



FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OCT - 8 2026

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**

36

Case No. CJ-2025-2626

Honorable Amy Palumbo

**SUPPLEMENT TO PLAINTIFFS' MOTION TO COMPEL RE-PRODUCTION
OF ELECTRONICALLY STORED INFORMATION IN THE FORM
DEFENDANT STATE FARM ELECTED**

EXHIBITS

Continuing from Motion

- Exhibit 15:** Supplemental Affidavit of Lance E. Watson, Chief Operating Officer, Avansic, Inc.
- Exhibit 16:** Comparison of Redactions Applied to HUR00158702–709 and HUR00158712–719
- Exhibit 17:** HUR00039527–HUR00039534 ([REDACTED])
- Exhibit 18:** HUR00158701–HUR00158709 ([REDACTED])
- Exhibit 19:** HUR00158710–HUR00158719 ([REDACTED])
- Exhibit 20:** WEST00037726–WEST00037733 (same documents as Exhibit 17, West production)
- Exhibit 21:** WEST00158701–WEST00158709 (same documents as Exhibit 18, West production)

A. The Supplemental Record.

Plaintiffs file this supplement to provide the Court evidence that did not exist in examinable form when Plaintiffs filed their *Motion to Compel Re-Production of Electronically Stored Information in the Form Defendant State Farm Elected*. For background, Metadata is the information a computer system keeps about a document — who made it, who sent it, who received it, when, and what was attached — recorded separately from the words the document contains.

Plaintiffs specifically requested this Court do an in-camera review of Exhibit 133 for the purposes of finding that the document is not attorney-client privileged and seeking an order de-designating of confidentiality of such document. *See* 9/23/2026 Plaintiffs' Supplement to Plaintiffs' Motion to De-Designate¹. Thereafter, we discovered that the Metadata to Exhibit 133 was missing, like 90% of the rest of the production. *See* 10/2/2026 Plaintiffs' Mot. to Compel ESI.

Plaintiffs assert that this Court's determination of the confidentiality of Ex. 133, which this Court is currently reviewing *in camera*, should not be delayed by any Metadata issue. Plaintiffs urgently need Court guidance on Exhibit 133 because Plaintiffs intend to use such in the deposition of Jon Farney on October 19, 2026, as well as other important depositions to take place before trial in this case. However, because Metadata was also lacking on this key exhibit, Plaintiffs assert that Metadata related to Exhibit 133 must be produced by State Farm to Plaintiffs and this Court, as required by Oklahoma law.

This supplement is aimed at the Metadata missing from Ex. 133 specifically. Plaintiffs retained Avansic, Inc. to examine twenty-three produced renderings of a single October 2021 email family² — the same family the motion already identifies at Motion Exhibit 9. Ex. 18

¹ Plaintiffs incorporate and adopt the arguments outline in Plaintiffs' September 23, 2026 Supplement to Plaintiffs' Motion to De-Designate as if set out herein verbatim.

² An 'email family' is the email and all of its attachments treated as one related group. The metadata preserves that relationship, allowing us to identify which attachments came with which email.

(HUR00158701); Ex. 15 ¶ 17. The results are set out in the Supplemental Affidavit of Lance E. Watson, Ex. 15, which supplements the declaration filed as Motion Exhibit 8.

Plaintiffs' motion argues State Farm's **production of flattened images defeats the uses for which electronically stored information is produced**. As a critical example of State Farm's production deficiencies, State Farm produced the same single email, which [REDACTED], to Plaintiffs under five separate production identifiers. Those renderings were not created in the same way and the redactions to such documents were not consistent. The application metadata embedded in them identifies at least three distinct, identifiable processing programs (or "toolchains"). Every PDF carries a hidden stamp recording which program made it — like the imprint on the back of a photograph saying which lab developed it. The software writes it automatically; nobody chooses to include it. Plaintiffs, through their expert, read the stamps.

The copies do not match. In fact, one of them lists a different set of recipients than the others. But because State Farm flattened the production and failed to produce meaningful metadata, there is no way to tell which copy came out of whose mailbox, which one is faithful to the original, or why they differ.

B. State Farm Produced One Message Through Multiple Processing Pipelines, in Five Bates Ranges, With Nothing to Reconcile Them.

State Farm produced the same single email, which [REDACTED], to Plaintiffs under five separate production identifiers: HUR00039527, WEST00037726, WESTNEI00136281PROD, WEST-RFP44-Sub. Prod. 000274, and a vendor export bearing the internal number 000000_Original023602. The single email Scott Welsh sent on October 26, 2021 at 5:43:48 p.m. has been produced under HUR00158701, WEST00158701, HOSIERGAR0075574PROD, and HURPROD-00051762. Exs. 17, 18, 20, 21; Ex. 15 ¶ 21.

Those renderings were not created in the same way. The application metadata embedded in them identifies at least three distinct, identifiable processing toolchains.³ State Farm's production has been haphazard and confusing, as evidenced by State Farm producing this one email at least five separate times. The stamps show it used at least three different programs to do it. One of them, OmniPage, does not copy text at all — it looks at a picture and guesses what the letters are, and we can see where it guessed wrong. Another, Aspose, is not document-review software; rather, it is a programming tool someone used to build a custom conversion.

The copies do not match. One of them lists a different set of recipients than the others. And because State Farm served no index file with the production, there is no way to tell which copy came out of whose mailbox, which one is faithful to the original, or why they differ.

State Farm told this Court in writing which single format it would use. It then used three. ***The original emails, if produced, would answer every one of these questions in about a minute.***

This is the concrete answer to the position State Farm took in objecting to the ESI Protocol. Section 3234(B)(2)(d) required State Farm, having objected, to “state the form or forms it intends to use,” and it did: images with document-level searchable text, a Concordance-format .DAT metadata load file, and an .OPT image load file. Motion Ex. 1 at 12–13. It then produced the same message through at least three different tools and under five different production identifiers, and

³ State Farm used PDFTron PDFNet V10.2082 for most of the production files; Aspose.PDF for Java 22.6 for the copy at HOSIERGAR0075574PROD and HURPROD-00051762; and OmniPage CSDK 20 with iText 7.1.1 for the copy at WESTNEI00136281PROD, which shows visible optical-character-recognition errors. Several further files, including the copy at WEST-RFP44-Sub. Prod. 000274, carry no application metadata at all. *Id.* ¶ 22. The resulting images are not consistent: the copy produced at HOSIERGAR0075574PROD and HURPROD-00051762 renders a different recipient line than the copies produced at HUR00158701 and WEST00158701, which are themselves identical to one another. Exs. 18, 21; Ex. 15 ¶¶ 23, 26, 47.

served neither load file. The one-form rule State Farm invoked in the same objection, § 3234(B)(2)(e)(3), is a rule it has not itself observed.

The consequence is material: a .DAT load file carries the custodian, the source path, the family relationship, the message identifier and the deduplication record. With those fields, counsel reading five renderings of one message knows which mailbox each came from and which copies were suppressed. Without them — and no load file was served — the five renderings are five unexplained documents, and the discrepancies among them cannot be investigated, let alone resolved. Ex. 15 ¶ 24. This is discovery conduct is unsupported by Oklahoma's liberal discovery code, aimed at eliminating trial by ambush.

C. State Farm Produced the Same Document Twice in This Case and Redacted It Two Different Ways.

The [REDACTED] attached a revised version of the SEO summary. Ex. 18 (HUR00158701). [REDACTED] forwarded the Law Department's feedback to himself with the same summary attached. Ex. 19 (HUR00158710). State Farm produced both attachments: HUR00158702–HUR00158709 and HUR00158712–HUR00158719. Exs. 18, 19. Its processing system exported them [REDACTED] [REDACTED] UTC on July 10, 2026. Ex. 15 ¶ 19.

Plaintiff's expert, Mr. Watson, compared the two renderings page by page. They differ on each of their first seven pages, across approximately seven percent of the pixels on each page. The differences are redactions, and the redactions do not match. Ex. 15 ¶¶ 33–36; Ex. 16.

At HUR00158702 (Ex. 18) the following bullet is covered by a box bearing the legend "Redacted – AC," with an adjacent comment balloon reading "Commented [SW1]: Law Department recommends," itself redacted:

Industry Best: Industry Best FRR on light wind and small hail averages a 5-10% frequency, therefore an internal quality improvement opportunity of 53-58% for light wind and 80-85% for small hail (Source: Accenture Consulting Services).

That bullet is produced in full and unredacted at HUR00158712 (Ex. 19), ten Bates numbers later in the same production, together with a Law Department comment discussing it. It is also produced in full and unredacted in the earlier version of the same document, at HUR00039528 and at WEST00037727. Exs. 17, 20; Ex. 16.

The asymmetry runs in both directions and through the whole document. Nine comment passages produced in the clear at HUR00158703, HUR00158704, HUR00158705, HUR00158707 and HUR00158708 are covered by "Redacted – AC" boxes at the corresponding locations in HUR00158713, HUR00158714, HUR00158715, HUR00158717 and HUR00158718; and material produced in the clear at HUR00158712–713, including an entire narrative paragraph, is redacted at HUR00158702–703. Exs. 18, 19; Ex. 16. Read together, the two productions disclose most of what each withholds separately.

Redactions applied to a flattened image are applied to a picture; they carry no document identifier, no redaction code, no reason field, and no link to a log. There is no mechanism in a production of this kind by which a party, or a court, can test whether the same material has been treated consistently. Plaintiffs found this only because they happened to receive two renderings of one document and had them compared machine to machine. In a production of 156,748 files, Plaintiffs are swimming in discovery issues related to white box redactions, deficient privilege logs which do not log any of the attorney client redactions subject to Exhibit 133, failures to comply with discovery orders, and now have to request this Court order State Farm to produce the metadata they should have produced months ago.

It is why the Court should, respectfully, grant the relief the Motion requests. A .DAT load file keyed to document identifiers, served with a production in the form State Farm elected, would

have surfaced this inconsistency immediately and made it correctable. A production of images cannot be audited and cannot be fixed.

D. The Produced Images Establish State Farm Held the Metadata It Declined to Produce.

State Farm's stated ground for withholding metadata was the information pertinent to the claims and defenses "can be found in the text of the documents and is not generally found in metadata." Motion Ex. 1 at 12. *The produced images refute the premise on their face.*

An electronic mail message is not merely a page of text. It is a record composed of separately labeled fields that the mail system maintains apart from the words the author typed. Those fields record the account from which the message was sent, the accounts to which it was delivered, the date and time of sending, and the name of each file attached to it. Those fields are the metadata at issue on this motion. A message becomes a page only when software reads those fields and prints them. The header appearing at the top of each produced image is therefore not text that any State Farm employee typed into the message. It is a printout of the underlying fields, generated by State Farm's own processing software at the moment it created the image.

The sender line of each message does not render an internet address. It renders the message's Exchange directory name: "Kathy Ress [/O=STATEFARM/OU=HOME/CN=RECIPIENTS/CN=HE8J]," Ex. 17 (HUR00039527); "Scott Welsh [/O=STATEFARM/OU=HOME/CN=RECIPIENTS/CN=CX30]," Ex. 19 (HUR00158710); and "Scott Welsh [/O=STATEFARM/OU=EXTERNAL (FYDIBOHF25SPDLT)/CN=RECIPIENTS/CN=5D99B0B083AF4638BBA0385827DECFB9]," Ex. 18 (HUR00158701). Those values are read out of the message's own addressing properties during processing. Ex. 15 ¶¶ 44, 46. A party whose processing system prints them has them.

The same is true of the attachment lines. “10.26.21 SEO Fire Claims Service & Quality Update.docx,” “10.26.21 SEO Fire Claims Service Quality Update.docx” and “10.26.21 SEO Fire Claims Service Quality Updated.docx” are rendered on the face of three different transmittals — Exs. 17, 19 and 18 respectively — because State Farm’s processing system read them out of each message’s attachment table. *Id.* ¶ 42. That system captured the custodian-level fields, used them to build the pictures it produced, and then produced only the pictures.

The two October 26 messages render the same sender two different ways — one an on-premises directory name, the other the Exchange Online form. Ex. 15 ¶ 45. That ordinarily indicates collection from different stores, or from one mailbox at different points in a migration. It is the kind of question the custodian and source-path fields answer in a line, and that *no image can answer at all*. It leaves Plaintiffs in the dark related to where this discovery came from, who originally sent and received it, and leaves Plaintiffs in a position where the discovery State Farm has produced is deficient on its face.

E. The Relief Already Requested by Plaintiffs.

Plaintiffs submit this supplement regarding oral arguments in front of this Court related to missing metadata from Exhibit 133. First, Plaintiffs are seeking an order that Exhibit 133 is not subject to confidentiality protection of the Protective Order, striking confidentiality, and ruling that Exhibit 133 is not attorney-client privileged.

Second, Plaintiffs request re-production in the proper format, with document-level text, a Concordance-format .DAT metadata load file and an .OPT image load file; discrete Bates numbers and BegAttach and EndAttach values for attachments; native form for electronic mail and calendar records; the native October 26, 2021 family, Exs. 18 and 19; and a declaration from the person or vendor responsible for collection and processing — this relief would resolve every deficiency identified in this supplement.

Plaintiffs ask that the order make explicit two things the examination has shown to be necessary. First, that the re-production include, for each document, the deduplication record identifying every custodian whose copy was suppressed, so that five renderings of one message can be accounted for. Second, that any material withheld or redacted be identified on a log keyed to the document identifier in the load file, so that the same material cannot be withheld in one place and produced in another without either being visible on the face of the production.

An evasive or incomplete answer is treated as a failure to answer. 12 O.S. § 3237(A)(3). State Farm produced one message five ways, redacted one document two ways, and served no load file by which either could be detected. Plaintiffs respectfully request that this court issue an Order:

1. De-designating Exhibit 133, and ruling it is not attorney-client privileged;
2. Granting Plaintiffs' Motion to Compel ESI, requiring State Farm to re-produce metadata as stated above.
3. And for any further relief this Court deems appropriate and necessary.

Respectfully submitted,



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
Jake Denne, OBA No. 35097
WHITTEN BURRAGE
512 North Broadway Avenue, Suite 300
Oklahoma City, OK 73102
Office: 405.516.7800
Facsimile: 405.516.7859
rwhitten@whittenburragelaw.com
mburrage@whittenburragelaw.com
bsonne@whittenburragelaw.com
hwhitten@whittenburragelaw.com
bbskin@whittenburragelaw.com
jsanders@whittenburragelaw.com

jdenne@whittenburragelaw.com

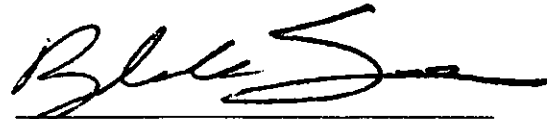
-and-

Patrick F. Colloghan, OBA No. 30529
Biby Law Firm
6305 E. 120th Ct., Suite F
Tulsa, OK 74137
918-574-8458
888-572-8263 (fax)
pat@bibylaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October, 2026, a true, correct, and exact copy of the foregoing document was emailed and/or mailed to Lance E. Leffel and David R. Herber, GABLEGOTWALS, BOK Park Plaza, 499 W. Sheridan Ave., Suite 2200, Oklahoma City, OK 73102, and Carrie B. McNeer, Grant A. Fitz, and Nathan A. Miramontes, GABLEGOTWALS, 110 N. Elgin Avenue, Suite 200, Tulsa, OK 74120-1490, Attorneys for Defendant State Farm Fire and Casualty Company; and R. Ryan Deligans, DURBIN, LARIMORE & BIALICK, 920 North Harvey, Oklahoma City, OK 73102, Attorneys for Defendants Mark D. Welty and Mark D. Welty Insurance Agency, Inc.



Blake Sonne

EXHIBIT 15
FILED UNDER SEAL

EXHIBIT 16
FILED UNDER SEAL

EXHIBIT 17
FILED UNDER SEAL

EXHIBIT 18
FILED UNDER SEAL

EXHIBIT 19
FILED UNDER SEAL

EXHIBIT 20
FILED UNDER SEAL

EXHIBIT 21
FILED UNDER SEAL