. State Farm* where discovery has closed, provided that: (1) a protective order is entered in each of the respective cases that adequately covers Ms. Manduca's deposition testimony and exhibits which limits their use to the case in which they were produced; and (2) use of the transcripts is limited to the cases where we agree to consolidate Ms. Manduca's deposition, each of which will have their own protective order and separately marked production.
- State Farm does not agree to produce the exhibits to Jason Taylor's corporate representative deposition in *Nida*, which was noticed for topics related to State Farm's use of Haag Educational Services. Those topics are not relevant to Ms. Manduca's deposition and Mr. Marr's questioning and use of documents beyond the scope of the noticed topics was improper. Therefore, we do not agree to produce exhibits generated under those circumstances.
- With respect to your suggestion that "Plaintiff will be able to schedule additional depositions following production of any documents related to the FME Wind Hail Initiative as ordered by any Court," we will not agree if you intend to include Ms. Manduca in this group of persons who can be produced after such production, if it occurs. Repeated depositions of Ms. Manduca would defeat the purpose of State Farm's consolidation proposal. Moreover, it is our understanding—based on comments you made at the 1/29/2026 Wong-Faust hearing ("[W]'ve seen the documents. I can take her deposition right now.")—that you do not require additional documents before deposing Ms. Manduca. However, to the extent you believe Plaintiffs may require additional documents before deposing Ms. Manduca, Plaintiffs should postpone Ms. Manduca's deposition until any remaining disputes regarding discovery of those documents are resolved. To the extent Plaintiffs elect to proceed with Ms. Manduca's deposition before the document discovery issues have been resolved, State Farm will oppose any attempts to re-depose Ms. Manduca in any of the cases where the parties agree to consolidate Ms. Manduca's deposition.
- With respect to your proposal that "[n]o agreement will impact any state court cases or rulings or be used in any effort of consolidation in any state court cases," please clarify what limitations you are proposing and, specifically, whether you intend to limit State Farm's ability to argue for additional or further consolidation in the parallel state cases. While we need to better understand the proposal before we can more meaningfully respond, we will want to preserve our argument in existing and future cases that the deposition of Ms. Manduca in *Wiesman*, via the proposed consolidation being discussed or otherwise, and/or *West* is sufficient for any deposition allowed in those cases as well.

- Upon entry of the aforementioned protective order, State Farm will agree to put up Ms. Manduca for a single, two-day deposition to satisfy the deposition notices in the cases where the parties agree to consolidate Ms. Manduca's deposition, without further time restriction for any topic or case, but with the understanding that State Farm objects to using this time to repeatedly ask the same questions under the guise of needing the time for case specific issues.
- Finally, with respect to your suggestion that the parties agree to "the same process for other State Farm executives," State Farm is amenable to an agreement to also consolidate the deposition of currently-employed "State Farm executives," but on different terms, as follows: (1) State Farm does not concede the discoverability of any testimony and reserves the right to move to quash any deposition plaintiffs notice on any and all grounds, including that the deposition is cumulative; (2) to the extent State Farm puts up any other currently-employed "State Farm executive" for a consolidated deposition, State Farm will not agree in advance to two days of testimony for each such witness, but rather, agrees to confer in good faith regarding the amount of testimony permitted, not to exceed two days.

Hopefully we can reach an agreement on these terms.

Thanks
Timila

Timila S. Rother
Shareholder/Director
405.235.7757

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From: Blake Sonne <bsonne@whittenburrigelaw.com>

Sent: Monday, April 20, 2026 1:38 PM

To: Timila S. Rother <timila.rother@crowedunlevy.com>; Reggie N. Whitten <rwhitten@whittenburrigelaw.com>; Michael Burrage <mburrage@whittenburrigelaw.com>; John Sanders <jsanders@whittenburrigelaw.com>; Jake Denne <jdenne@whittenburrigelaw.com>; Hannah Whitten <hwhitten@whittenburrigelaw.com>; James Warner <jwarner@nixlaw.com> <jwarner@nixlaw.com>

Cc: Lance Leffel <lleffel@gablelaw.com>; Paige Masters <paige.masters@crowedunlevy.com>; Carrie McNeer <cmcneer@gablelaw.com>

Subject: Re: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

ALERT: Email contains attachments from external sender. Be cautious.

Timila and Lance,

We are in receipt of your letter regarding multiple deposition notices for Nicole Manduca. As you know, Manduca was deposed a couple weeks ago in another State Farm case in which Whitten Burrage was not counsel of record. The first question raised by your email is why the Whitten Burrage cases? State Farm does not appear to be filing any such motions in any other State Farm cases. In addition, State Farm implemented Art of the Conversation in its Hail Playbook knowing it would have a major increase in upset policyholders, so it is hard to see how State Farm did not see this coming as far as increased litigation over Wind/Hail claims.

Second, State Farm's position is now directly opposite to that which it has asserted in numerous court hearings and pleadings that each case is unique and only over a \$20,000 roof. But now, after several adverse rulings from both state and federal courts, State Farm is requesting consolidation of Manduca's deposition across several federal court cases involving our firm. We do not believe State Farm's position is viable especially considering its well-known position.

In *Wilder*, Timila filed a motion to quash asserting that we met in person and conferred on the issue of Manduca's deposition and consolidating it with other cases. We have no record of any such personal meet and confer regarding this issue after Judge Dishman ruled in *Wiesman*. We will file our response today objecting to the requested relief but stating we are agreeable to discussing with both of you in more detail to see if we can agree to some stipulations regarding Manduca's depositions as well as other State Farm executives that will likewise be noticed as they are in the Hursh case.

From Timila's letter, it appears you are requesting a one-day deposition of Manduca in 10 different cases followed by a second day of 30 minutes each per each of the 10 cases. We are not agreeable to that proposal. But, in an effort to reach a workable solution, we propose the following on depositions for Manduca in the Judge Dishman and/or other federal cases:

1. All Manduca deposition transcripts will be available for use in any Whitten Burrage State Farm case;
2. State Farm will produce a copy of Manduca's deposition in April 2024 with exhibits, as recently ordered to be produced by Judge Virgin in Cleveland County, and which is the subject of discovery requests in WB multiple cases. It is hard to see any good faith basis for objecting to such production considering Judge Dishman's ruling and SF's request to streamline her depositions in this round of cases. Such deposition and exhibits will be available for the Manduca depositions being contemplated herein.
3. State Farm will produce the exhibits to Jason Taylor's corp. rep. deposition in *Nida v. State Farm*. As you know, the entire transcript is public record and on [oscn.net](https://www.oscn.net).
4. Plaintiff will be able to schedule additional depositions following production of any documents related to the FME Wind Hail Initiative as ordered by any Court (and currently the subject of the writ after being ordered to be produced by Judge Palumbo in Hursh). The parties will work together to identify those depositions in good faith.
5. No agreement will impact any state court cases or rulings or be used in any effort of

consolidation in any state court cases.

6. If these conditions are met, we can agree to a 2-day deposition of Manduca for the current 10 federal court cases to allow time as in our discretion to ask questions across multiple cases. There will be no time limit restriction for any topic or case as suggested in your letter whatsoever and will be at our discretion.
7. We agree to same process for other State Farm executives including Tom Moss, Wensley Herbert, Kathy Ress, and Scott Welsh. This would address your concerns raised in your motion for protective order and letter as well with respect to the executives whom Manduca reported to or worked with on the FME.

Please let us know your thoughts. We are willing to discuss and reach some agreement. Thank you.

BLAKE SONNE
ATTORNEY, OF COUNSEL
<IMAGE005.JPG>

512 N. Broadway Ave., Suite 300 | Oklahoma City, OK 73102
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From: "Timila S. Rother" <timila.rother@crowedunlevy.com>
Date: Thursday, April 16, 2026 at 3:41 PM
To: "Reggie N. Whitten" <rwhitten@whittenburrage.com>, Michael Burrage <mburrage@whittenburrage.com>, Blake Sonne <bsonne@whittenburrage.com>, John Sanders <jsanders@whittenburrage.com>, Jake Denne <jdenne@whittenburrage.com>, Hannah Whitten <hwhitten@whittenburrage.com>, "James Warner" <jwarner@nixlaw.com>
Cc: Lance Leffel <llefel@gablelaw.com>, Paige Masters <paige.masters@crowedunlevy.com>, Carrie McNeer <cmcneer@gablelaw.com>
Subject: RE: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Counsel

As you know, there is a deposition noticed for Ms. Manduca in the Cook case on Monday, followed quickly by notices in Dressel and Johnson. We need to file a motions in each of those cases consistent with the letter I attached to this email and which I am attaching again hereto. Can we agree on our proposal? If not, please let me know as soon as possible so that we can inform the court appropriately in our Motion, the first one of which we need to file tomorrow.

Thank you,
Timila

Timila S. Rother
Shareholder/Director
405.235.7757

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From: Timila S. Rother
Sent: Tuesday, April 14, 2026 4:11 PM
To: Reggie N. Whitten <rwhitten@whittenburrage.com>; Michael Burrage <mburrage@whittenburrage.com>; Blake Sonne <bsonne@whittenburrage.com>; John Sanders <jsanders@whittenburrage.com>; Jake Denne <jdenne@whittenburrage.com>; Hannah Whitten <hwhitten@whittenburrage.com>; James Warner (jwarner@nixlaw.com) <jwarner@nixlaw.com>
Cc: Lance Leffel <lleffel@gablelaw.com>; Paige Masters <paige.masters@crowedunlevy.com>; Carrie McNeer <cmcneer@gablelaw.com>
Subject: State Farm - Federal Cases with Deposition Notices for Nicole Manduca

Counsel

Please see attached correspondence on behalf of State Farm, including cases managed by both Lance and me.

Thanks
Timila

Timila S. Rother
Shareholder/Director

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1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY

2 STATE OF OKLAHOMA

3
4 BILLY & LACY HURSH,)

5 Plaintiffs,)

6 vs.)

CASE NO. CJ-2025-2626

7 STATE FARM FIRE AND CASUALTY)

8 COMPANY; MARK D. WELTY; and)

9 MARK D. WELTY INSURANCE AGENCY,)

10 INC.,)

11 Defendants.)

12 * * * * *

13 TRANSCRIPT OF **PLAINTIFFS' MOTION TO ENFORCE AND NOTICE OF**
14 **SUPPLEMENTAL AUTHORITY PROCEEDINGS**

15 HAD ON THE **28TH** DAY

16 OF **JULY, 2026**, BEFORE

17 THE HONORABLE AMY PALUMBO

18 * * * * *

19
20 **ATTORNEY'S COPY**

21
22 **Reported by:**

23 Tara Nixon, RPR, CRR, CRC
24 321 Park Avenue
25 Oklahoma County Courthouse
 Oklahoma City, Oklahoma 73102

DISTRICT COURT OF OKLAHOMA - OFFICIAL TRANSCRIPT

EXHIBIT

3

1 to produce documents either two ways; in the
2 ordinary course of business how they come, or you
3 have to give us some sort of idea of what documents
4 relate to what request, otherwise, it's called a
5 document dump. You just fire out documents to us,
6 hundreds of thousands of them, and say, yeah, we
7 gave you everything. Well, there's really no way to
8 do that when you do a document dump, and that's the
9 problem.

10 So, in the West case we immediately notified
11 counsel and said, this is not okay, this is not
12 appropriate. They stuck to their guns saying they
13 were going to stay with their confidentiality, they
14 weren't doing anything else. We have a pending
15 motion to de-designate every document from that
16 production because it violates the law and it
17 violates the protective order. When you do that you
18 have to show a good faith basis, and when you say
19 every document is confidential that's not in good
20 faith.

21 So, we have a pending motion to de-designate in
22 Lawton, and the same thing is done here. They have
23 designated every document as confidential and we're
24 getting document dumps. The production we got in
25 Lawton has 10 different Bates stamps in different

1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY
2 STATE OF OKLAHOMA
3

4 BILLY & LACY HURSH,)
5 Plaintiffs,)
6 vs.) CASE NO. CJ-2025-2626
7 STATE FARM FIRE AND CASUALTY)
8 COMPANY; MARK D. WELTY; and)
9 MARK D. WELTY INSURANCE AGENCY,)
10 INC.,)
11 Defendants.)

12 * * * * *

13 TRANSCRIPT OF COURT'S CONTINUATION AND RENDERING OF FINAL
14 ORDER RE: PLAINTIFFS' MOTION TO ENFORCE AND STATE FARM'S
15 MOTION TO EXTEND SCHEDULING ORDER DEADLINES PROCEEDINGS

16 HAD ON THE 4TH DAY
17 OF AUGUST, 2026, BEFORE
18 THE HONORABLE AMY PALUMBO

19 * * * * *

20 **ATTORNEY'S COPY**

21
22 Reported by:

23 Tara Nixon, RPR, CRR, CRC
24 321 Park Avenue
25 Oklahoma County Courthouse
 Oklahoma City, Oklahoma 73102

1 June 23rd. We have the Accenture documents. We
2 were here on July 7th, the Court granted our
3 second motion to compel, it's now August 4th,
4 we've seen no documents regarding Accenture. We
5 have a document dump.

6 Your Honor, we wanted to present this as part of
7 the record. These are some of the documents
8 designated confidential in the Hursh production.

9 **MS. H. WHITTEN:** This is supplemental and
10 Exhibit 1 for the record. And you had asked for a
11 random sample.

12 **THE COURT:** Yes, I did.

13 **MS. H. WHITTEN:** These blank pages have also
14 been produced in West.

15 **MR. SONNE:** Now, this is a blank page designated
16 confidential. We have numerous of those pages. We
17 also believe, based on our analysis, that they're
18 doing white box redacting.

19 **THE COURT:** What is that?

20 **MR. SONNE:** A white box redaction, which means
21 we don't know if this page is redacted or if it's
22 just a blanket page. So we have white box
23 redaction, which we are going to supplement for the
24 Court. We have filed a Motion to De-Designate in
25 this case. We're filing it today, I believe, with

1 numerous other documents, but the point is, is with
2 respect to the document dump the initial question
3 from the Court was did they do a document dump in
4 *West*. The answer is yes. Did they do a document
5 dump in *Hursh*, the answer is yes. Did they do a
6 blanket confidential in *West* on 687,000 documents?
7 Yes. Are they designated in every document in the
8 *Hursh* production? Yes.

9 So that's not before the Court. We have a
10 Motion to De-Designate, but the Court needs to be
11 aware that this is the production that's happening,
12 and it's coming to us in various links and various
13 things, so if there was a dictionary definition of
14 "document dump" we have a prime example from State
15 Farm, that's a fact.

16 And with respect to the depositions, Your Honor,
17 you know, they're fighting so hard. We have the
18 right to take these people. They have already been
19 ordered by the Court, and we have the order, as the
20 Court pointed out, in February, saying these
21 depositions are to be agreed upon and take place
22 within 30 days of the February 5th Order. And we
23 understand they filed a Writ, but the Writ was
24 denied June 23rd and now it's August 4th.

25 **THE COURT:** In my mind, the individuals who are

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TAMARA K. COKER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-06-0911-HE
	)	
HARTFORD LIFE GROUP	)	
INSURANCE COMPANY, ET AL.,	)	
	)	
Defendants.	)	

ORDER

The court previously denied the joint motion of the parties for a protective order governing the production of confidential documents in this case, concluding that the proposed order's definition of "confidential information" was so broad and indeterminate that it was inconsistent with the public nature of judicial proceedings [Doc. #17]. The parties have now moved again for entry of a protective order [Doc. #21]. The revised proposed order, though somewhat different from the first, continues to be subject to some or all of the same problems as the original order. As a result, the court concludes it is appropriate to set out more fully the court's concerns and expectations with respect to the protective or confidentiality order proposed here.¹

The protective order proposed by the parties would designate as "Confidential

¹The court does not suggest, by this second rejection of a proposed agreed protective order, any criticism of the parties or counsel. The issues discussed here, relating to the form of agreed orders for confidentiality of discovery materials, are arising with increasing frequency in cases of all sorts in this court. The court concludes a fuller discussion of such issues is appropriate.

Information” various categories of documents or information. Some are unremarkable, such as information constituting “trade secrets or other confidential research, development or commercial information” and “medical records.” Other categories are considerably broader, including “personnel information,” “personal documents of the parties or their employees,” and, most broadly of all, “electronic data.” The definition of “Confidential Information” is said to “include” these categories, but is presumably not limited to them.

The proposed order includes provisions that Confidential Information produced shall be kept confidential and used only for purposes of the present litigation. Dissemination of the information is limited to the parties, their counsel and related support staff,² the court and its personnel and, subject to certain limitations, expert and other witnesses. Disputes as to whether particular information is confidential (if not resolved by a “meet and confer” process) are to be presented “to the court in camera.” Most important for present purposes are provisions which require the filing under seal of (1) all pleadings, briefs and other documents filed with the Court which have been designated confidential and (2) all such documents which “contain” information designated as confidential. The proposed order also provides for the destruction or return of Confidential Information at the conclusion of the case, with the protective order to continue in force thereafter.

The authority of the district court to enter protective orders providing for the

²*The agreement actually limits dissemination to “outside” counsel. Since the document would permit access to confidential information by the parties, it is unclear why “in house” counsel should be (implicitly) excluded, if that is in fact the intention of the parties.*

confidentiality of discovery materials is clear. Fed.R.Civ.P. 26(c) provides:

Upon motion by a party or by the person from whom discovery is sought, accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the district where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (1) that the disclosure or discovery not be had;
- (2) that the disclosure or discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) that certain matters not be inquired into, or that the scope of the disclosure or discovery be limited to certain matters;
- (5) that discovery be conducted with no one present except persons designated by the court;
- (6) that a deposition, after being sealed, be opened only by order of the court;
- (7) that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated way; and
- (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or other person provide or permit discovery. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

The scope of the rule extends not only to the protection of information specifically referenced

in the rule, such as “trade secret or other confidential research, development or commercial information,” but also to other matters broadly implicating privacy interests. Seattle Times Co. v. Rhinehart, 467 U.S. 20, 35 n.21 (1984) (“Although the Rule contains no specific reference to privacy or to other rights or interests that may be implicated, such matters are implicit in the broad purpose and language of the Rule.”). Subject to certain broad principles and considerations and the finding of “good cause” required by Rule 26, the nature and scope of such orders are largely within the discretion of the trial court. Estate of Trentadue ex rel. Aguilar v. United States, 397 F.3d 840, 865 (10th Cir. 2005) (“District courts have discretion to issue protective orders consistent with the limitations set forth in Fed.R.Civ.P. 26(c).”); Thomas v. Int’l Bus. Mach., 48 F.3d 478, 482 (10th Cir. 1995) (“...the decision to grant a protective order under Fed.R.Civ.P. 26(c) is vested in the district court’s discretion...”).

The federal cases are conflicting in their application of Rule 26 to agreed protective orders (sometimes referred to as “blanket protective orders”) and the use of such orders has generated considerable debate. Some cases generally conclude that, given the nature of public court proceedings, both court filings and pretrial discovery should presumptively be made public, with relatively stringent standards for any exceptions from that view. See Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co., 178 F.3d 943 (7th Cir. 1999) and authorities cited therein; Bryan v. Eichenwald, 191 F.R.D. 650 (D.Kan. 2000). Other cases give greater weight to the property or privacy interests of the parties, particularly where pretrial discovery alone is involved, and give greater deference to the parties’ agreement as

to confidentiality. See In re Alexander Grant & Co. Litig., 820F.2d 352 (11th Cir. 1987).

Striking the appropriate balance between the various interests involved is difficult. While the public interest in knowing about the activities which transpire in the courts, and in knowing the basis for decisions made there, is great, litigants also have legitimate and substantial property and privacy interests which may, in a proper case, outweigh the public interest in full disclosure. Advances in technology, including the use of electronic case filing, electronic access to court records, and use of the internet to access and disseminate information, raise the stakes for everyone.

The court concludes that, in evaluating the propriety of a proposed protective order requiring confidential treatment of information,³ the use to be made of the confidential information is critical. If the agreement purports only to control the pretrial exchange of discovery materials between the parties and does not address their use in the case via some public filing, there is considerably less reason for the court to second guess the determination of the parties that designated information should be kept confidential. In the unusual case, that designation of confidential materials could conceivably extend to all discovery in the case. See United Nuclear Corp. v. Cranford Ins. Co., 905 F.2d 1424 (10th Cir. 1990).⁴ As

³This discussion relates only to consideration of agreed protective orders.

⁴In United Nuclear Corp., the district court had entered a stipulated protective order, pursuant to Fed.R.Civ.P. 26(c), declaring all discovery materials to be confidential and prohibiting their use or disclosure other than in connection with the case. The Court of Appeals did not address the merits of the order, but appears to have viewed the order as unremarkable, noting that "These stipulated 'blanket' protective orders are becoming standard practice in complex cases." *Id.* at 1427.

the Supreme Court has recognized, pretrial discovery, in and of itself, is not a public component of a civil trial.⁵ Where only the pretrial exchange of discovery materials is involved,⁶ the agreement of the parties as to the confidentiality of the documents or other materials may be sufficient, by itself, to establish “good cause” for issuance of the protective order.

The considerations change significantly once documents are used in litigation of the case. Court proceedings are public proceedings and there is a “strong presumption in favor of public access to judicial records.” Mann v. Boatwright, No. 05-1559, ___ F.3d ___, 2007 WL 476268, at *6 (10th Cir. Feb. 15, 2007). Any effort to seal materials filed or otherwise used in deciding the case should be permitted only if the property or privacy interests involved outweigh the substantial interest of the public in knowing what goes on in their courts.⁷ That determination cannot be left to the agreement of the parties, as they “are not the only people who have a legitimate interest in the record compiled in a legal proceeding.”

⁵Seattle Times Co., 467 U.S. at 33 (“Moreover, pretrial depositions and interrogatories are not public components of a civil trial. Such proceedings were not open to the public at common law...”).

⁶*The propriety of a particular protective order may be affected by the nature of the case. A commercial dispute involving trade secrets or other proprietary business information may involve different considerations than privacy interests implicated in a Title VII employment case or, as here, the materials applicable to a dispute over insurance coverage and the duty of good faith.*

⁷*The public interest is particularly strong where the discovery materials involved are submitted in support of a motion dispositive of the case or a substantial issue in it. The public interest is less compelling as to non-dispositive motions. See Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d 1122, 1135-36 (9th Cir. 2003); Chicago Tribune Co. v. Bridgestone/Firestone Inc., 263 F.3d 1304, 1312-13 (11th Cir. 2001).*

Citizens First Nat'l. Bank of Princeton, 178 F.3d at 944. The judge is the representative of the public in this regard, must make the necessary weighing of interests even in the face of a contrary agreement of the parties, and must determine whether good cause exists to seal the public record. *Id.* at 945. Further, in light of the substantial public interest in openness, any sealing or redaction of information from the public file should be kept to a minimum. In most circumstances,⁸ that means the inclusion of confidential information in a pleading or brief should not result in the entire pleading or brief being sealed, but rather should result only in the redaction of the confidential information from the pleading or brief, which would otherwise be filed normally.⁹

The protective order proposed here by the parties does more than regulate the pretrial exchange of discovery materials. As noted above, it also would require that pleadings and briefs filed in the case be sealed if they are designated as confidential or if they contain Confidential Information. That fact, coupled with the extraordinarily broad definition of Confidential Information proposed by the parties (such as "electronic data," "proprietary information," and "personal documents" of the parties) could result in significant portions

⁸*There may be circumstances where the references to confidential information are so extensive, or the redaction process otherwise so burdensome, that redaction is impractical. At some point, the processes for accommodating the competing interests involved can get so burdensome that they implicate the public interest in the "inexpensive determination of every action." Fed.R.Civ.P. 1.*

⁹*As suggested by Local Rule 5.3, relating to the redaction of personal data identifiers, a protective order could and ordinarily should provide for the public filing of the pleading or document with confidential information redacted and for the filing under seal of an unredacted copy.*

of the record in this case being sealed where no showing of "good cause," within the meaning of Rule 26(c), either has been, or perhaps could be, made. As a result, the proposed order is unacceptable .

As before, the parties may move for entry of a revised order more consistent with the standards articulated above. In the circumstances of this case, the proposed order might approach the standards set out above in various ways. One approach would be to narrowly and specifically define those categories of information intended to be kept confidential, coupled with such information (via affidavit or otherwise) as will show the confidential nature of the particular categories of documents, if it is not otherwise obvious, and establish a basis for a "good cause" determination under Rule 26. An alternative approach would be to limit the order purely to the exchange of discovery materials, in which case a broader or more general description of confidential information would be acceptable, and, when particular confidential materials are sought to be used in the case (i.e. filed), seek leave at that time to file a redacted pleading or brief or to file it under seal, with the appropriate showing.¹⁰ In any event, a proposed protective order should not purport to control the treatment of confidential information at trial (which would be handled by appropriate request to the court at that time) or to prescribe a particular process, other than a motion filed with

¹⁰Regardless of what may have been provided for in a blanket protective order entered (usually) at the outset of the case, a party may always seek a specific protective order later if matters not within the scope of the blanket order require confidential treatment or if some other issue as to the application of the blanket order arises.

the court, for the court's resolution of disputes that may arise under the protective order.¹¹

Accordingly, the parties' joint motion for entry of protective order [Doc. #21] is **DENIED**. An order complying with the above guidelines may be resubmitted.

IT IS SO ORDERED.

Dated this 21st day of February, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE

¹¹The order tendered here states that any dispute will be "present[ed] to the court in camera." That may contemplate something different than filing a motion to resolve the dispute. The court recognizes that redaction or sealing of all or part of the motion may be necessary to maintain the confidentiality of the information pending a determination by the court.