

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MERRYL D. WEISS, et al * Docket 06-CV-3774-R
 *
versus * April 11, 2007, 9:00 a.m.
 *
ALLSTATE INSURANCE COMPANY * Morning Session
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VOLUME III
JURY TRIAL BEFORE THE
HONORABLE SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: RICHARD C. TRAHANT, ESQ.
 2908 Hessmer Avenue
 Metairie, Louisiana 70002

For the Plaintiffs: JACK E. MORRIS, ESQ.
 4051 Veterans Blvd., Suite 208
 Metairie, Louisiana 70002

For the Plaintiffs: Shearman-Denenea
 BY: JOHN DENENEA JR., ESQ.
 4240 Canal Street
 New Orleans, Louisiana 70119

For the Defendant: Barrasso Usdin Kupperman
 Freeman & Sarver
 BY: JUDY Y. BARRASSO, ESQ.
 909 Poydras Street, Suite 1800
 New Orleans, Louisiana 70112

1 MS. CUNNINGHAM: We really appreciate it.

2 THE COURT: All right. Ladies and gentlemen, we are
3 going to take the morning break. Leave your notepads on your
4 chairs, standard instruction, and we'll come back in 15
5 minutes.

6 THE DEPUTY CLERK: All rise for the jury, please.

7 (WHEREUPON the Court took a brief recess.)

8 THE DEPUTY CLERK: All rise, please.

9 Court is in session. Please be seated.

10 MR. DENENEA: Your Honor, plaintiffs call
11 Mung Hatter, please.

12 (WHEREUPON Mung Hatter, having been duly sworn,
13 testified as follows.)

14 THE DEPUTY CLERK: Please state your full name and
15 correct spelling for the record.

16 THE WITNESS: Mung Hatter.

17 DIRECT EXAMINATION

18 BY MR. DENENEA:

19 Q. Ms. Hatter, can you state your address presently, ma'am.

20 A. 11525 Hatter Lane, Gulfport, Mississippi.

21 Q. By whom are you presently employed?

22 A. I'm at the Beau Rivage Casino.

23 Q. In February 2006, whom were you employed by?

24 A. Pilot Catastrophe.

25 Q. By working with Pilot Catastrophe, ma'am, is it correct

1 that you were also working exclusively for Allstate Insurance
2 Company?

3 A. Yes.

4 Q. Ma'am, how was it that you appeared in court today?

5 A. I was subpoenaed.

6 Q. Ma'am, you're aware that we attempted to serve you
7 approximately three weeks ago to attend this trial today?

8 A. No, you did not.

9 MS. BARRASSO: Objection: Irrelevant.

10 THE COURT: Sustained.

11 BY MR. DENENEA

12 Q. Ma'am, were you aware of this trial prior to yesterday?

13 A. No.

14 Q. Did anybody contact you from Allstate or Pilot Catastrophe
15 before yesterday?

16 A. Pilot's lawyer did.

17 Q. Who talked to you?

18 A. Mr. David Walker.

19 Q. Who does David Walker work for?

20 A. Pilot.

21 Q. What was the discussion between you and Mr. Walker
22 relative to the appearance at this trial today?

23 MS. BARRASSO: Objection, Judge. May we approach?

24 THE COURT: Yes.

25 (WHEREUPON the following proceedings were held at the

1 bench.)

2 MS. BARRASSO: Judge, Mr. Walker is their attorney
3 and he is not here today, but I'm not sure she knows she --

4 THE COURT: He is an attorney for --

5 MS. BARRASSO: Pilot Catastrophe, so this question
6 would be privileged. She may not know to say that, and he is
7 not here. He is Mr. Crosby's --

8 THE COURT: Is Mr. Crosby here?

9 MS. BARRASSO: No, they are not here.

10 MR. TRAHANT: She doesn't work for them.

11 THE COURT: There's no privilege now. She doesn't
12 work for them.

13 MS. BARRASSO: They can represent previous employees.

14 THE COURT: Find out if he talked to her about what
15 she might say at trial, but that's privileged because that goes
16 to what she did for them when she worked for them. The company
17 could have a privilege with that. If he talked to her about
18 her appearance at trial and coming or not coming, trying not to
19 come, you can go into that, but as far as asking her what she's
20 going to say and trial preparation --

21 MR. DENENEA: I won't go into that.

22 MR. TRAHANT: She just testified she didn't know
23 about this trial until yesterday. We do know that, prior to
24 yesterday, Mr. Walker and Mr. Crosby's office had spoken to the
25 lady.

1 THE COURT: Just ask her if she had spoken to either
2 of those gentleman before that, but you understand the
3 limitations?

4 MR. DENENEA: Absolutely.

5 THE COURT: We are not going to get --

6 MR. DENENEA: I think it's perfectly proper. I'm
7 going to ask what documents she has reviewed, what did she do
8 in preparation --

9 THE COURT: She can say who she talked to. She just
10 can't say what they said.

11 MS. BARRASSO: The objection was to "Tell me what
12 Mr. Walker and you discussed."

13 MR. DENENEA: I want to make sure this record is
14 protected.

15 THE COURT: Let's go.

16 (WHEREUPON the following proceedings were held in
17 open court.)

18 BY MR. DENENEA:

19 Q. What did you and Mr. Walker talk about with reference to
20 your appearing at trial today?

21 A. He just asked me if I have been served with a subpoena,
22 and I told him no.

23 Q. Is it your testimony you had no notification whatsoever
24 with regard to this trial until yesterday?

25 A. Until yesterday, I had none.

1 Q. Isn't it true my office sent to you a registered mail that
2 was refused by your house at 11525 Hatter Lane?

3 A. I got a registered letter that day, but it wasn't for me.
4 It was for a Hung, H-U-N-G.

5 Q. So when you saw the "Hung Hatter" you decided to refuse
6 that certified letter?

7 A. Yes, because it was not for me.

8 Q. Isn't it true that subpoenas were delivered to your home
9 or a neighboring relative's property with regard to the
10 attendance at trial today?

11 A. It was to my mother-in-law's house. She told that guy
12 that I lived down the street, but he never came to my house.

13 Q. You were aware we were attempting service upon you for the
14 trial today?

15 A. She didn't tell me what it was. She just told me that
16 some guy came to the house and gave her a piece of paper.

17 Q. At that time did you attempt to contact my office, the
18 Court, or Ms. Barrasso's office to get some clarification?

19 A. No.

20 Q. You just ignored that information?

21 A. I didn't know what it was.

22 Q. Now, ma'am, what documents did you review in preparation
23 of your testimony today?

24 A. Excuse me?

25 Q. What documents have you reviewed -- paperwork, documents,

1 photos, anything -- in preparation of your testimony today?

2 A. None.

3 Q. Did you review any documents in the hallway this morning
4 upon delivery by counsel for Allstate?

5 A. No.

6 Q. You received no documentation whatsoever?

7 A. No.

8 Q. Okay. Has anybody from Allstate or Pilot Catastrophe
9 suggested that you not attend this trial today?

10 A. No.

11 Q. Now, ma'am, in February 2006 you said you were working for
12 Pilot Catastrophe in conjunction with Allstate claims; is that
13 correct?

14 A. Yes.

15 Q. Now, what type of position did you hold at that job?

16 A. I was an inside adjuster.

17 Q. What type of qualifications did you understand you had to
18 have to be an inside adjuster?

19 A. My qualification as an inside adjuster was I took the
20 documents from the outside adjuster's survey at the property
21 and just put it into the computer as he had it on the piece of
22 paper, printed out the documents, and sent it to a file
23 examiner. They then approve it and it goes on to processing as
24 far as I know.

25 Q. What kind of qualifications allowed you to become the

1 inside adjuster? What type of background did you have for that
2 job?

3 A. I don't understand.

4 Q. What kind of educational background do you have?

5 A. None.

6 Q. Did you complete high school?

7 A. Yes.

8 Q. Beyond high school, do you have any other further
9 education?

10 A. I have two years of college.

11 Q. Do you have any type of accounting background or similar
12 type background?

13 A. No.

14 Q. What type of college studies did you have?

15 A. Business.

16 Q. How is it you came to obtain this job with Pilot in
17 conjunction with Allstate?

18 A. Friends.

19 Q. What other friends?

20 A. Pardon?

21 Q. What are the names of the friends?

22 A. Coworkers and friends that I worked with at the
23 Beau Rivage.

24 Q. Was one of those Ana Chen?

25 A. No.

1 Q. Who was Ana Chen?

2 A. She worked with me at the corporate office in Mobile. I
3 believe she worked in content.

4 Q. Was Ana Chen a co-worker of yours?

5 A. At the Beau Rivage?

6 Q. No. No, ma'am. At the Pilot/Allstate office?

7 A. Yes.

8 Q. Now, am I correct that, in this inside adjuster position,
9 you were working in what has been referred to as a large loss
10 section?

11 A. Yes. And flood.

12 Q. The type of documents you just mentioned a moment ago with
13 regard to what you would prepare, those would also be relative
14 to contents, as well, wouldn't it?

15 A. Yes.

16 Q. Would you also be handling structure loss related to flood
17 damage?

18 A. Yes.

19 Q. When I said "contents," I also meant contents relative to
20 flood loss.

21 A. Yes.

22 Q. You knew working with the contents and structural loss you
23 would be working under the supervision of Allstate individuals;
24 correct?

25 A. Yes.

1 Q. In fact, when you work for Allstate, they observe and
2 supervise all the actions that you take with regard to the
3 contents and structural calculations and document creation?

4 MS. BARRASSO: I just object to the form, Judge. She
5 doesn't work for Allstate.

6 THE COURT: Overruled.

7 BY MR. DENENEA:

8 Q. You can answer, ma'am.

9 A. Pardon? Can you repeat the question?

10 Q. Sure.

11 THE COURT: When you make an objection, just tell me
12 what the objection is. Don't suggest answers.

13 BY MR. DENENEA:

14 Q. In conjunction with the structure and contents flood
15 claims that you were working on and the creation of the
16 documents, you understood and knew that you were under the
17 supervision and observation of Pilot and Allstate supervisors;
18 is that correct?

19 A. Yes.

20 Q. In fact, Allstate's programs and in their claims sections
21 actually have measurement techniques to observe and watch what
22 information you're putting on the computer and the diary
23 system?

24 A. Yes.

25 Q. There's a specific measurement of that; is that not

1 correct?

2 A. Yes.

3 Q. It gets all the way up to what I think Allstate refers to
4 as a market claims office?

5 A. I don't remember.

6 Q. Now, when you were completing these forms and putting
7 these forms together, you also knew that these forms would
8 ultimately be submitted to the FEMA National Flood Insurance
9 Program run by the federal government?

10 A. Yes.

11 Q. These forms and documents had letterheads with Allstate;
12 is that correct?

13 A. Yes.

14 Q. You knew, working for this claims office, that you were
15 working for Allstate; correct?

16 A. Yes.

17 Q. Now, when you're working for Allstate, you're able to
18 access the Allstate computer and diary system; is that not
19 correct?

20 A. I don't remember.

21 Q. Wasn't there a method by which you could enter into the
22 Allstate computer information about what you were doing and
23 what the claims process was doing with regard to the contents
24 and structure loss?

25 A. I don't remember that.

1 Q. Now, Ms. Hatter, there's a screen in front of you which is
2 also the same as being put on this big screen here. Can you
3 identify that first entry at page 17? This is Exhibit 4.

4 THE COURT: Can you blow that up a little bit. She
5 can't see it.

6 BY MR. DENENEA:

7 Q. Can you see that first entry --

8 A. Yes.

9 Q. -- ms. Hatter?

10 A. Yes.

11 Q. Do you recognize that entry?

12 A. No, I do not.

13 Q. Whose name is that at the end of that statement where it
14 says: "Adjuster Use Only. Received claim at heavy flood loss
15 unit"?

16 A. Mine.

17 Q. Is it true you would enter information on the computer
18 from time to time with regard to these flood loss claims?

19 A. Yes.

20 Q. That, in fact, is an entry by you on February 13, 2006?

21 A. Yes.

22 Q. The following February 15, 2006 entry, would that not also
23 be your entry with regard to the Weiss claim?

24 A. I don't remember.

25 THE COURT: Could you speak up a little bit. I'm

1 having trouble hearing you.

2 BY MR. DENENEA:

3 Q. Maybe go closer to the microphone, if you could. Let me
4 ask you this other question: Working in the office, you didn't
5 go out into the field; is that correct?

6 A. No, I did not.

7 Q. You didn't meet with insureds?

8 A. No.

9 Q. You didn't inspect properties?

10 A. No.

11 Q. Did you take any kind of recorded statements from insureds
12 over the telephone?

13 A. No.

14 Q. You just reviewed documents and submitted documents with
15 regard to the flood claims?

16 A. Yes.

17 Q. Now, in reviewing this diary now, Ms. Hatter, am I not
18 correct this diary system provides us with a historical look at
19 what was going on in the Weiss flood claim?

20 A. Yes.

21 Q. In fact, it shows specifically that in February you were
22 involved in the handling of this flood claim, specifically at
23 least February 13?

24 A. Yes.

25 Q. Who were your supervisors at Allstate in February of 2006?

1 A. I don't remember her name.

2 Q. It was a woman?

3 A. Yes.

4 Q. In the meantime, you could not act individually or
5 separately from Allstate in regard to handling these claims?

6 By that I mean: When you were providing that information and
7 doing the claims handling, there was oversight supervision by
8 Allstate personnel at all time?

9 A. I don't remember.

10 Q. Were there instances, ma'am, where you were handling
11 claims separate and apart from Pilot and Allstate?

12 A. Pilot only.

13 Q. Did you ever have any contact with Allstate people at all
14 with regard to handling these claims?

15 A. No.

16 Q. But you would agree that you were entering into this
17 computer, which is the Allstate diary system, your actions and
18 activities with regard to these flood claims?

19 A. Yes.

20 Q. You were submitting them on Allstate letterhead documents?

21 A. Yes.

22 Q. If I understand your testimony, you were basically
23 compiling information to submit to the National Flood Insurance
24 Program for flood claims?

25 A. Yes.

1 Q. Did you handle any structures on wind loss claims?

2 A. No.

3 Q. This was exclusively flood loss claims?

4 A. Flood.

5 Q. Were you able to access any kind of wind loss information
6 on the Allstate computer in compiling what you were doing for
7 the flood claims?

8 A. No.

9 Q. That was totally separate and apart?

10 A. Yes.

11 Q. None of that information ever got into the flood loss
12 claims process and computers for you to render documentation to
13 the NFIP?

14 A. No.

15 Q. Now, after you would compile the information and get the
16 documentation together, at that point you would send it to the
17 National Flood Insurance Program?

18 A. I would send it to the file examiner for them to approve
19 it.

20 Q. Where would it go after that?

21 A. I don't know.

22 Q. Do you know if it was e-mailed, FedEx'd, certified mail,
23 or how did it work?

24 A. From when it left my desk --

25 Q. Yes.

1 A. -- to the file examiner?

2 Q. Yes.

3 A. It was all in the same building --

4 Q. Yes.

5 A. -- so we just put it in the basket. Someone would come
6 and pick it up and take to the file examiner's office.

7 Q. Do you know whether or not this would be sent on an e-mail
8 system or not?

9 A. No.

10 Q. In fact, when this was all compiled and sent to the
11 supervisor's desk, there had to be specific supervisors check
12 off on the documents before they were off to make sure they
13 were accurate representations of the flood claim?

14 A. Yes.

15 Q. Do you recognize this document, ma'am?

16 A. I don't remember it.

17 Q. This is your name here; am I correct, ma'am?

18 A. Yes.

19 Q. You had extension 5059?

20 A. Yes.

21 Q. If you look above that, ma'am, how that information is
22 being sent, it's checked off "U.S. Mail," "Check." Is that
23 your checkmark?

24 A. I don't know.

25 Q. What is this "MS" indication here?

1 A. I don't know.

2 Q. Below that, there's a check -- well, you signed your name.
3 You're verifying you're the agent for that particular claim; is
4 that correct?

5 A. Yes.

6 Q. Below that, you're also designating the routing call to
7 insured and routing form complete, and you designate your name
8 because you have now completed your section?

9 A. Yes.

10 Q. These are the individuals, the supervisors, that are
11 checking off that all the documentation are complete and
12 accurate; is that correct?

13 A. I don't know.

14 Q. Do you know who those initials are?

15 A. No, I do not.

16 Q. "BP," "JD"?

17 A. No. I don't know.

18 Q. In the meantime, the process required that you actually
19 had to send it up the chain of command before this
20 documentation was submitted to the federal government?

21 A. Yes.

22 Q. I'm going to go back to 17. This is the entry again,
23 ma'am, on February 13, which you have already identified your
24 name. Do you know what that "GCF," "MCO" designates?

25 A. No, I don't.

1 Q. This is, again, part of the Allstate diary system?

2 A. Yes.

3 Q. Go to page 52 again. Would this have been the
4 documentation that would have been the final checkoff by you
5 before it is submitted to the supervisors within the
6 Pilot/Allstate system?

7 A. I don't remember if that was the final.

8 Q. Is there a date here, ma'am, that you actually can see
9 when you actually signed this document?

10 A. No.

11 Q. Do you recognize this document, ma'am? I'll scroll down
12 closer so you can see.

13 A. No, I don't.

14 Q. That's your name on the adjuster's signature line?

15 A. Yes.

16 Q. Is that, in fact, your signature?

17 A. Yes.

18 Q. The Social Security number blank that says "applied for,"
19 what's that mean, ma'am?

20 A. I don't know.

21 Q. Did you actually put that in there?

22 A. No.

23 Q. You didn't fill that blank in right there?

24 A. No.

25 Q. Do you know whether that's actually your signature to the

1 left?

2 A. It is mine.

3 Q. Now that we look at this document, do you recognize what
4 this document is?

5 A. I don't remember.

6 Q. If you look at the bottom of this document, there's some
7 indications at the bottom that talk about some water levels.
8 Are you familiar with those blanks and that information?

9 A. I don't remember, no.

10 Q. The information that is contained on this type of form,
11 ma'am, do you know where you would have gotten this information
12 from?

13 A. It would be from the file that the outside adjuster had
14 turned in.

15 Q. In this case, do you know the name of the adjuster who was
16 the field adjuster in this case?

17 A. No, I don't.

18 Q. This, again, ma'am, is the Allstate claim activity diary
19 and an entry of February 10, indicating the adjuster Mike Wells
20 was then submitting it to the large loss -- right above, on
21 February 7, it's now being submitted to the heavy loss unit; is
22 that correct?

23 A. Yes.

24 Q. Then Mike Wells, at the bottom of that, on February 10,
25 closes his file and submits -- what is this information we're

1 looking at here, ma'am?

2 A. I don't know.

3 Q. Would this be the type of information that you would be
4 relying upon to fill out forms for the National Flood Insurance
5 Program?

6 A. No.

7 Q. You wouldn't rely on that at all; is that correct? You
8 have to --

9 THE COURT: You have to answer out loud.

10 THE WITNESS: No. Sorry.

11 BY MR. DENENEA:

12 Q. So the information that you then compile and put on these
13 National Flood Insurance Program forms would come directly from
14 the information provided from Mike Wells; is that correct?

15 A. On paper.

16 Q. On paper. Would there be any other method of obtaining
17 information, with regard to a flood claim, that you would
18 incorporate into these National Flood Insurance Program
19 documents?

20 A. No.

21 Q. Solely from Mike Wells?

22 A. No.

23 THE COURT: I'm sorry. I didn't hear what you said.

24 THE WITNESS: What was the question again? I'm
25 sorry.

1 BY MR. DENENEA:

2 Q. The question is: Mike Wells is the field adjuster. Would
3 there be any other source that you would be getting information
4 from other than what the field adjuster, Mike Wells, is
5 presenting?

6 A. No other information.

7 Q. Whatever the field adjuster gets you, submits it to you,
8 you fill that out, incorporate that into the NFIP forms?

9 A. Yes.

10 Q. Nothing else in between?

11 A. Nothing else.

12 Q. Now, this is Exhibit 4. This goes from February 10, and
13 if we scroll down this then take us back to the entries of
14 February 13 and February 15. Would you agree, ma'am, that this
15 is the time period you're actually handling this file?

16 A. Yes.

17 Q. I will submit to you this is the last entry we have on the
18 flood claim that I'm aware of. Do you know of any additional
19 information or activity you had with regard to the Weiss flood
20 claim?

21 A. No.

22 Q. For the record, the entries here, ma'am, February 13 at
23 4:31, you received the claim at the heavy flood loss unit;
24 correct?

25 A. Yes.

1 Q. Then on February 15: "Allstate Adjuster Use Only.
2 Completed file per Marshall & Swift evaluation. No subro. No
3 priors listed. Submitting file for review and payment
4 considerations." Correct?

5 A. Yes.

6 Q. Would that have been your entry as well?

7 A. I don't remember.

8 Q. If we go to page 21 of Exhibit 4 and have you look at
9 this, ma'am, do you recognize this sheet?

10 A. No.

11 Q. I'll have you look at the top left corner. "Adjuster:
12 Mung Hatten [sic]," would that reference your name?

13 A. Yes.

14 Q. On this date it shows us at least on February 15, 2006,
15 you're actually actively involved in creating or preparing what
16 appears to be a claim summary on the Weiss flood claim; is that
17 correct?

18 A. I don't remember.

19 Q. Would there be anybody else at the Pilot/Allstate office
20 that would be involved in the handling of this flood claim
21 other than you?

22 A. I don't know.

23 THE COURT: Is that the kind of work you did? Is
24 that the kind of work you did, fooling with documents like
25 that?

1 THE WITNESS: I entered them into the computer, and
2 the program just prints it out like that.

3 BY MR. DENENEA:

4 Q. This is representative of the type of work you did at the
5 Pilot/Allstate office?

6 A. Yes.

7 Q. This doesn't look completely foreign to you?

8 A. I only worked there for four months and it has been, like,
9 over a year since I left that job, so I don't remember a lot of
10 things.

11 Q. I'm not asking you specifically for that day, but when we
12 look at this form it appears this is the type of information
13 you were inputting into the computer; correct?

14 A. Yes.

15 Q. I'm going to show you again page 22. Is this information,
16 also, that you would be filling in?

17 A. Yes.

18 Q. Now, we know that Mike Wells completed his file on
19 February -- at least the entry shows February 10, and it
20 appears that you were handling the file February 13 and
21 February 15. Do you know whether or not you ever created or
22 prepared actual letters on behalf of adjusters to be submitted
23 to the National Flood Insurance Program?

24 A. I don't remember.

25 Q. Page 8 of Exhibit 4, do you recognize this type of form,

1 ma'am?

2 A. Yes.

3 Q. Is this the type of forms that you would also incorporate
4 into the National Flood Insurance Program for submission?

5 A. Yes.

6 Q. I'm going to have you scroll through this entire form, and
7 tell me to slow down or stop if you need to read it. I'm going
8 to kind of slowly scroll down to see if this was the type of
9 form you would have created and submitted to the National Flood
10 Insurance Program.

11 A. Yes.

12 Q. At the bottom of this letter, ma'am, it shows Mike Wells
13 as the adjuster. Do you know if you specifically created this
14 letter on behalf of Mr. Wells?

15 A. I don't remember.

16 Q. You would agree this type of letter and this type of form
17 was something you ordinarily would create and prepare for
18 submission to the NFIP?

19 A. Yes.

20 Q. If Mr. Wells had testified this was not his letter, would
21 you have any information with which to dispute that?

22 A. No.

23 Q. Let me bring down a section called "Cause and Origin" in
24 the middle of that first page and have you read it for a
25 moment. You don't have to read it out loud.

1 A. "The flood occurred on 8-29-2005. The damage appears to
2 be from the result of the general condition of flooding in the
3 area. First inspection revealed an exterior waterline of 15 to
4 20 feet and interior waterline of 8 to 12 feet. Damage was
5 extensive throughout the home."

6 Q. Am I correct, ma'am, this information would have come
7 specifically and only and exclusively from Mike Wells, the
8 field adjuster?

9 A. I don't know.

10 Q. Would there be any other method or any other source you
11 would be getting this information from?

12 A. No.

13 Q. You haven't talked to the insureds, have you?

14 A. No.

15 Q. You wouldn't have gotten any other independent
16 information; correct?

17 A. No.

18 Q. You would have gotten it all either from the computer or
19 from Mr. Wells himself?

20 A. Yes.

21 Q. Or his documents?

22 A. Yes.

23 Q. We then go into a section that I believe talks about the
24 calculations of replacement costs in the structure; is that
25 correct?

1 A. Yes.

2 Q. If we go down a little further, we then get into the
3 estimate of damage for the contents; is that correct?

4 A. Yes.

5 Q. Again, this question here with regard to the contents, the
6 replacement cost totaling \$139,562, depreciation of \$38,219,
7 nonrecoverable same number, and then the actual cash value of
8 the claim is \$100,000 -- did I read that correctly, ma'am?

9 A. Yes.

10 Q. Again, this information would have come directly and
11 exclusively from Mike Wells, the field adjuster?

12 A. I don't know.

13 Q. Would there be any other source that you would have gotten
14 this information from other than the file itself, the
15 computerized information on the diary log, anywhere else?

16 A. No.

17 Q. Ma'am, are you familiar with a document called a fast-path
18 contents list?

19 A. No.

20 Q. I show you this document here, which is page 45 of
21 Exhibit 4. Do you recognize this type document, ma'am?

22 A. No.

23 Q. I'm going to scroll through this for you. Do you
24 recognize that type of form, ma'am?

25 A. I've seen that form.

1 Q. Would you also utilize these types of forms to calculate
2 contents numbers and totals for submission to the NFIP?

3 A. No.

4 Q. You wouldn't use these at all?

5 A. I don't work in the content department.

6 Q. You didn't work in the content department at all?

7 A. No. That was a separate department.

8 Q. Who worked in the content department?

9 A. I don't know their names.

10 Q. Now, we referenced earlier a woman by the name of Ana
11 Chen. Did she work in the content department?

12 A. Yes.

13 Q. Let's go down. Do you recognize this type of document?

14 A. No.

15 Q. Did you from time to time, working at the Pilot
16 Catastrophe/Allstate office, come across missing information or
17 missing documentation that was not available within the claim
18 file?

19 A. No.

20 Q. You don't recognize this document?

21 A. I don't recognize that form.

22 Q. You don't recognize that form?

23 A. No.

24 THE COURT: Is there some purpose for the scrolling?

25 MR. DENENEAA: I'm trying to get back to the number,

1 Judge. I lost my train there.

2 BY MR. DENENEA:

3 Q. Let me show you this document, ma'am. Do you recognize
4 this document, ma'am?

5 A. No.

6 Q. Who is Denise Becker?

7 A. I don't know.

8 Q. Was she your supervisor?

9 A. No.

10 Q. Did she work in conjunction with you at the heavy loss
11 unit?

12 A. I don't know her.

13 Q. Now, if we go to the entries of February 13 and 15, when
14 we deal with the Marshall & Swift evaluation, what was that
15 referencing, ma'am?

16 A. I don't know.

17 Q. Are you familiar with what Marshall & Swift was or is?

18 A. Yes.

19 Q. What was it?

20 A. It was a program that we had in our computer that I would
21 take the information from the outside adjuster like a total
22 loss.

23 Q. Was that for structure alone?

24 A. Content also.

25 Q. So you would also incorporate the content information into

1 the computer as well?

2 A. Yes.

3 Q. If we look back at page 18, that would be representative
4 of the information obtained through the Marshall & Swift
5 information; is that correct?

6 A. Yes.

7 Q. Look at the title again. This document is, again,
8 submitted to the NFIP; is that correct?

9 A. Yes.

10 Q. Are you familiar with this proof of loss, ma'am?

11 A. I don't remember.

12 Q. Is this also part and parcel of the Marshall & Swift NFIP
13 formula that you submitted?

14 A. I don't remember.

15 Q. What about this document?

16 THE COURT: I don't know how she can see it because I
17 can't.

18 BY MR. DENENEA:

19 Q. Let me zoom into the title here and see if you recognize
20 it.

21 A. I don't remember that one.

22 Q. Ma'am, this, again, is page 21 of the Allstate National
23 Catastrophe Team submission calculating the structure and the
24 contents identifying you as the handling adjuster; correct?

25 A. Yes.

1 Q. Up here in the left corner; correct?

2 A. Yes.

3 Q. So you would have been involved, am I correct, in the
4 dwelling as well as the personal property calculations in the
5 Weiss property?

6 A. No. I just add the information -- I just put the
7 information into the computer. I don't have any calculation to
8 do with that.

9 Q. Well, how would you get the information to put it in?

10 A. From the outside adjuster. He had all the information on
11 paper. All I did was put the information that he had on paper
12 into the computer. That's all I did.

13 Q. But you would have done this both for dwelling and for
14 personal property on the Weiss claim identified in the top left
15 corner; correct?

16 A. Yes.

17 Q. Well, let me have you go through Exhibit 4 rather than me
18 scrolling through and confusing everyone. If you can open the
19 benchbook, I represent to you, ma'am, this is the entirety of
20 the flood loss claim on the Weiss property at 13 Treasure Isle.
21 I'll have you just flip through that, and if you can identify
22 for us what documentation you have used to put into -- the page
23 we just looked at, page 21, is this Allstate Insurance
24 Catastrophe Team claim summary for dwelling and for personal
25 property. Can you flip through Exhibit 4, take a moment and

1 look through there, and tell me what information you would have
2 used to come to these numbers and calculations.

3 MR. DENENEA: If I could approach, Your Honor, and
4 retrieve those pages so I can use that?

5 MS. BARRASSO: Judge, may I approach and see what
6 documents we are looking at?

7 THE COURT: Sure.

8 BY MR. DENENEA:

9 Q. Ms. Hatter, for the record, what you have designated in
10 those yellow sticky notes on Exhibit 4 would have been the
11 exclusive documentation for which you would have relied to
12 submit the total contents and dwelling to the NFIP?

13 A. Yes.

14 Q. Nothing else?

15 A. Nothing else.

16 Q. What are we looking at here, ma'am? For the record, this
17 is identified Bates stamp Weiss 371. What is this document?

18 A. It's just information about the property and what the
19 coverage was.

20 Q. This document just identifies sort of the --

21 A. Property.

22 Q. -- property and policy limits on the property?

23 A. Yes.

24 Q. There are no calculations with regard to structure damage
25 or contents loss; correct?

1 A. No.

2 Q. This next document -- for the record, Weiss 373 Bates
3 stamp -- are we dealing with the same information, as well, on
4 this document?

5 A. Yes.

6 Q. I believe it's a two-page document and, in fact, at that
7 point, at the top of the page, apparently your name appears as
8 well?

9 A. Yes.

10 Q. Is that correct? This, in fact, appears to be -- well,
11 tell me what it is. Why is it "Welcome, Mung Hatter"? What is
12 the designation of that, if anything?

13 A. We had to go and make sure that the insured did have
14 insurance on that property as proof of insurance.

15 Q. Would this have been the first entry of the computer you
16 would have done for Allstate?

17 A. No.

18 Q. Is that designation basically you gaining access to the
19 Allstate computer?

20 A. Just us making sure they are insured.

21 Q. What I'm saying, the "Welcome, Mung Hatter" that just
22 designates you're accessing the insurer, the computer?

23 A. Into the system.

24 Q. That's a two-page document, ma'am?

25 A. Yes.

1 Q. Again, that just gives dimensions of the property and also
2 talks about deductibles and policy limits and that kind of
3 information?

4 A. Yes.

5 Q. The next page is Weiss 400. What is this, ma'am?

6 A. Property loss worksheet.

7 Q. This property loss worksheet is identified with the
8 adjuster Mike Wells; correct?

9 A. Yes.

10 Q. So this document, would you agree, was a Mike Wells
11 created document?

12 A. Yes.

13 Q. Again, to make sure I'm clear, the information and the
14 data you would put into the computer would be exclusively the
15 field adjuster and not somebody in-house?

16 A. The field adjusters.

17 Q. Only?

18 A. Only.

19 Q. That total, ma'am is how much?

20 A. I can't see it. Payable?

21 Q. Yes, ma'am.

22 A. \$38,348.35.

23 Q. So the Mike Wells documentation shows a total of
24 \$38,348.35; correct?

25 A. Yes.

1 Q. The date prepared on that Mike Wells sheet is February 7,
2 2006; correct?

3 A. Yes.

4 Q. Three days before Mike Wells closed out his file and
5 submitted it to the heavy loss unit?

6 A. Yes.

7 Q. You have also identified Allstate Weiss 401. What is this
8 document, ma'am?

9 A. Property loss worksheet.

10 Q. Okay. Who authored this property loss worksheet?

11 A. I don't know.

12 THE COURT: It's hard for her to see it. I can't see
13 it. I'm sure she is looking at the same thing I am.

14 THE WITNESS: I can't see it.

15 BY MR. DENENEA:

16 Q. Whose name is designated at the top left corner, ma'am?

17 A. Ana Chen.

18 Q. Wasn't Ms. Chen working in the office with you on
19 contents?

20 A. Yes.

21 Q. In fact, this document, according to the date above her
22 name, was created on February 15, 2006; correct?

23 A. Yes.

24 Q. The total amount in this worksheet by Ms. Chen before
25 depreciation or deductibles was how much?

1 A. The total?

2 Q. Yes, ma'am.

3 A. \$139,562.

4 Q. How was that number arrived at?

5 A. I don't know.

6 Q. Did you create this document?

7 A. No.

8 Q. Do you know how this total number got to be \$139,562?

9 A. No.

10 Q. You would agree, ma'am, that document is not a Mike Wells
11 document; correct?

12 A. I don't know.

13 Q. Do you know whether or not Mr. Wells contributed to that
14 report or that document?

15 A. I don't know.

16 Q. You have also given us what I identified earlier as the
17 fast-path document; correct?

18 A. Yes. Here's the other sheet to it. There's two sheets to
19 it.

20 Q. Okay. This is a two-page document, and I believe you
21 testified earlier you did not rely upon the fast-path documents
22 to arrive at total numbers?

23 A. No.

24 Q. Why did you designate this with the sticky note?

25 A. It calculates the content in each bedroom that arrived at

1 the content worksheet that I relied on.

2 Q. Which content worksheet did you rely on?

3 A. The previous, what you have.

4 Q. The Ana Chen?

5 A. The Ana Chen.

6 Q. Why is it you relied upon the Ana Chen worksheet and not
7 the Mike Wells worksheet?

8 A. That was the one clipped to the file that I had to put
9 into the computer.

10 Q. Your testimony is somebody clipped the file with the
11 Ana Chen document, along with these two documents, and that was
12 the number you relied upon to submit into the NFIP?

13 A. Yes.

14 Q. Have you seen that Mike Wells document before today?

15 A. No.

16 Q. Who would have given you this clipped package of
17 documents?

18 A. Someone in the office working.

19 Q. It wouldn't have been Mr. and Mrs. Weiss, would it?

20 A. No.

21 Q. It wouldn't have been Mr. Wells, would it?

22 A. It arrived by mail, so I don't know who gave it to me.

23 Q. The documents that we just identified, the Ana Chen
24 documents and these two fast-path documents, arrived to your
25 office by United States mail?

1 A. At my desk, yes.

2 Q. Did you open the envelope?

3 A. No.

4 Q. How do you know it was mailed?

5 A. Because we get DCH shipments.

6 Q. DCH deliveries?

7 A. Deliveries.

8 Q. I want to go back to your testimony, that I believe you
9 testified that only the documentation from the field
10 adjuster -- in this case Mike Wells -- was relied upon by you
11 and not people within the office at the Pilot/Allstate office;
12 is that correct?

13 A. Can you repeat the question?

14 Q. Sure. Am I correct your testimony earlier was that you do
15 not rely upon in-office personnel with regard to totals; you
16 rely upon the field adjuster's information and calculations to
17 contribute into the NFIP forms?

18 A. Yes.

19 Q. These documents were not created by identifications on
20 them by Mike Wells?

21 A. I don't know who these documents were made by. The
22 handwritten ones?

23 Q. Yes.

24 A. I don't know who they were written by.

25 Q. Well, let's look at the handwritten ones real quick. I

1 provided you with a calculator up there. If you could
2 calculate those total pages and give us a total number --

3 A. I can't see.

4 Q. I'm going to bring it to you. I'm sorry.

5 THE COURT: Ladies and Gentlemen, if you want to
6 stand up and stretch, you can do that.

7 BY MR. DENENEVA:

8 Q. Ms. Hatter the total amount on the fast-path documents
9 don't add up to \$139,000, do they?

10 A. No.

11 Q. How much does it total, ma'am?

12 A. I got \$81,755.

13 Q. So we have got close to \$60,000 missing according to the
14 fast-path documents and the Ana Chen document?

15 A. Yes.

16 Q. In fact, ma'am, I'm going to hand you the Mike Wells
17 sheet, which also has attached to it the contents list
18 submitted by Dr. and Mrs. Weiss to Mike Wells. This should
19 have been the clipped documents you should have received in
20 completing your NFIP form; correct?

21 A. Yes.

22 Q. In the normal process and standards of Allstate, you would
23 have received the Mike Wells field adjuster forms, with the
24 attached supporting documentation, to calculate what was
25 submitted to the National Flood Insurance Program; correct?

1 A. Yes.

2 Q. Instead, someone at Allstate or Pilot submitted to you
3 documentation with a fast-path total of close to \$80,000, with
4 a cover sheet identifying \$139,000 depreciated to \$101,000, and
5 then that was submitted to the National Flood Insurance Program
6 instead?

7 A. I don't remember.

8 Q. Do you have any way of disputing what I just suggested to
9 you, the chronology and what we're talking about?

10 A. No.

11 Q. Once that was all done, once that was completed, all that
12 information was sent out by United States mail?

13 A. I don't know.

14 Q. If we look at page 52, ma'am, this is the enhanced check
15 routing documentation which is signed by you, again, initialed
16 by the supervisors; correct?

17 A. Yes.

18 Q. And then sent out designated by method of the
19 United States Postal Service; correct?

20 A. Yes.

21 Q. This was the normal protocol for formulating information
22 to go to the National Flood Insurance Program in that you were
23 provided a stack of documents, you got the documents, you typed
24 that information into the computer, and then that was shipped
25 out by United States mail?

1 MS. BARRASSO: Objection: Lack of foundation.

2 THE COURT: Overruled.

3 BY MR. DENENEA:

4 Q. Isn't that correct?

5 A. Can you repeat the question?

6 Q. Sure. This is the normal procedure, as far as your job
7 was concerned, that you were provided clipped documents
8 together such as the one we looked at, the Ana Chen documents,
9 submitted them to you, and then your job was to type that
10 information into the computer, print out the final forms that
11 we talked about earlier, and that was sent by courtesy of the
12 United States Postal Service?

13 A. It goes to the file examiner first.

14 Q. According to this document here, ma'am, it's checked off
15 what? United States mail; correct?

16 A. Yes.

17 MR. DENENEA: No further questions, Your Honor. I
18 tender the witness.

19 THE COURT: We are going to stop for lunch. I know
20 you want to get out of here, I'm sure, but I think the jury has
21 been here sitting patiently, so we will take the luncheon break
22 and come back at 1:30. Leave your notepads on your chairs.

23 THE DEPUTY CLERK: All rise.

24 (WHEREUPON the jury exited the courtroom.)

25 THE COURT: Since this witness is in mid testimony,

1 no one may talk to this witness about her testimony.

2 Do you understand, ma'am? If anybody tries to
3 talk to you, I want you to tell me.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Thank you. We will come back at 1:30.

6 (LUNCHEON RECESS)

7 * * *

8 CERTIFICATE

9 I, Toni Doyle Tusa, CCR, FCRR, Official Court
10 Reporter for the United States District Court, Eastern District
11 of Louisiana, do hereby certify that the foregoing is a true
12 and correct transcript, to the best of my ability and
13 understanding, from the record of the proceedings in the
14 above-entitled and numbered matter.

15

16

17

18

Toni Doyle Tusa, CCR, FCRR
Official Court Reporter

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PROCEEDINGS

(April 11, 2007)

THE DEPUTY CLERK: All rise.

(WHEREUPON, the jury entered the courtroom.)

THE COURT: Good afternoon, everyone. Are you ready,
Ms. Barrasso?

(WHEREUPON, Mung Hatter, having been duly sworn,
testified as follows.)

CROSS-EXAMINATION

BY MS. BARRASSO

Q. Ms. Hatter, good afternoon.

A. Hi.

Q. Ms. Hatter, you were subpoenaed late last night to come
here today, right?

A. Yes, ma'am.

Q. You got one subpoena at 11:30 at night?

A. I had one at 5:00 from the court marshal and one at 11:30
from the -- I think he said he was with the Sheriff's
Department.

Q. And are you a little nervous being here in court today?

A. Yes, just a little.

Q. Now, let me ask you this, I think you told us, you never
worked for Allstate; right?

A. No.

Q. And you did work for Pilot Catastrophe?

1 A. Yes.

2 Q. And that was for four months?

3 A. Four months.

4 Q. And it was over a year ago?

5 A. Yes.

6 Q. And since that time, you were there a year ago, you hadn't
7 had anything to do with Pilot or Allstate or any of these
8 plaintiffs?

9 A. No.

10 Q. Now, let me ask you this: Your job, Ms. Hatter, as I
11 understand it, was to basically input information into the
12 computers; correct?

13 A. Yes, ma'am.

14 Q. And you weren't supposed to gather any information
15 yourself?

16 A. No.

17 Q. And you weren't making any decisions about whether or not
18 to pay a claim; right?

19 A. No.

20 Q. And it wasn't your job to check the information you were
21 inputting for errors?

22 A. No.

23 Q. And did you have any reason yourself to make any mistakes
24 in inputting the information?

25 A. No.

1 Q. And did you have any reason to make up information to put
2 into the system?

3 A. No.

4 Q. Now, in inputting the information, if I understand your
5 testimony, you would be inputting information both about the
6 structure, the dwelling claim; correct?

7 A. Yes.

8 Q. And also the contents claim?

9 A. Yes.

10 Q. And let me just to make sure we're all talking about the
11 same -- and this is the claims summary that we looked at
12 earlier. So your job would be to take information both about
13 the dwelling claim; correct?

14 A. Yes.

15 Q. And also the personal property claim; correct?

16 A. Yes.

17 Q. And input that information into the computer?

18 A. Yes.

19 Q. Now, you talked about that for the dwelling claim that you
20 would get information typically from an outside adjuster;
21 correct?

22 A. Yes.

23 Q. And that information would include the Marshall Swift
24 information?

25 A. Yes.

1 Q. And let me show you so, and is this the type of document
2 that you might get from the outside adjuster about the
3 dwelling?

4 A. Yes.

5 Q. And then on the contents side, you mentioned there were
6 contents adjusters in Mobile; correct?

7 A. Yes.

8 Q. And were those contents adjusters themselves gathering
9 information about claims, the inside contents adjusters?

10 A. Yes.

11 Q. And is part of the process -- well, let me ask you this:
12 When you were inputting information about the personal
13 property, the contents; did you sometimes receive information
14 from those inside adjusters on contents?

15 A. Yes.

16 Q. And that was all their job was, to deal with contents;
17 correct?

18 A. Yes.

19 Q. So on contents you might get information from an outside
20 adjuster as well as an inside adjuster?

21 A. Yes.

22 Q. And that was standard procedure?

23 A. Yes.

24 Q. Now, you were asked about this Fast Path contents form.
25 And that's not a document that you gathered information for;

1 correct?

2 A. No.

3 Q. And who would be handling that information? Would that be
4 the adjusters?

5 A. I don't know who does the Fast Path.

6 Q. Would that be the contents adjusters?

7 A. I don't know.

8 Q. Okay. Now, you had mentioned Ana Chen. Was she a
9 contents adjuster who worked in the office in Mobile?

10 A. Yes.

11 Q. And was it her job in part to gather information on
12 contents claims?

13 A. I don't know.

14 Q. Now, let me ask you this question: You had prepared this
15 contents form; correct?

16 MR. TRAHANT: Can we identify it for the record?

17 MS. BARRASSO: The Bates number is 402, Exhibit 4,
18 402.

19 BY MS. BARRASSO

20 Q. Correct?

21 A. Yes.

22 Q. And you, to come up with what you input for that contents
23 worksheet, you say, I replace content per content worksheet;
24 correct?

25 A. Yes.

1 Q. And is this the sheet -- this is Exhibit 4, number 401.

2 Is this property loss worksheet, the one prepared by Ms. Chen,
3 the one that you relied on?

4 A. Yes.

5 Q. So in preparing your contents form, you were using
6 information provided by the inside adjuster, Ms. Chen; correct?

7 A. Yes.

8 Q. And that was typical procedure for you, wasn't it?

9 A. Yes.

10 Q. Now, you don't know where Ms. Chen got her information;
11 correct?

12 A. No.

13 Q. And it wasn't part of your job to go back and check that;
14 correct?

15 A. No.

16 Q. Now, you were asked about this document, which is a
17 property loss worksheet that Mr. Wells had prepared, which is
18 Allstate 400, Exhibit 4. And in Mr. Wells' property loss
19 worksheet, he does a calculation and refers to the attached
20 inventory; correct? Do you see in this left-hand corner?

21 A. Yes.

22 Q. And as we sit here, you don't know whether Ms. Chen relied
23 on this document or not?

24 A. I don't know.

25 Q. Now, looking at this -- at the Fast Path contents

1 worksheets, and it's Allstate 414, specifically, there's a
2 reference under the garage shed calculation. You see that?

3 A. See attachment?

4 Q. Yes. And do you know what attachments were attached to
5 this Fast Path contents sheet that were relied on by Ms. Chen?

6 A. No.

7 Q. So as we sit here, you don't know all the information that
8 went into her -- her form, I'll call it?

9 A. No.

10 Q. Now, let me -- do you have a calculation that you did
11 before lunch on the -- adding up the numbers?

12 A. Yes.

13 Q. Would you write that down -- I mean, did you write down
14 what you added up, or just --

15 A. That was what I wrote down.

16 Q. Okay.

17 THE COURT: I think the court reporter is having
18 difficulty hearing you so would you, please, speak into the
19 microphone.

20 BY MS. BARRASSO

21 Q. My question, because I don't want to take you back all the
22 way through it, as you went through it adding it up, did you
23 write down what numbers you were using?

24 A. These numbers right here. No, I didn't write them down.

25 Q. So you were using --

1 A. Just the total of each one.

2 Q. So you went through and were using these totals right
3 here --

4 A. Yes.

5 Q. -- correct?

6 And do you know without going through, did you use
7 these numbers over here as well?

8 A. Yes.

9 Q. And then all the numbers on here?

10 A. Yes.

11 Q. And we can go back through and add all that up.

12 Now, you were asked about this document, which is
13 called a check routing document, which is part of Exhibit 4,
14 420, and hopefully you can see that. In looking at this
15 document, Ms. Hatter, isn't this a document that's put together
16 to send the settlement check to the insured?

17 A. Yes.

18 Q. And that this document has nothing to do with sending
19 information to the federal government, does it?

20 A. No.

21 Q. It has on the top of it the address of Dr. Weiss, the
22 insured; correct?

23 A. Yes.

24 Q. It has the date the check is issued to him; correct?

25 A. Yes.

1 Q. And then it has down below the items that are going to go
2 to the insured; correct?

3 A. Yes.

4 Q. The settlement letter, the claim summary, the FEMA letter,
5 and the check?

6 A. Yes.

7 Q. And all that is put together and sent to the insured;
8 right?

9 A. Yes.

10 Q. To the best of your knowledge?

11 A. Yes.

12 Q. And those documents is what's being sent to Dr. Weiss via
13 mail; correct?

14 A. Yes.

15 Q. Now, you were asked about another document and this is the
16 narrative. And do you have any role in actually preparing
17 these documents? Do you draft these documents?

18 A. No.

19 Q. Is this a document that the outside adjuster typically
20 prepares?

21 A. I don't know.

22 Q. Okay. But this is not something you would --

23 A. No.

24 Q. -- come up with? Like you wouldn't be the person to
25 figure out the coverages and the cause and origin; right?

1 A. No.

2 Q. And, Ms. Hatter, after you do your calculations, do you
3 have anything to do with deciding whether or not to pay a
4 claim?

5 A. No, ma'am.

6 Q. And if I understand it, you forward information on to
7 somebody else; correct?

8 A. File examiner.

9 Q. And this information --

10 MS. BARRASSO: If I can approach the witness, Judge,
11 I can show her the document.

12 THE COURT: That's fine.

13 BY MS. BARRASSO

14 Q. I'm showing you, Ms. Hatter, the National Flood Insurance
15 preliminary report, which is number 428, which is a document I
16 think you signed; right?

17 A. Yes.

18 Q. Okay. And this one has do with the dwelling; correct?

19 A. Yes.

20 Q. And this is when you would gather the information and the
21 materials submitted by Mr. Wells in this case; correct?

22 A. Yes.

23 Q. And let me just ask you this question: This is the
24 estimated, the Marshall Swift Residential Estimator, and this
25 is a document you rely on and you input the data from this into

1 the computer?

2 A. Yes.

3 Q. And do you have anything to do with coming up with the
4 information that's on here?

5 A. No.

6 Q. And that's all done by, in this case, by Mr. Wells?

7 A. Yes.

8 MS. BARRASSO: I have no further questions, Judge.

9 THE COURT: Is there any redirect?

10 MR. DENENEA: Just a couple, Judge.

11 REDIRECT EXAMINATION

12 BY MR. DENENEA

13 Q. Ms. Hatter, am I correct with regard to that last Marshall
14 Swift document, that's the extent of the information that you
15 would rely upon before filling out the National Flood Insurance
16 Program form to be submitted to your supervisors?

17 A. Yes.

18 Q. If I could pull up Page 60, please. Ma'am, this would be
19 the form, am I not correct, which at the bottom you would have
20 signed for submission to the National Flood Insurance Program;
21 correct? Isn't that your signature here, ma'am?

22 A. Yes.

23 Q. And that document is being sent out on February 15th,
24 2006; correct?

25 A. Date reported, yes.

1 Q. Under your signature; correct?

2 A. Yes.

3 Q. This section at the bottom right above your signature that
4 describes the exterior and interior water height, where did
5 that information come from, if you look at that Marshall Swift
6 document that we just reflected on?

7 Let me go back to that and show that to you.

8 MR. DENENEVA: Counsel, do you have that last document
9 that you showed to the witness?

10 THE COURT: Maybe it's still up here.

11 THE WITNESS: No, it's not up here.

12 MR. DENENEVA: If you can go to Page 35.

13 BY MR. DENENEVA

14 Q. I'm going to scroll down here, ma'am, and have you review
15 this document, and you stop me when you see where the
16 information about water levels appears in the Marshall Swift
17 document. Do you see it anywhere in there, ma'am?

18 A. Can you go back up?

19 Q. Sure.

20 A. Go back down.

21 Q. Okay. This section or the next page?

22 A. The next page. No.

23 Q. In fact, ma'am, the water level lines on the Marshall
24 Swift -- the water level lines on the document that was
25 submitted under your signature to the National Flood Insurance

1 Program do not appear anywhere in the only document you would
2 have used to formulate the calculations in the NFIP form;
3 correct?

4 A. I don't know.

5 Q. Is there any other place we need to look to find where
6 this water level calculation came from that appears under your
7 signature?

8 A. I don't know.

9 Q. And that form, Page 60, I showed you a moment ago with the
10 water level entries, that document specifically is run up the
11 chain of command and then is sent out to the National Flood
12 Insurance Program; correct?

13 MS. BARRASSO: Objection. Lack of foundation.

14 THE COURT: She can answer that question if she
15 knows. The objection is overruled.

16 THE WITNESS: I don't know.

17 BY MR. DENENEA

18 Q. After -- you inputted that data; am I correct? If we go
19 back to Page 60. This form is under your signature; am I not
20 correct?

21 A. Yes.

22 Q. And this information would have been entered specifically
23 by you; correct?

24 A. I don't know.

25 Q. Would anybody else have filled out this information and

1 signed your name to it on a National Flood Insurance Program
2 preliminary report form?

3 A. I don't know.

4 Q. Do you have anybody else that you can suggest that could
5 have been involved in this particular form?

6 A. I don't know.

7 Q. Can you tell me of any other source of information that
8 you would have gotten the water levels that would have appeared
9 in that National Flood Insurance Program report?

10 A. I don't know.

11 Q. Now, if we can go back to Page 8, please.

12 Counsel just asked you a question about this document
13 and I believe your testimony was earlier that you routinely
14 completed letters and forms like this?

15 A. I didn't write the letter.

16 Q. You didn't write the letter?

17 A. No.

18 Q. Now, this letter is dated February 15th, 2006 and it has
19 the signature of Mike Wells, and we talked about this earlier
20 that Mr. Wells' last entry in this diary was February 10th. Do
21 you know of anybody who would have filled out Mike Wells' name
22 on this letter?

23 A. I don't know.

24 Q. Do you know of anybody else, if we look back at the diary,
25 that would have been handling this Weiss file other than you on

1 February 15th, 2006?

2 A. No.

3 Q. Ana Chen wasn't handling this on February 15th, 2006, was
4 she?

5 A. I don't know.

6 Q. Now, correct me if I'm wrong, Ms. Hatter, the calculation
7 and numbers that you submit into the computer for a submission
8 to the National Flood Insurance Program as a rule were
9 information gotten from the field adjusters exclusively;
10 correct?

11 MS. BARRASSO: Object to the form.

12 THE COURT: Overruled, if she can answer.

13 THE WITNESS: Yes.

14 BY MR. DENENEA

15 Q. And in this case, the documentation and numbers that you
16 utilized were not from Mike Wells, the field adjuster, but were
17 utilized from the Ana Chen documents; is that correct?

18 A. I don't know.

19 Q. Am I correct, ma'am, these documents or these comparable
20 numbers at the top are the Ana Chen documents that you relied
21 upon in submitting to the NFIP; correct?

22 THE COURT: Show her the whole thing.

23 MR. DENENEA: Well, this is just a comparable, but I
24 can go back and go through the numbers, Judge. That's fine.

25 THE WITNESS: I rely on both the outside and the

1 inside adjusters' information to fill out the forms.

2 BY MR. DENENEA

3 Q. You do?

4 A. Yes. If the information that the outside adjuster didn't
5 have enough information -- like Ms. Ana Chen did the content,
6 if she didn't have enough information from what he gathered,
7 then I relied on some of her information, both the outside and
8 the inside.

9 Q. So now am I correct, ma'am, that you now would look to
10 additional information other than specifically the field
11 adjuster information in coming to your calculations?

12 A. Concerning content.

13 Q. Okay. You would get more actively involved in
14 investigating the claim to find out what the accurate numbers
15 would be?

16 MS. BARRASSO: Object to the form.

17 THE COURT: Overruled.

18 THE WITNESS: The content list that comes in like
19 this.

20 BY MR. DENENEA

21 Q. Right.

22 A. Would be sent to content department. They would do the
23 content worksheet, then it comes back to me and I add that
24 information into the computer. That's all I did.

25 Q. Okay.

1 A. I don't analyze. I don't judge, or I don't add
2 information to that sheet to come up with the total for the
3 insured. All I did was add the information.

4 Q. Okay. Well, if the normal standard procedure is to
5 utilize the field adjuster's calculations, in this case,
6 \$38,000 --

7 A. I don't know how Ms. Chen got that amount.

8 Q. You don't know where that came from?

9 A. No.

10 Q. But you would actively involve yourself in figuring out
11 where these calculations would come from; isn't that what you
12 just said?

13 A. No. I just take information that she put on the worksheet
14 and put it into the computer. No -- I don't know how she got
15 that amount.

16 Q. Okay. And that's my question. My question is: If the
17 information that you rely upon in the normal procedure and
18 practice is the field adjuster, Mike Wells, who comes up with
19 \$38,000, why in this particular case did you rely upon the Ana
20 Chen numbers of \$139,000?

21 What was the difference?

22 MS. BARRASSO: Object to the form.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: There is no -- I mean, I don't know
25 what the difference is.

1 BY MR. DENENEA

2 Q. That's my question. Why would you now if the practice is
3 to use the adjuster -- field adjuster who's actually been to
4 the site and talked to the clients or to the insureds?

5 A. I don't know.

6 Q. But you remember specifically this particular case you
7 using the Ana Chen numbers?

8 A. I mean, I don't know. I see the worksheet in front of me
9 that's done by Ana Chen and that's all I know.

10 Q. But even if --

11 A. I don't come up with the total amount the insured gets.
12 All I do is get the information and add it into the computer.
13 I don't know how they get that amount. So you're asking the
14 wrong person.

15 Q. Okay. But the information even attached to the Ana Chen
16 documents doesn't add up to \$139,000?

17 A. Well, you would have to ask her that.

18 Q. I'm asking you what the attachments that you identified in
19 that Fast Path document that supports the document of Ana Chen,
20 what was the total, you told us \$81,000?

21 A. 81,755.

22 Q. And my question is: Being involved in this process for
23 four months at the Pilot Catastrophe location, why is it that
24 the \$81,000 number becomes \$139,000 number?

25 A. I don't know.

1 Q. And, in fact, if you look back at the diary -- if we can
2 go back and look at the diary -- at the time Mike Wells leaves
3 this claim, his specific calculation for these numbers is the
4 same \$38,348.35; correct?

5 A. Yes.

6 Q. And so, again, if we look at the comparable numbers of
7 what was submitted by Ana Chen, 139,000, that's what gets
8 submitted to the National Flood Insurance Program after
9 depreciation to 101, coincidentally right above 100,000,
10 instead of the Mike Wells numbers that was totaling at 48 and
11 after depreciation becomes \$38,000, what was submitted by Mike
12 Wells, the field adjuster; is that correct?

13 A. Yes.

14 MR. DENENEA: No further questions, Your Honor.
15 Thank you.

16 THE COURT: You may step down, ma'am. Thank you.

17 MS. BARRASSO: Judge, may we approach real quick?

18 (OFF THE RECORD)

19 MR. TRAHANT: Your Honor, the plaintiffs call
20 Dr. Robert Weiss, Jr.

21 (WHEREUPON, Robert Weiss, having been duly sworn,
22 testified as follows.)

23 THE DEPUTY CLERK: Please state your full name and
24 correct spelling for the record.

25 THE WITNESS: My name is Robert Weiss and I reside at