

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

JACOB and MALLORY WOODARD,

Plaintiffs,

v.

**ENCOMPASS INSURANCE COMPANY
OF AMERICA and OKLAHOMA
INSURANCE GROUP, LLC,**

Defendants.

Case No.: CJ-24-555
Hon. Michael Tupper

**PLAINTIFFS' MOTION FOR LEAVE TO SUPPLEMENT RECORD IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL DEPOSITION OF MIKE FIATO**

Pursuant to Local Rule 16(E) and Rule 4 of the Rules for District Courts of Oklahoma, Plaintiffs respectfully seek leave of Court to file a two-page supplement (not-including exhibits) in support of their pending Motion to Compel the Deposition of Mike Fiato, attached as Exhibit A here. Plaintiffs' counsel have spoken with counsel for Encompass, who have advised they object to the instant request.

Plaintiffs seek leave only for the limited purpose of providing the Court with the April 9, 2026 deposition of Cliff Millikan, a former third-party adjuster for Pilot Catastrophe Services and a Congressional whistleblower. Mr. Millikan's testimony is material to arguments made before the Court at the April 7, 2026 hearing in this matter regarding Allstate's pattern and practices, or the argued lack thereof. The Millikan deposition had not yet occurred at the time of the hearing, and accordingly, Plaintiffs were unable to provide the same to the Court until now.

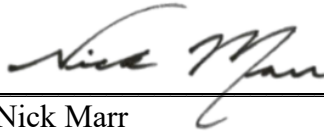
Respectfully submitted,



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CERTIFICATE OF MAILING

This is to certify that on this 10th day of April, 2026 a true and correct copy of the above and foregoing pleading was mailed, via U.S.P.S., postage pre-paid to the all counsel of record as of the time of this filing.



Nick Marr

Exhibit A

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

JACOB and MALLORY WOODARD,

Plaintiffs,

v.

**ENCOMPASS INSURANCE COMPANY
OF AMERICA and OKLAHOMA
INSURANCE GROUP, LLC,**

Defendants.

Case No.: CJ-24-555
Hon. Michael Tupper

**PLAINTIFFS' SUPPLEMENT IN SUPPORT OF
THEIR MOTION TO COMPEL DEPOSITION OF MIKE FIATO**

On April 9, 2026, Plaintiffs deposed Cliff Millikan, a former third-party adjuster for Pilot Catastrophe Services—the same company that adjusted Plaintiffs' claim. The Court is familiar with some of the statements Millikan made as a whistleblower before Congress, which Plaintiffs presented as Exhibit 1 to their Motion ("Mtn."). His testimony here, however, confirmed the stark and alarming parallels between Plaintiffs' claim and Allstate's institutional pattern and practice. Millikan's entire testimony is provided as Exhibit 1.¹

During the Court's April 7, 2026 hearing on Plaintiffs' Motion, Encompass argued any suggestion of systemic bad faith across the Allstate claims organization was either hyperbolic, speculative, or fictional. But Millikan, who estimates he has handled thousands of claims on Allstate's behalf, testified to the extent of institutional fraud that rots throughout the company's claims practices. *See Ex. 1 at 5:1-17* (Millikan handled 700-800 claims per year for Allstate over 12 years). As Millikan testified:

- He observed changes in Allstate's business practices that led him to believe "Allstate had changed from trying to take care of the customers to trying to save money." *Id.* at 7:4-6.

¹ The transcript is a rush-order expedited copy. It is possible that minor scrivener errors may exist.

These included (1) relying on non-licensed adjusters to submit pictures of losses, which Allstate would then review without ever visiting the loss site and (2) assigning reviewers to review estimates and require changes, which often drove down indemnity payouts. *Id.* at 26:8-27:12; 167:12-19.

- Allstate managers would review his estimates, regardless of the Allstate subsidiary for which he was adjusting the claim. *Id.* at 82:25-83:12 (nothing the only difference was that “the logo was different” on the claim check).
- Allstate has repeatedly pressured or forced him to alter his opinion or damage estimates to support lower payouts to policyholders. *Id.* at 33:6-34:3. These directions were often made verbally. *Id.*
- Allstate has specifically asked him to change estimates or opinions wherein he found a home to be a total loss. *Id.* at 16:12-15.
- While he intended to offer his own independent judgments and opinions, he was expected to ensure his estimates were in alignment with Allstate’s chosen engineer. *Id.* at 28:25-30:21. Allstate’s pattern and practice is to require deference to engineers—so long as the engineer was retained by Allstate and not the policyholder. *Id.* at 181:11-182:9.
- Third-party adjusters did not have the ability to independently choose engineers to handle claims—the engineers were chosen by Allstate. *Id.* at 160:6-17.
- Allstate consistently ignores or disregards the opinions of engineers retained by policyholders, while requiring complete deference to engineers retained by Allstate. *Id.* at 171:18-172:17. Indeed, Millikan could not identify one time where he ever observed Allstate agreeing with the opinion of a policyholder’s engineer. *Id.* at 32:17-21.
- Allstate consistently ignores or disregards the opinions and findings of contractors retained by policyholders. *Id.* at 32:7-11.
- Allstate often relies on their preferred engineers to deny the existence of damage that is plainly apparent at the site of the loss. *Id.* at 32:22-33:5.

This testimony confirms the need to confront Mr. Fiato on the corporate practices that harmed Plaintiffs here—practices he swore based on his own personal knowledge and experience did not occur. Fiato’s deposition remains a more authoritative and less burdensome means of obtaining this information than conducting the three additional depositions Allstate would require in its place. *See Allstate’s Resp.* at 10.

Respectfully submitted,



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Exhibit 1

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY
 2 STATE OF OKLAHOMA
 3 JACOB AND MALLORY WOODARD,
 4 Plaintiffs,
 5 VS. Case Number
 6 ENCOMPASS INSURANCE COMPANY OF CJ-24-555
 7 AMERICA; and
 8 OKLAHOMA INSURANCE GROUP, INC.,
 9 Defendants.
 10
 11 * * * * *
 12 VIDEOCONFERENCE DEPOSITION OF CLIFFORD MILLIKAN
 13 TAKEN ON BEHALF OF THE PLAINTIFFS
 14 IN COLUMBIA, TENNESSEE
 15 ON APRIL 9, 2026
 16 COMMENCING AT 9:29 A.M. CDT
 17
 18 * * * * *
 19
 20
 21 instaScript, LLC
 22 125 Park Avenue, Suite LL
 23 Oklahoma City, Oklahoma 73102
 24 405.605.6880
 25 schedule@instascript.net
 Reported via Zoom by: Cheryl D. Rylant, CSR, RPR

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11 STIPULATIONS
 12 It is hereby stipulated and agreed by and
 13 between the parties hereto, through their respective
 14 attorneys, that the videoconference deposition of
 15 Clifford Millikan may be taken on behalf of the
 16 Plaintiffs, on April 9, 2026, in Columbia,
 17 Tennessee, by Cheryl D. Rylant, Certified Shorthand
 18 Reporter, pursuant to Agreement.
 19 It is further stipulated and agreed by and
 20 between the parties hereto, through their respective
 21 attorneys, that all objections will be made in
 22 accordance with the Oklahoma Discovery Code.
 23 * * * * *
 24
 25

A P P E A R A N C E S

[All appearing via Zoom]

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 VIDEO TECHNICIAN: Jon Womastek

P R O C E E D I N G S

09:18 1
 09:19 2 VIDEO TECHNICIAN: Today's date is
 09:29 3 April 9th, 2026. This is the case of *Woodard versus*
 09:29 4 *Encompass, et al.*
 09:29 5 Counsel, please introduce yourselves for the
 09:29 6 record.
 09:29 7 MR. JEFF MARR: Jeff Marr and
 09:29 8 Nick Marr for the Plaintiffs.
 09:29 9 MR. DONCHIN: David Donchin, Ryan
 09:29 10 Oldfield, and Reid Powell for Encompass.
 09:29 11 [Oath administered.]
 09:29 12 CLIFFORD MILLIKAN,
 13 having been duly sworn, testifies as follows:
 14 DIRECT EXAMINATION
 09:29 15 BY MR. JEFF MARR:
 09:29 16 Q. All right. Would you please state
 09:29 17 your name for our record, sir.
 09:29 18 A. Clifford Millikan.
 09:30 19 Q. Okay. And Mr. Millikan, what do you
 09:30 20 do for a living?
 09:30 21 A. I am a public adjuster at this time.
 09:30 22 Q. Okay. And prior to being a public
 09:30 23 adjuster, what did you do?
 09:30 24 A. I was an independent adjuster, working
 09:30 25 for Pilot under the Allstate label.

09:30 1 Q. Okay. And about how long did you do
 09:30 2 that, sir?
 09:30 3 A. Approximately 15 years.
 09:30 4 Q. Okay. And during that 15 years, would
 09:30 5 you say that you primarily did work for Allstate and
 09:30 6 Allstate's companies?
 09:30 7 A. That's correct.
 09:30 8 Q. Okay. Roughly how many claims would
 09:30 9 you say that you -- you handled a year for the
 09:30 10 Allstate organization?
 09:30 11 MR. DONCHIN: Object to form.
 09:30 12 A. Three -- what's that?
 09:31 13 Q. (By Mr. Marr) He just objected to the
 09:31 14 form. You can go ahead and answer.
 09:31 15 A. Okay. I probably handled an average
 09:31 16 of - so three a day - I don't know, eight hundred,
 09:31 17 seven hundred, something like that.
 09:31 18 Q. Okay. All types of claims? Were you
 09:31 19 primarily catastrophe or --
 09:31 20 A. Primarily catastrophe. I did -- I did
 09:31 21 a lot --
 09:31 22 Q. Okay.
 09:31 23 A. -- but mostly catastrophe.
 09:31 24 Q. Right.
 09:31 25 All right. Well, that's -- that's what --

09:31 1 what -- the claim that we're representing folks on
 09:31 2 today, it's from a tornado. It's a young couple,
 09:31 3 a tornado hit their home, just to give you a little
 09:31 4 bit of background. I'm not going to give you much.
 09:31 5 There's a discrepancy over whether or not the home
 09:31 6 needed to be replaced. These folks have been
 09:32 7 living -- a young couple, with a couple of small
 09:32 8 children, have been living in 700-and-something
 09:32 9 square feet of their shop ever since. So just to
 09:32 10 give you a brief background, that's kind of where
 09:32 11 we're coming from today. It happened here in
 09:32 12 Oklahoma. As you know, we get a lot of tornados
 09:32 13 here. But I just want to ask you primarily,
 09:32 14 you know, about your experience handling claims
 09:32 15 with Allstate or the Allstate organization. That's
 09:32 16 why you're here today.
 09:32 17 First of all, I appreciate your willingness
 09:32 18 to do this. You're not being compensated in any
 09:32 19 way, are you?
 09:32 20 A. No, sir.
 09:32 21 Q. Okay. This is something that you did
 09:32 22 not too long ago, is my understanding, before the
 09:32 23 United States Senate. Correct?
 09:32 24 A. That's correct.
 09:32 25 Q. Okay. And what is it that prompted

09:32 1 you to testify before the senate regarding how --
 09:32 2 what your experience was with Allstate in handling
 09:33 3 catastrophe-type claims?
 09:33 4 A. I felt like that -- that Allstate had
 09:33 5 changed from trying to take care of the customers to
 09:33 6 trying to save money.
 09:33 7 Q. And --
 09:33 8 A. And when I was asked to testify,
 09:33 9 I agreed to do so.
 09:33 10 Q. Okay. And was it always that way?
 09:33 11 In your 15 or -- or however many years when you
 09:33 12 adjusted claims for Allstate, was it always that
 09:33 13 way; that you felt that they were trying to save
 09:33 14 money instead of take care of insureds?
 09:33 15 A. No, sir. Probably closer to 12 years,
 09:33 16 not 15. But when I first started at Allstate, I was
 09:33 17 trained by some of the Allstate management -- or not
 09:33 18 some of them. I was trained by a group of Allstate
 09:33 19 managers that, you know, trained me to try to find
 09:34 20 everything that I could possibly find that was
 09:34 21 covered and, you know, compensate the insured for
 09:34 22 that. Anytime there was a gray area of -- of not
 09:34 23 knowing exactly whether or not it was, you know,
 09:34 24 caused for that date of loss, they -- they always
 09:34 25 tried to err on the side of the insured.

09:34 1 Shortly after COVID, or during COVID,
 09:34 2 I noticed everything changing 180 degrees the other
 09:34 3 direction, and basically that's what my whole
 09:34 4 testimony was around the senate hearing.
 09:34 5 Q. Okay. So -- and that was with Senator
 09:34 6 Hawley primarily. He presided over it. And I think
 09:34 7 you also talked to Senator Kim. Correct?
 09:34 8 A. That's correct.
 09:34 9 Q. Okay. And then Jonathan [sic]
 09:34 10 Hawley -- what did you think about Senator Hawley?
 09:34 11 A. He -- he was pretty impressive.
 09:34 12 Q. He -- I agree; he is pretty
 09:35 13 impressive. He seems like he's trying to help.
 09:35 14 And it's my understanding that his investigation,
 09:35 15 the senate's investigation, is -- is ongoing.
 09:35 16 Is that your understanding?
 09:35 17 A. I -- you know, I -- I don't really
 09:35 18 have a view on it necessarily. I hope it's ongoing,
 09:35 19 but I don't know. Sometimes it's just they bring
 09:35 20 light to issues and they just kind of let them go.
 09:35 21 But obviously -- any -- anyway, I'm not going to get
 09:35 22 into the -- my -- my opinion of that. But --
 09:35 23 Q. Okay.
 09:35 24 A. -- hopefully it's ongoing, yes.
 09:35 25 Q. All right. Well, we have -- I think

09:35 1 someone asked during the hearing how it got to the
 09:35 2 point, you know, the federal government is looking
 09:35 3 into it, and I think one of the concerns was voiced
 09:35 4 that there weren't too many attorney generals or
 09:35 5 folks with the states that were doing much about it.
 09:35 6 Do you recall that testimony?
 09:35 7 MR. DONCHIN: Object to the form.
 09:36 8 A. I --
 09:36 9 Q. (By Mr. Marr) Go ahead.
 09:36 10 MR. DONCHIN: Mr. Millikan, when I say
 09:36 11 "object to the form," I'm just preserving the
 09:36 12 objection for later. That's the rules we have for
 09:36 13 discovery here. Go ahead and answer the question
 09:36 14 after I --
 09:36 15 THE WITNESS: Okay.
 09:36 16 MR. DONCHIN: -- do that. Okay?
 09:36 17 THE WITNESS: Okay. Sorry about that.
 09:36 18 Q. (By Mr. Marr) That's okay.
 09:36 19 A. What was the question again?
 09:36 20 Q. Oh, the question was that the reason
 09:36 21 -- I heard that the question was asked, you know,
 09:36 22 what -- how did the federal government get involved,
 09:36 23 and the answer was something along the lines of -
 09:36 24 and it may have been the United Policyholder guy -
 09:36 25 that, you know, local government wasn't doing much,

09:36 1 I mean attorney generals as well as the states, they
 09:36 2 weren't really getting involved in -- in helping
 09:36 3 folks out.
 09:36 4 Do you recall that testimony?
 09:36 5 MR. DONCHIN: Object to form.
 09:36 6 A. I do. I -- I do recall that. And
 09:36 7 I obviously agree with that. I mean I think that
 09:36 8 the insurance industry is way bigger than any --
 09:36 9 any one state. And I think that there's no way that
 09:37 10 a state, a single state, is going to be able to
 09:37 11 control the, you know, big insurance carriers,
 09:37 12 you know, especially such as Allstate, I mean
 09:37 13 probably not even a state-run or a per-state --
 09:37 14 like a Farm Bureau of Tennessee.
 09:37 15 Q. (By Mr. Marr) Right.
 09:37 16 A. The insurance industry is just too --
 09:37 17 it's just too powerful for a state to be able to
 09:37 18 control.
 09:37 19 Q. Well, and it's funny you say that
 09:37 20 because we're fortunate here. I don't know if
 09:37 21 you've heard about it, but we have Attorney General
 09:37 22 Gentner Drummond who has intervened in a State Farm
 09:37 23 lawsuit and conducting an investigation and made an
 09:37 24 announcement last month that there's another carrier
 09:37 25 that's soon to be, I guess, the brunt of his

09:37 1 investigation.
 09:37 2 Have you heard that? Has it made it --
 09:38 3 MR. DONCHIN: Object to the form.
 09:38 4 Q. (By Mr. Marr) -- through the
 09:38 5 grapevine?
 09:38 6 MR. DONCHIN: Object to the form.
 09:38 7 A. I have not heard that. I think
 09:38 8 I might have heard, you know, pieces of it. I don't
 09:38 9 know any details about it.
 09:38 10 Q. (By Mr. Marr) Okay. I think it got
 09:38 11 to the point where even, you know, President Trump
 09:38 12 commented on the state of insurance companies.
 09:38 13 Did you see that?
 09:38 14 A. That's correct.
 09:38 15 MR. DONCHIN: Object to the form.
 09:38 16 A. I did, yes.
 09:38 17 Q. (By Mr. Marr) All right.
 09:38 18 A. Yes, I did see that.
 09:38 19 Q. Okay. So I wouldn't be surprised if,
 09:38 20 you know, maybe Allstate ends up with a -- involved
 09:38 21 in some of the litigation here in Oklahoma, before
 09:38 22 too long here in Oklahoma, so we'll see how that
 09:38 23 goes.
 09:38 24 But tell me -- you said in '20 it changed,
 09:38 25 you thought it changed. How did Allstate, as an --

09:38 1 as an organization, how did their -- their claim
 09:38 2 handling and their treatment of their policyholders
 09:38 3 change, based on what you experienced?
 09:38 4 A. Well, there's -- there's two ways that
 09:38 5 it changed. The --
 09:38 6 Q. Okay.
 09:39 7 A. -- one way was they -- they changed
 09:39 8 from using adjusters primarily to using a
 09:39 9 third-party individual that's not a licensed
 09:39 10 adjuster to go out and inspect someone's property,
 09:39 11 send the pictures that they take into somebody
 09:39 12 sitting at a computer, and then that person makes
 09:39 13 all the decisions. It completely goes against
 09:39 14 everything that was -- that was taught to me when
 09:39 15 I first started with Allstate, 180 degrees. They
 09:39 16 wanted somebody on site to get a visual inspection,
 09:39 17 a -- you know, a person qualified. So anyway, they
 09:39 18 changed to that third-party inspector process, which
 09:39 19 to me it clearly, you know, is an intent to miss
 09:39 20 damage and -- and have a way to -- to protect
 09:40 21 their self from missing the damage by having that
 09:40 22 third party.
 09:40 23 And then the second thing that they started
 09:40 24 doing was they started reviewing all the estimates.
 09:40 25 Even the experienced adjusters in the field had to

09:40 1 send -- send their estimates up. You know, it
 09:40 2 started off being that the -- you know, the high-end
 09:40 3 estimates, and then it went to every estimate.
 09:40 4 And then they had a group of managers that would
 09:40 5 review these estimates and these pictures that we
 09:40 6 would submit with our estimates, and that was --
 09:40 7 that was a clear -- 100 percent clear attempt to not
 09:40 8 pay for covered damage. These people were going off
 09:40 9 pictures that the adjuster himself went out there
 09:40 10 and looked at, like myself, and overriding it based
 09:40 11 off of what they said the pictures showed them.
 09:41 12 So, anyway, the -- that was the two ways that
 09:41 13 they changed.

09:41 14 Q. Well, it's funny you say that because
 09:41 15 we never had an actual Allstate employee, Encompass
 09:41 16 employee, I guess anyone who received a check from
 09:41 17 Allstate ever step foot on -- on this couple's
 09:41 18 property, never stepped foot on it. Instead, it was
 09:41 19 a Pilot adjuster. And the Pilot adjuster
 09:41 20 immediately said "Well, I need an engineer."
 09:41 21 And enter Donan. And I don't know if you're
 09:41 22 experienced with Donan, but I've seen Donan,
 09:41 23 you know, many, many times in Katrina. And then he
 09:41 24 waits to write his estimate based on what the
 09:41 25 engineer for Donan says. And then the -- funny you

09:41 1 mention it. There were reviewers, of course, and
 09:41 2 they reviewed the estimate that was ultimately done
 09:42 3 and told them to omit a couple of -- well, actually
 09:42 4 it's 48 different changes that they were directed to
 09:42 5 make. A company called Sedgwick -- I don't know if
 09:42 6 you've ever heard of Sedgwick.

09:42 7 Are you familiar with Sedgwick?

09:42 8 A. I'm not real familiar with them, but
 09:42 9 I have heard of them, yes.

09:42 10 Q. They're a third-party administrator,
 09:42 11 I think?

09:42 12 A. I think that's correct, yes.

09:42 13 Q. Okay. And so you've got these
 09:42 14 reviewers who are reviewing nothing more than,
 09:42 15 like you said, photographs taken by others who
 09:42 16 were actually there, kind of like Monday morning
 09:42 17 quarterbacking and yet they had never stepped on
 09:42 18 the field.

09:42 19 A. Yeah, right --

09:42 20 MR. DONCHIN: Object to the form, if
 09:42 21 that's a question.

09:42 22 A. -- it's --

09:42 23 Q. (By Mr. Marr) Is that --

09:42 24 A. It's -- it's deniability. It's all
 09:42 25 based on deniability. So it's -- you know, it --

09:43 1 I -- for example, I go out. I'm experienced, I've
 09:43 2 been doing this for a long time, I've got a lot of
 09:43 3 training, especially with hail and wind. I go out,
 09:43 4 I identify hail damage. It's clear there's hail
 09:43 5 damage because it's -- it's documented throughout
 09:43 6 this whole community. There's hail damage to the
 09:43 7 vinyl siding the size of a softball, and then
 09:43 8 there's -- you know, there's impacts to the roof.
 09:43 9 I take pictures of these impacts. The roof is
 09:43 10 one-year old. The reviewer says "There's no damage
 09:43 11 there. That's -- you know, that's just normal wear
 09:43 12 and tear."

09:43 13 Anyway, at the end of the day, he's trying to
 09:43 14 say that my pictures aren't good enough for him to
 09:43 15 be able to prove the hail damage even with -- even
 09:43 16 though the hail damage is there.

09:43 17 So it's -- it's just -- it's just all these
 09:43 18 different avenues of deniability. And they didn't
 09:43 19 always be that way. I mean they -- they -- I never
 09:43 20 saw that until things started changing.

09:43 21 But anyway, I don't know if I got off on a
 09:43 22 tangent there or not. But...

09:43 23 Q. No. This is exactly what I'm wanting
 09:43 24 to know; about your experience.
 09:43 25 And most of the time when they -- these

09:44 1 reviewers get involved, does the amount that's paid
 09:44 2 to the insured go up or down, based on your
 09:44 3 experience?

09:44 4 A. Most of the time, the -- the price or
 09:44 5 the estimate goes down significantly. I mean
 09:44 6 obviously there's some times that it would go up,
 09:44 7 probably just because there's some kind of a way
 09:44 8 that they can -- can document the -- you know,
 09:44 9 those, whether it goes up or down. Then they --
 09:44 10 anyway, I -- so most of the time, it does go down,
 09:44 11 but there has been times that it has gone up.

09:44 12 Q. Okay. Have you seen at times where
 09:44 13 you said a house was totaled and they said "No, you
 09:44 14 need to change that, it's not totaled"?

09:44 15 A. Oh, yes. Yes.

09:44 16 Q. Tell me -- tell me about that.

09:44 17 A. Well, I mean I go out and I -- I'm --
 09:44 18 I'm the supplement adjuster assigned for the claim.
 09:45 19 It's a large loss, obviously, and that's one of my
 09:45 20 classifications. So I go out and I inspect the
 09:45 21 property, and, you know, I -- I find enough damage
 09:45 22 to where it's -- it's going to reach the policy
 09:45 23 limits. Well, you send the -- the proposal up to
 09:45 24 this review board and, once again, they want to get
 09:45 25 an engineer involved and -- and this and that.

09:45 1 And anyway, I've definitely had them override
 09:45 2 me on that several times.
 09:45 3 Q. Okay. And what do you do? When
 09:45 4 you've got a reviewer that overrides and says
 09:45 5 "No, I'm not going to let you total the dwelling,
 09:45 6 I don't agree with it" -- based on what?
 09:45 7 Photographs?
 09:45 8 A. That's -- that's correct.
 09:45 9 Q. Okay. Then what do you do? I mean
 09:45 10 what -- how do you --
 09:46 11 A. Well, it --
 09:46 12 Q. -- respond?
 09:46 13 A. It -- you -- if you're a person like
 09:46 14 me, I mean you -- you argue the point until you just
 09:46 15 can't argue it no more. And then, of course, as the
 09:46 16 adjuster, you just -- you just let them do what
 09:46 17 they're going to do. I mean you can't make them put
 09:46 18 their approval on there. So, if you can't convince
 09:46 19 them that it's a total loss or -- or the repairs is
 09:46 20 going to cost more, then you just -- you know,
 09:46 21 you're forced to kick the can down the road, you're
 09:46 22 forced to write the estimate the way that they say,
 09:46 23 and then it goes on to the next person. And then --
 09:46 24 but, unfortunately, that's -- that's just the way
 09:46 25 it is.

09:46 1 Q. Are you told -- for example, in this
 09:46 2 case, the assignment sheet even from this Sedgwick
 09:46 3 said "Don't tell the insured anything, don't tell
 09:46 4 them your opinions, don't tell them -- you know,
 09:47 5 don't tell them -- don't tell them anything."
 09:47 6 Was that similar to what you saw? I mean --
 09:47 7 A. That -- that is --
 09:47 8 MR. DONCHIN: Object to the form.
 09:47 9 A. -- that is definitely similar to what
 09:47 10 I saw in the later days. Yeah. Once that review
 09:47 11 process started, then that was one of the things
 09:47 12 that we were coached on: "You -- you can't tell
 09:47 13 them your opinion. You can't make a decision."
 09:47 14 I mean you're the -- the licensed adjuster
 09:47 15 that goes out there, and you've been representing
 09:47 16 Allstate for 10, 15 years, whatever it is, and they
 09:47 17 give you a -- an amount of authority in the field to
 09:47 18 make decisions. So you've made decisions for all
 09:47 19 these years, and then, all the sudden, they say
 09:47 20 "No, no, you don't have any decision-making.
 09:47 21 You can't tell the insured your opinion, you can't
 09:47 22 tell them anything. You're just there to identify
 09:47 23 the damage and then you'll get back with them."
 09:47 24 Anyway, that's -- that's kind of what
 09:48 25 happens.

09:48 1 Q. (By Mr. Marr) Well, I'm going to show
 09:48 2 you an exhibit that we've previously used in this
 09:48 3 case that came from Sedgwick that was marked as
 09:48 4 Plaintiffs' Exhibit 5 to the deposition of a
 09:48 5 preferred vendor that went out there.
 09:48 6 MR. JEFF MARR: Jon, do you have that?
 09:48 7 Nick, do you have it? Okay. We'll come back to it.
 09:48 8 Q. (By Mr. Marr) I'll read it, I'll read
 09:48 9 it to you. It's -- it's from Sedgwick. It's from
 09:48 10 this same tornado. It's got -- in big bold letters
 09:48 11 in a box, it says:
 09:48 12 "Do not discuss coverage,
 09:48 13 settlement, or your estimate(s) with the
 09:48 14 insured. Do not discuss your opinion
 09:48 15 with the insured as to cause."
 09:48 16 I saw that. I've never heard anything
 09:48 17 like that in my life, much less as an assignment
 09:48 18 notification.
 09:48 19 Is this -- is this the kind of thing that
 09:48 20 you're talking about?
 09:48 21 MR. DONCHIN: Object to the form.
 09:49 22 A. Yeah. That -- I've -- I've not seen
 09:49 23 that particular letter, but, yes, that's -- that's
 09:49 24 the new process.
 09:49 25 Q. (By Mr. Marr) And what's the thought

09:49 1 process, in your opinion, behind not sharing your
 09:49 2 opinions --
 09:49 3 MR. DONCHIN: Object to the form.
 09:49 4 Q. (By Mr. Marr) -- with the insured?
 09:49 5 A. I mean I -- I feel like it all goes to
 09:49 6 the -- the ability for deniability and then the
 09:49 7 ability to delay and prolong. You know, and that --
 09:49 8 I don't know. I don't know what the -- I honestly
 09:49 9 can't -- I couldn't tell you what, like, Allstate's
 09:49 10 whole goal in life is. But it's like they -- they
 09:49 11 just -- they just want to drag out the claim and in
 09:49 12 the hopes that the insureds just go away, which most
 09:49 13 of them do. Most of them just accept what they're
 09:49 14 given and feel like the insurance company, you know,
 09:49 15 isn't going to do anything more, so they just --
 09:50 16 they just take it.
 09:50 17 Q. What kind of spot does that put you
 09:50 18 in, as the -- as a guy who's adjusted these claims
 09:50 19 for all these years and is trained to do his job?
 09:50 20 MR. DONCHIN: Object to the form.
 09:50 21 A. It puts me in a real hard spot.
 09:50 22 And I guess that's the reason why I ended up losing
 09:50 23 my livelihood by testifying. I mean I had --
 09:50 24 I had -- I had issues with the way things had been
 09:50 25 going, and I had -- I had -- I had argued and argued

09:50 1 and argued, and there wasn't no change in it.
 09:50 2 So they just put you in a predicament to where
 09:50 3 you -- you're just -- you're just a glorified
 09:50 4 picture-taker, just like the third party.
 09:50 5 Q. (By Mr. Marr) And that's -- I think
 09:50 6 that was just how Senator Hawley described it.
 09:50 7 MR. DONCHIN: Object to the form.
 09:50 8 Q. (By Mr. Marr) Didn't he call it a
 09:50 9 "glorified picture-taker"?
 09:50 10 A. That's right.
 09:51 11 Q. And you say they took away your
 09:51 12 livelihood?
 09:51 13 A. Well, I mean --
 09:51 14 MR. DONCHIN: Object to the form.
 09:51 15 A. Yeah. I mean I -- you know, I was
 09:51 16 an adjuster that worked for Allstate, and I was
 09:51 17 deployed 365 days a year, I made a pretty good
 09:51 18 living and enjoyed my -- my job because I was able
 09:51 19 to help people. The helping people part of it was
 09:51 20 rapidly diminishing, but I still had a livelihood.
 09:51 21 And of course, when I went and testified in front of
 09:51 22 congress, I didn't think the -- you know, the
 09:51 23 process through very well, and, you know, I couldn't
 09:51 24 continue working for -- for Pilot or for Allstate;
 09:51 25 so here I am.

09:51 1 Q. (By Mr. Marr) So they made it clear
 09:51 2 to you you were done, as far as working for
 09:51 3 Allstate?
 09:51 4 MR. DONCHIN: Object to the form.
 09:51 5 A. That's correct.
 09:51 6 Q. (By Mr. Marr) How did that come
 09:51 7 about?
 09:51 8 A. Well, the -- I worked for Pilot.
 09:51 9 Q. I know.
 09:52 10 A. And when I testified, Pilot had
 09:52 11 immediately -- once they realized that I was
 09:52 12 testifying, immediately was in the process of
 09:52 13 removing me, eliminating me, replacing me, whatever
 09:52 14 you want to call it. But, you know, they had --
 09:52 15 they had, you know, told me that my time was done
 09:52 16 there. And of course their attorney, you know,
 09:52 17 reached out to them and said they couldn't do that;
 09:52 18 so they back-stepped it. But at that point, I --
 09:52 19 I had no choice. But at the end of the day, I mean
 09:52 20 at least now I can sleep at night, I don't feel like
 09:52 21 I'm screwing homeowners over. So it is --
 09:52 22 Q. That's true.
 09:52 23 A. -- probably for the best.
 09:52 24 Q. Okay. So now that's how you
 09:52 25 transferred over into being a public adjuster?

09:52 1 A. That's correct. Because then I can
 09:52 2 help people. That's right.
 09:52 3 Q. That's right.
 09:52 4 That sounds a lot like -- I mean so you lost
 09:52 5 your livelihood by testifying before the senate?
 09:53 6 MR. DONCHIN: Object to the form.
 09:53 7 A. Right.
 09:53 8 Q. (By Mr. Marr) At least as -- at least
 09:53 9 as an adjuster with Pilot and Allstate. Correct?
 09:53 10 MR. DONCHIN: Object to the form.
 09:53 11 A. That's correct.
 09:53 12 Q. (By Mr. Marr) Now, when these
 09:53 13 reviewers, you know -- which, to me, they look like
 09:53 14 nothing more than desk adjusters. Is that what they
 09:53 15 are?
 09:53 16 A. Their -- their title is higher than a
 09:53 17 desk adjuster. A desk adjuster is a pawn. A desk
 09:53 18 adjuster is somebody that Allstate has hired or
 09:53 19 Pilot has hired or whoever. They don't even have to
 09:53 20 have any -- any experience or anything. It's just
 09:53 21 -- it's just a person to sit behind a desk, sit
 09:53 22 behind a computer, and do what they're told.
 09:53 23 So they're not a desk adjuster. They're --
 09:53 24 they're like a -- it's a group of people -- I mean
 09:53 25 in this -- and in my particular case, it was called

09:53 1 the "vendor oversight team." It's -- it's just a
 09:54 2 group of reviewers, but they're -- the desk adjuster
 09:54 3 is -- is -- I don't know how they even are able to
 09:54 4 do -- sleep at night because they don't have any
 09:54 5 authority, they don't make any decisions. They are
 09:54 6 looking at pictures and they are only doing what
 09:54 7 their supervisor tells them to do and lets them do.
 09:54 8 They make no decisions. That's -- that is, a
 09:54 9 hundred percent, the way that a desk adjuster works.
 09:54 10 Now, they do have staff adjusters that
 09:54 11 I guess would -- would possibly be a desk adjuster
 09:54 12 position, but that's -- that's not who's doing those
 09:54 13 reviews; it's the review team. It's a special elite
 09:54 14 -- a group of people who they've got set up to make
 09:54 15 those reviews.
 09:54 16 Q. All right. Well, I haven't seen a
 09:54 17 staff adjuster -- an Allstate staff adjuster inspect
 09:54 18 a claim in probably at least the last five years.
 09:54 19 Have you?
 09:54 20 MR. DONCHIN: Object to the form.
 09:55 21 A. Have -- have I seen a staff adjuster?
 09:55 22 Is that what you said?
 09:55 23 Q. (By Mr. Marr) Yeah. I said
 09:55 24 I haven't -- you know, in the cases that I've
 09:55 25 worked, the claims that I've reviewed, I haven't

09:55 1 seen an actual staff adjuster, employed by Allstate,
 09:55 2 at the scene of a loss in probably five years.
 09:55 3 A. The --
 09:55 4 MR. DONCHIN: Object to the form.
 09:55 5 A. The staff adjusters would typically
 09:55 6 work routine claims, and catastrophe claims are
 09:55 7 almost always subbed out to the Pilot or Crawford
 09:55 8 or, you know, whatever organizations. But almost
 09:55 9 always the catastrophes are third-party groups.
 09:55 10 Q. (By Mr. Marr) So these -- so it's
 09:55 11 just the reviewer? Allstate, you know, they never
 09:55 12 actually send out an employee, either a field
 09:55 13 adjuster or regional or anything, to look at the
 09:55 14 claim; they seem to just leave it to these
 09:56 15 reviewers. Is that your experience?
 09:56 16 MR. DONCHIN: Object to the form.
 09:56 17 A. Yes. That -- so, when I first started
 09:56 18 with Allstate, they had a group of managers,
 09:56 19 Allstate staff adjusters, who were out in the field.
 09:56 20 Q. (By Mr. Marr) Right.
 09:56 21 A. And they -- they went out with the
 09:56 22 adjusters routinely with eyes on. That's the way it
 09:56 23 used to work. And then, like I said, in 2020 is
 09:56 24 when things started changing, and those people were
 09:56 25 removed from the field and no longer were allowed to

09:56 1 be on site with any of the adjusters representing
 09:56 2 Allstate.
 09:56 3 Q. Okay. So that's -- and that's
 09:56 4 consistent with what I said as to why I haven't seen
 09:56 5 one involved in the last five years. Right?
 09:56 6 MR. DONCHIN: Object to the form.
 09:56 7 A. That is correct.
 09:56 8 Q. (By Mr. Marr) Okay. So, instead,
 09:56 9 I mean did they get rid of these people or cut back
 09:57 10 or what happened?
 09:57 11 MR. DONCHIN: Object to the form.
 09:57 12 A. I don't know, you know, what they did
 09:57 13 with the people or how they made their changes.
 09:57 14 But when an adjuster goes out on a loss and it's a
 09:57 15 catastrophe loss, whether it be a tornado, a big
 09:57 16 hailstorm, a tree on a house, I mean you're --
 09:57 17 as the adjuster, you're making contact with the
 09:57 18 insured, you're -- you know, you have a one-on-one
 09:57 19 with them, you have compassion for them, you --
 09:57 20 you know, you have empathy, and you're -- I mean
 09:57 21 you're there to help the insured through this
 09:57 22 process. And by Allstate not having these so-called
 09:57 23 "staff" people out there, they -- their so-called
 09:57 24 "staff" people don't have any empathy, they don't
 09:57 25 have any one-on-one, they don't -- they don't --

09:58 1 they don't have that care for the insured that they
 09:58 2 used to have. Now it's just "We want to make sure
 09:58 3 that the pictures are a certain way and this is a
 09:58 4 certain way." But whether or not the picture is
 09:58 5 good doesn't change the loss facts. If the loss is
 09:58 6 covered or if the damage is covered, the pictures
 09:58 7 are irrelevant.
 09:58 8 So their -- the whole -- the whole concept is
 09:58 9 not fair for the insured because the damage is
 09:58 10 there, and if the damage is there, the damage is
 09:58 11 covered per the policy language. It doesn't say the
 09:58 12 pictures have to be pretty.
 09:58 13 Q. (By Mr. Marr) Right.
 09:58 14 I mean so this whole now reliance on --
 09:58 15 on photographs -- which I mean how in the hell does
 09:58 16 that work when, I mean, on a roof, half of it is how
 09:58 17 it feels, isn't it?
 09:58 18 MR. DONCHIN: Object to the form.
 09:58 19 A. That's correct. And that's -- and
 09:58 20 that's the -- another reason why it seems like they
 09:58 21 don't have their -- their staff people out there.
 09:59 22 Because, again, you can -- maybe you can't see an
 09:59 23 impact from hail, but you can at least touch it.
 09:59 24 And -- and that's actually one of the -- the
 09:59 25 techniques that Haag Engineering teaches for hail

09:59 1 training.
 09:59 2 Q. (By Mr. Marr) Is you've got to --
 09:59 3 you've got to be able to feel it?
 09:59 4 A. Right.
 09:59 5 MR. DONCHIN: Object to the form.
 09:59 6 A. You can't always necessarily -- you --
 09:59 7 the visual isn't always as clear; so sometimes there
 09:59 8 is a need for that, yes.
 09:59 9 Q. (By Mr. Marr) Okay. So Allstate has
 09:59 10 basically -- is now using pictures to adjust claims?
 09:59 11 A. That's correct.
 09:59 12 Q. By a bunch of people who God knows
 09:59 13 what training they have. I mean those must be some
 09:59 14 damn good pictures?
 09:59 15 MR. DONCHIN: Object to the form.
 09:59 16 A. That -- that's correct. And that's --
 09:59 17 but they're not even adjusters who are taking these
 09:59 18 pictures in most cases; it's just a third-party
 10:00 19 random person that -- that they're -- they're not
 10:00 20 even a licensed adjuster.
 10:00 21 Q. (By Mr. Marr) So that's funny because
 10:00 22 we had a --
 10:00 23 A. And in most states, licenses are
 10:00 24 required.
 10:00 25 Q. Yeah. I mean we had a person go out

10:00 1 and take pictures in this one who also wasn't an
 10:00 2 adjuster, wasn't a licensed adjuster. I mean they
 10:00 3 sent -- they talked our insured into "Let us send
 10:00 4 out a preferred vendor, and whatever the preferred
 10:00 5 vendor says, since we're at an impasse between your
 10:00 6 contractor and your -- your engineer, then we'll let
 10:00 7 this, you know, be the determining factor." The guy
 10:00 8 goes out there and says it's clearly totaled, and
 10:00 9 then, all the sudden, his estimate gets -- he's
 10:00 10 told, no, he's got to write his estimate in
 10:00 11 accordance with the engineer. So here we are.
 10:00 12 I mean have you seen that type of thing
 10:00 13 before or is this something that's new?
 10:01 14 MR. DONCHIN: Object to the form.
 10:01 15 A. I've seen that, yes.
 10:01 16 Q. (By Mr. Marr) So they --
 10:01 17 A. And that's -- and that's more and
 10:01 18 more. It occurs almost on a regular basis now.
 10:01 19 Q. That the engineer goes -- they send
 10:01 20 one of their engineers out and then you have to
 10:01 21 write the estimate to coincide with that engineer's
 10:01 22 report?
 10:01 23 A. That -- that's correct. Well, the
 10:01 24 engineer report -- the engineer report is always
 10:01 25 going to be all -- or my experience is it's --

10:01 1 it's -- that's the law, I mean that Allstate is
 10:01 2 going to stick with what the engineer says.
 10:01 3 The -- the engineers, to me there's -- I mean
 10:01 4 I'm not saying that all engineers are bad, but I
 10:01 5 feel like there's a group of engineers that the
 10:01 6 carriers use on a regular basis who err on the side
 10:02 7 of the carrier. I'm not saying that happens all
 10:02 8 the time, but I am saying that I have seen that and
 10:02 9 I feel that is a very common practice.
 10:02 10 Q. And once the engineer -- so the
 10:02 11 engineer -- I mean it looks to me like, you know,
 10:02 12 Allstate using these engineers is kind of like a
 10:02 13 company doctor. Is that a fair --
 10:02 14 A. That's correct.
 10:02 15 Q. Is that a fair --
 10:02 16 A. That's correct.
 10:02 17 MR. DONCHIN: Object to the form.
 10:02 18 Q. (By Mr. Marr) And then, once they got
 10:02 19 that engineer, I mean everybody is supposed to toe
 10:02 20 the line with what that engineer said?
 10:02 21 A. Correct. And -- and it's --
 10:02 22 MR. DONCHIN: Object to the form.
 10:02 23 A. -- it's the -- it's the big dog being
 10:02 24 a bully. I mean the average homeowner can't afford
 10:02 25 to go out and hire an engineer, you know, to dispute

10:02 1 that engineer. And then, if they did, Allstate is
 10:02 2 still going to stick with their engineer; that's
 10:02 3 their expert witness.
 10:02 4 The same thing goes with, you know,
 10:03 5 litigating differences in the -- in what's covered
 10:03 6 in the loss. I mean the average customer -- and
 10:03 7 I don't mean average. Maybe I -- I'm guessing
 10:03 8 probably 95 percent of the customers who are
 10:03 9 dissatisfied with the settlement and their claim
 10:03 10 just go away. They don't -- they don't fight it
 10:03 11 because they don't have the means to fight it or
 10:03 12 the knowledge to fight it or the time to fight it.
 10:03 13 And I think that is the -- the bully in the
 10:03 14 playground just -- just throwing their weight
 10:03 15 around.
 10:03 16 Q. And the greater the loss, the more at
 10:03 17 a disadvantage the insured is. Wouldn't you say?
 10:03 18 A. That's correct.
 10:03 19 Q. I mean, you know, okay, maybe a roof.
 10:03 20 All right, that's -- that's bad, but, you know,
 10:03 21 a lot of them still give up and go on and try and
 10:03 22 deal with it. But if you've got something where the
 10:04 23 whole house is, you know, structurally damaged and
 10:04 24 you can't move your family back in it, then what
 10:04 25 kind of disadvantage are you at then?

10:04 1 MR. DONCHIN: Object to the form.
 10:04 2 A. Right. Right. You just -- if you
 10:04 3 don't have the means, you -- I don't -- I don't
 10:04 4 know. I mean I don't know. I just -- I feel like
 10:04 5 it's -- I just feel like it's the tactic that the
 10:04 6 carriers use these -- more and more these days.
 10:04 7 Q. (By Mr. Marr) Based on your
 10:04 8 experience in handling Allstate claims, did you ever
 10:04 9 see Allstate ignore or disregard the findings of the
 10:04 10 policyholder's contractor?
 10:04 11 A. Absolutely.
 10:04 12 Q. And likewise, you know, in this case,
 10:04 13 when the insured does go and hire their own
 10:04 14 engineer, does it make a difference?
 10:04 15 A. No. It typically would not make a
 10:04 16 difference, no.
 10:05 17 Q. Have you ever seen Allstate go with
 10:05 18 the opinion of an insured's engineer over their own?
 10:05 19 A. No.
 10:05 20 Q. Not once?
 10:05 21 A. Not one time.
 10:05 22 Q. In your experience working with
 10:05 23 Allstate's companies, did you ever see Allstate rely
 10:05 24 on opinions of the engineers that contradicted what
 10:05 25 you could plainly see with your eyes when you

10:05 1 visited the property?

10:05 2 MR. DONCHIN: Object to form.

10:05 3 A. I have. I have.

10:05 4 Q. (By Mr. Marr) On numerous occasions?

10:05 5 A. On several occasions, yes.

10:06 6 Q. Are you personally -- and when you

10:06 7 adjusted these claims, when you were still "in the

10:06 8 fold," so to speak, handling Allstate claims, were

10:06 9 you ever told to change your opinion or your

10:06 10 estimate to support or lower payouts to the

10:06 11 policyholder?

10:06 12 MR. DONCHIN: Object to form.

10:06 13 A. Yes.

10:06 14 Q. (By Mr. Marr) And how did they make

10:06 15 that known to you?

10:06 16 A. That would be -- they'd either make a

10:06 17 phone call or they would -- they -- it would be

10:06 18 through email. When -- when you sent your estimates

10:06 19 up for review --

10:06 20 Q. Right.

10:06 21 A. -- they would send them back with what

10:06 22 they want you to change.

10:06 23 Q. So a lot of times that was done, more

10:06 24 often than not, verbally?

10:06 25 A. It was done verbally quite a bit, yes.

10:06 1 I don't know that there's -- I don't know that

10:06 2 there's a way that -- that they can track that.

10:06 3 But, yeah, a lot of it was done, you know, verbally.

10:06 4 Q. Okay. Well, I tell you what, sir,

10:07 5 I -- all these -- these things that you just

10:07 6 described in your experience, these aren't -- I mean

10:07 7 are these -- would you say these are one-offs or

10:07 8 would you say this is the new way that Allstate does

10:07 9 business since COVID?

10:07 10 MR. DONCHIN: Object to the form.

10:07 11 A. I believe this is -- I believe this

10:07 12 is a new -- the new way Allstate is conducting

10:07 13 business. I don't think this is a one-off.

10:07 14 Q. (By Mr. Marr) Well, I tell you what,

10:07 15 on behalf of this couple, the Woodards, I appreciate

10:07 16 what you did. I appreciate your -- your --

10:07 17 basically your integrity for testifying before the

10:07 18 senate, both Senator Hawley and Senator Kim in

10:08 19 particular. And I think that it takes a lot of

10:08 20 courage to do what you did, and they -- they

10:08 21 appreciate that. So, on behalf of them, thank you,

10:08 22 sir.

10:08 23 Would you be willing to come to Oklahoma to

10:08 24 trial in this matter if we get you a plane ticket?

10:08 25 A. Yes, sir.

10:08 1 Q. Okay.

10:08 2 MR. JEFF MARR: I don't have anything

10:08 3 further for you, sir. I'm going to pass the witness

10:08 4 to -- to Allstate's attorney.

10:08 5 MR. DONCHIN: I'm representing

10:08 6 Encompass, the party to the case.

10:08 7 CROSS EXAMINATION

10:08 8 BY MR. DONCHIN:

10:08 9 Q. Mr. Millikan, I'm David Donchin.

10:08 10 I represent Encompass. We've been going for a

10:08 11 little over half an hour. And usually we break

10:08 12 every hour, hour and a half, to give the witness a

10:08 13 break and everybody else. Do you need to take a

10:08 14 break at this time or...

10:08 15 A. I'm good.

10:08 16 Q. Okay. So, with that in mind, if there

10:08 17 comes a time where you need to take a break, just

10:09 18 let me know and we'll accommodate. I don't usually

10:09 19 break between a question and an answer and I want to

10:09 20 maybe finish a thought or something, but we'll

10:09 21 accommodate you. But I want you to know the

10:09 22 standard is we usually break every hour, hour and a

10:09 23 half, anyway. Okay?

10:09 24 A. Okay.

10:09 25 Q. How many depositions do you think

10:09 1 you've given in your career?

10:09 2 A. I mean I really don't know. Four,

10:09 3 five, six.

10:09 4 Q. Okay. Do you remember the names of

10:09 5 any of the cases in which you were deposed?

10:09 6 A. No.

10:09 7 Q. Okay. Do you remember the last time

10:09 8 you were deposed? Time frame?

10:09 9 A. Oh, you're -- oh, you're talking

10:09 10 about just for insurance, or are you talking about

10:09 11 depositions?

10:09 12 Q. Just depositions.

10:09 13 A. Yeah, no.

10:09 14 Q. Were you distinguishing somehow

10:09 15 between depositions and insurance or something?

10:09 16 A. No, no. I was -- I was just making

10:09 17 sure that -- like some of the depositions that

10:10 18 I've been to had nothing to do with the insurance

10:10 19 business or Allstate or my work at Pilot or anything

10:10 20 else.

10:10 21 Q. Okay.

10:10 22 A. I gave a deposition in Pennsylvania on

10:10 23 a -- on an Allstate claim. That's -- I can't think

10:10 24 of the name. But...

10:10 25 Q. Okay.

10:10 1 A. And I've given depositions in Florida,
 10:10 2 nothing to do with insurance. So that's what I was
 10:10 3 trying to...
 10:10 4 Q. All right. Since you and I haven't
 10:10 5 met before, I just want to go over some ground
 10:10 6 rules; and that is, if I ask you a question today
 10:10 7 and you don't understand it, will you stop me and
 10:10 8 tell me to rephrase it, tell me you don't understand
 10:10 9 it? Will you do that for me?
 10:10 10 A. Yes.
 10:10 11 Q. Okay. Otherwise, if you answer the
 10:10 12 question, I'll assume you understood it. Is that
 10:10 13 fair?
 10:10 14 A. Fair.
 10:10 15 Q. Okay. I'm not here to make you guess.
 10:10 16 If you don't know an answer or it just requires you
 10:10 17 to guess, just tell me "It would require me to
 10:10 18 guess" or "I don't know." As long as it's an honest
 10:10 19 answer, telling me you don't know is a fine answer.
 10:10 20 Okay?
 10:10 21 A. Yes.
 10:10 22 Q. All right. Before today's deposition,
 10:11 23 had you met with or talked to anybody with
 10:11 24 Mr. Marr's firm?
 10:11 25 A. I have not met with anybody, but

10:11 1 I have talked to, yes.
 10:11 2 Q. Okay. Who have you talked to?
 10:11 3 A. What's that?
 10:11 4 Q. Who have you talked to with Mr. Marr's
 10:11 5 firm before today?
 10:11 6 A. I mean I -- honestly, I don't know the
 10:11 7 names. I talked to two of the attorneys in the
 10:11 8 firm --
 10:11 9 Q. Okay.
 10:11 10 A. -- I think twice to set this up.
 10:11 11 Q. Okay. Did you talk about your
 10:11 12 testimony or your facts or your experiences before
 10:11 13 today with them?
 10:11 14 A. I talked about, maybe, the senate
 10:11 15 hearing briefly. Nothing about the -- no.
 10:11 16 Q. Okay.
 10:11 17 A. Nothing else, really.
 10:11 18 Q. Okay. How long do you think your
 10:11 19 talks lasted with those two lawyers?
 10:11 20 A. I couldn't tell you.
 10:11 21 Q. A half hour? An hour? Two hours?
 10:11 22 Five hours?
 10:11 23 A. Oh, no, no, no.
 10:12 24 Q. That's all I'm trying to get a sense
 10:12 25 of.

10:12 1 A. Yeah. Maybe -- maybe five minutes or
 10:12 2 less.
 10:12 3 Q. All right. So I've never been to a
 10:12 4 senate committee hearing and I've never been to a
 10:12 5 senate subcommittee hearing. What was that
 10:12 6 experience like for you?
 10:12 7 A. It -- it was overwhelming. It was --
 10:12 8 it was -- it was pretty -- pretty scary.
 10:12 9 Q. Okay. Well, so tell me about the
 10:12 10 process. Like how did you get contacted? How did
 10:12 11 it come up that you would end up testifying there
 10:12 12 and -- and the arrangements that were made?
 10:12 13 A. I was working on a claim that was
 10:12 14 represented by a public adjuster, and the public
 10:12 15 adjuster -- you know, when I had went out there for
 10:12 16 the supplement, we had talked about certain things,
 10:12 17 and I -- you know, we had agreed on certain things
 10:12 18 as far as what I could see, but I told him I had to
 10:12 19 send up my estimate to be reviewed.
 10:13 20 When I sent the estimate back over to him,
 10:13 21 he kind of called me a liar and this -- and said
 10:13 22 I was fraud. And I said "Look, man, I don't --
 10:13 23 I'm not fraud, I sleep at night, I try to do what's
 10:13 24 right."
 10:13 25 Anyway, so he put me on the spot and said

10:13 1 that -- would I -- do I mind him recording my
 10:13 2 conversation, and I said "No, I'm not -- I don't
 10:13 3 have a problem with that, I'm not trying to hide
 10:13 4 anything." So it just escalated from there.
 10:13 5 And he apparently had some kind of access
 10:13 6 to the hearing that was going on at the senate.
 10:13 7 And then I was contacted by a couple of the senators
 10:13 8 and asked if I would testify, and I had already
 10:13 9 opened my mouth and agreed to it; so I went.
 10:13 10 Q. Okay. Do you remember the name of the
 10:13 11 public adjuster you were dealing with that led you
 10:13 12 to all this?
 10:13 13 A. Matt. I mean no.
 10:13 14 Q. Okay. What -- and I told you, again,
 10:14 15 if -- if you don't know or you have to guess, just
 10:14 16 tell me and that's fine. Okay?
 10:14 17 A. Matt -- right, yes. Matt Hunter.
 10:14 18 I was trying to think of it. So Matt Hunter was his
 10:14 19 name, I believe.
 10:14 20 Q. Okay. Also I should have told you:
 10:14 21 During the course of this process if -- if you don't
 10:14 22 remember something first and then you remember it
 10:14 23 later or you want to change something later, feel
 10:14 24 free to stop me and say "Hey, I -- I remembered
 10:14 25 something or I want to change something I said

10:14 1 earlier." That's fine, just let me know --
 10:14 2 A. Okay.
 10:14 3 Q. -- okay?
 10:14 4 A. Okay.
 10:14 5 Q. You got contacted by a couple of
 10:14 6 senators. Who -- who were they?
 10:14 7 A. Well, it was representatives for the
 10:14 8 senators. It was Josh Hawley's office, and he --
 10:14 9 there was a -- I think he was the Republican
 10:14 10 senator. And there was a Democrat senator. I can't
 10:14 11 think of his name.
 10:14 12 Q. So tell me -- walk me through that
 10:14 13 process. They call you. What was said during the
 10:14 14 conversations? How did it lead you to get to the
 10:14 15 committee hearing?
 10:14 16 A. They asked about the processes and
 10:15 17 how Allstate was handling claims and if I had any
 10:15 18 experience with the -- the process, such as the
 10:15 19 reviewer making you change things, like "Why did you
 10:15 20 say your estimate was going to be this and then you
 10:15 21 changed it?"
 10:15 22 And I said "Because the reviewer made me
 10:15 23 change it."
 10:15 24 And so it was -- it was -- they talked about
 10:15 25 the process there. They talked about, you know,

10:15 1 did I feel like that -- did I feel like it was
 10:15 2 wrong.
 10:15 3 Anyway, I -- they -- the process is what they
 10:15 4 talked about. My issue was the way Allstate was
 10:15 5 inspecting losses with a third party. So that's --
 10:15 6 that's pretty much the reason why I, you know,
 10:15 7 agreed to go testify. I felt like what Allstate was
 10:16 8 doing with that third-party inspector was -- was --
 10:16 9 was wrong, at the very least.
 10:16 10 Q. Okay. So, before you actually
 10:16 11 testified at the committee hearing, did you actually
 10:16 12 meet Senator Hawley?
 10:16 13 A. I don't -- I don't think I ever saw
 10:16 14 Senator Hawley until he walked in the -- the
 10:16 15 hearing.
 10:16 16 Q. Okay. Because I noticed earlier you
 10:16 17 told Mr. Marr that he -- that Senator Hawley was an
 10:16 18 impressive guy. I didn't know if you had experience
 10:16 19 with him outside the hearing or that was your only
 10:16 20 interaction with him.
 10:16 21 Have you met with him or talked to him
 10:16 22 outside of the hearing?
 10:16 23 A. No, sir.
 10:16 24 Q. Okay.
 10:16 25 A. No, sir.

10:16 1 Q. How about, did you meet with his
 10:16 2 representatives before the hearing?
 10:16 3 A. I met with them -- I met with one or
 10:16 4 two of his -- three or four, maybe, of his staff
 10:17 5 members when they accommodated me when I got to the
 10:17 6 -- whatever it's called, the underground area where
 10:17 7 the hearings take place. Of course I went and I had
 10:17 8 to wait in the office. So the only contact or the
 10:17 9 only time I ever met him was at -- or before that
 10:17 10 hearing took place at that location. They were --
 10:17 11 you know, they took me into a room and let me wait
 10:17 12 until the hearing started so that... Basically that
 10:17 13 was it.
 10:17 14 Q. Do you have any emails that went back
 10:17 15 and forth between you and his representatives about
 10:17 16 what your testimony might be or questions that they
 10:17 17 were asking you?
 10:17 18 A. Oh, they might have had -- I might
 10:17 19 have had some questions they were going to ask me,
 10:17 20 emails back and forth, most likely, yes.
 10:17 21 Q. Okay. And I know that -- and I've
 10:17 22 seen the video of your testimony, of that committee
 10:17 23 hearing. And at the start, before you were
 10:17 24 answering questions, you read a prepared statement.
 10:18 25 Correct?

10:18 1 A. That's correct.
 10:18 2 Q. All right. Did you write that
 10:18 3 yourself or did you have any help writing it?
 10:18 4 A. Well, I wrote that myself, and I guess
 10:18 5 I might have used some AI to help me.
 10:18 6 Q. Okay. Do you know what parts would
 10:18 7 have been from AI?
 10:18 8 A. Oh, no.
 10:18 9 Q. Okay. It's -- it's a new world today
 10:18 10 with AI, isn't it?
 10:18 11 A. Well, I mean I use it every time
 10:18 12 I have a correspondence. I make sure my emails
 10:18 13 don't sound too unintelligent.
 10:18 14 Q. Okay. Did you submit that written
 10:18 15 statement? I just want to know how the process
 10:18 16 works, I've never been there.
 10:18 17 Do you have to submit the written statement
 10:18 18 to anybody before you give it?
 10:18 19 A. You do. You have to submit it before
 10:18 20 you give it.
 10:18 21 Q. How -- who do you submit it to?
 10:18 22 A. That committee. I think -- I think
 10:18 23 both sides -- there's four Republican, four
 10:18 24 Democrat, three, whatever it was. But the --
 10:18 25 the whole committee has access to that. You have to

10:19 1 submit it before you go to the hearing.
 10:19 2 Q. Okay. So like -- so, when you read it
 10:19 3 into the record, then they've already had it to look
 10:19 4 at? Whether they do it or not --
 10:19 5 A. That's correct.
 10:19 6 Q. -- is another issue, but they --
 10:19 7 they already have it?
 10:19 8 A. That is correct.
 10:19 9 Q. Okay. Let me back up a little bit
 10:19 10 because I don't know anything about your background.
 10:19 11 What's your date of birth?
 10:19 12 A. July 1st, 1969.
 10:19 13 Q. Okay. Just about 20 days before a man
 10:19 14 landed on the moon.
 10:19 15 A. What's that?
 10:19 16 Q. Just about 20 days before a man landed
 10:19 17 on the moon.
 10:19 18 A. That's correct, supposedly.
 10:19 19 Q. Oh, no. That might be a subject for
 10:19 20 another day, huh?
 10:19 21 A. Yes, sir.
 10:19 22 Q. Do you think they really did?
 10:19 23 A. I don't know. I don't -- I don't have
 10:19 24 an opinion. I mean why would they not?
 10:19 25 Q. Okay.

10:19 1 A. My son doesn't believe it, but I'm --
 10:19 2 I've never -- I never had a doubt.
 10:19 3 Q. Okay. What -- so tell me about your
 10:19 4 educational background. High school? College?
 10:20 5 What?
 10:20 6 A. Graduated high school, two-year degree
 10:20 7 at college, and then went into the Air Force and --
 10:20 8 and spent about five years in the Air Force.
 10:20 9 Q. What did you do in the Air Force?
 10:20 10 A. Civil engineering.
 10:20 11 Q. Okay. So you have high school and
 10:20 12 then two years, did you say, college?
 10:20 13 A. Two years of college, yes.
 10:20 14 Q. Did you get an associate's degree or
 10:20 15 something?
 10:20 16 A. Associate's degree, yes, sir.
 10:20 17 Q. What -- what in?
 10:20 18 A. Business.
 10:20 19 Q. Okay. So what is civil engineering in
 10:20 20 the Air Force then? And first off, thank you for
 10:20 21 your service. And I tell you that as someone whose
 10:20 22 son is in the Navy right now. So I --
 10:20 23 A. Good deal. Well --
 10:20 24 Q. -- appreciate your --
 10:20 25 A. -- thank you. Thank you.

10:20 1 So my -- my particular field was in the
 10:20 2 heating and air conditioning field.
 10:20 3 Q. All right. And so that probably took
 10:20 4 you through - what? - '94? Does that sound about
 10:21 5 right? '95?
 10:21 6 A. Yeah. I went in in ninety -- I got
 10:21 7 out in ninety -- I don't know. It's --
 10:21 8 Q. I'm thinking '94 --
 10:21 9 A. I went in in '89 --
 10:21 10 Q. -- was --
 10:21 11 A. -- and got out in '94. That's --
 10:21 12 that's about right. Yeah, that's right. Yeah.
 10:21 13 Q. I'm figuring high school '87,
 10:21 14 associate's degree '89, five more years --
 10:21 15 A. That's right.
 10:21 16 Q. Okay. So trace for me your employment
 10:21 17 and professional history after you got out.
 10:21 18 And I assume it was an honorable discharge?
 10:21 19 A. Oh, absolutely.
 10:21 20 Q. Okay. What was your rank at the end,
 10:21 21 when you left?
 10:21 22 A. The same rank I went in at.
 10:21 23 Q. Okay. Thank you.
 10:21 24 What -- so take me then through your
 10:21 25 professional history after you got out in '94.

10:21 1 A. I -- in '94, I bought a couple of
 10:21 2 dinner theaters in Fort Walton Beach. And I ran
 10:21 3 those until approximately 2000, '99, something like
 10:22 4 that. And then -- obviously I've done a lot, so --
 10:22 5 and I'm just telling you the highlights, the --
 10:22 6 you know, the big parts. But after that, I opened
 10:22 7 up a sports restaurant in Columbia, Tennessee.
 10:22 8 And around 2010, I got out of that and got into
 10:22 9 construction. I got a GC license in Tennessee.
 10:22 10 And then I started working, on the side, helping
 10:22 11 with -- helping insurance adjusters with hard access
 10:22 12 to roof inspections, so on and so forth.
 10:22 13 I got certified through Haag in that. And then
 10:22 14 eventually transitioned into the adjusting side
 10:22 15 of it.
 10:22 16 Q. Okay. When did you get into the
 10:22 17 adjusting side of it? What year?
 10:22 18 A. I don't know the year.
 10:23 19 Q. Okay.
 10:23 20 A. I don't know. It's -- I don't
 10:23 21 remember what year it was.
 10:23 22 Q. Let me --
 10:23 23 A. '13, '14.
 10:23 24 Q. Okay. So what made -- so the Sports
 10:23 25 Page club, what was that? Was that a restaurant/bar

10:23 **1** or something?

10:23 **2** **A.** It was, yeah. I couldn't behave.

3 **Q.** Okay.

4 **A.** The invitation was more than I could

10:23 **5** -- yeah, I couldn't -- I couldn't behave; so I had

10:23 **6** to get out of it and do something different.

10:23 **7** **Q.** Okay. Did you close it down or sell

10:23 **8** it or what did you do?

10:23 **9** **A.** My brother took it over.

10:23 **10** **Q.** Okay. And then you got in the

10:23 **11** construction business. Is that right?

10:23 **12** **A.** Correct.

10:23 **13** **Q.** What? Did you own --

10:23 **14** **A.** Correct.

10:23 **15** **Q.** -- your own construction business or

10:23 **16** what? What -- did you work for somebody?

10:23 **17** **A.** I did. Yes. I did.

10:23 **18** **Q.** What was the name of that business?

10:23 **19** **A.** It was A-First Contracting.

10:23 **20** **Q.** Okay. And how long did you have that?

10:23 **21** **A.** What's that?

10:23 **22** **Q.** How long did you have that?

10:23 **23** **A.** I don't remember how long it was.

10:23 **24** I didn't -- I don't remember.

10:24 **25** **Q.** What? Two years? Three years?

10:24 **1** Five years? Ballpark?

10:24 **2** **A.** Oh, the -- I don't know. Three or

10:24 **3** four, five years, something like that. Because I --

10:24 **4** I transitioned over into the insurance side of it

10:24 **5** because the employee side of it was too stressful,

10:24 **6** too -- too much of a headache.

10:24 **7** **Q.** All right.

10:24 **8** **A.** So anyway. 2010 to 2013, so four --

10:24 **9** three, four, five years, something like that.

10:24 **10** **Q.** Okay. And so, in the construction

10:24 **11** business, like what kind -- did you do residential?

10:24 **12** Commercial? What did you do?

10:24 **13** **A.** Residential.

10:24 **14** **Q.** Okay.

10:24 **15** **A.** And it was -- yeah. Residential.

10:24 **16** **Q.** Did you build homes from start to

10:24 **17** finish or did you have just like a certain niche --

10:24 **18** **A.** Mostly -- mostly remodel. Mostly we'd

10:24 **19** do -- did a lot of roofing, siding, stuff like that.

10:24 **20** **Q.** Okay. Did you have any --

10:25 **21** **A.** Some -- some houses from start to

10:25 **22** finish, but not many.

10:25 **23** **Q.** Okay. Did you have any training or

10:25 **24** was it on-the-job training on how to do --

10:25 **25** **A.** Did I have any --

10:25 **1** **Q.** Yeah. I didn't know if you went --

10:25 **2** **A.** I mean --

10:25 **3** **Q.** -- and took classes, vo-tech or

4 something to learn the trade or just picked it up

10:25 **5** and --

10:25 **6** **A.** I told you, I mean I was -- I was

10:25 **7** raised back when men were raised to be men and you

10:25 **8** had to take care of yourself; so I mean I knew how

10:25 **9** to do pretty much everything. I wasn't great at any

10:25 **10** of them; so that -- that was on-the-job training.

10:25 **11** But I mean I could -- I could swing a hammer and

10:25 **12** I could turn a wrench and read a tape measure.

10:25 **13** So I got -- I mean I got my general contractor's

10:25 **14** license, and that's a pretty difficult test to pass.

10:25 **15** **Q.** Yeah. So I was going to ask. So you

10:25 **16** were licensed as a general contractor. In Tennessee

10:25 **17** still?

10:25 **18** **A.** Correct.

10:25 **19** **Q.** What's involved in getting a general

10:25 **20** contractor's license?

10:25 **21** **A.** What's involved in it?

10:25 **22** **Q.** Yes, sir.

10:25 **23** **A.** You have to -- you have to pass a --

10:26 **24** you know, a pretty strenuous test, and then you have

10:26 **25** to -- I think there's a board that you have to go in

10:26 **1** front of or that -- or your -- or your license goes

10:26 **2** in front of. And then your license is based off of

10:26 **3** your financial statement.

10:26 **4** **Q.** Okay. They -- what? Your license is

10:26 **5** based off a financial statement?

10:26 **6** **A.** Yeah, your license -- the amount of

10:26 **7** work -- or the -- the -- your license -- so whatever

10:26 **8** your financial statement you put in this application

10:26 **9** that -- that Tennessee has would dictate the size of

10:26 **10** work that you could do.

10:26 **11** **Q.** So like --

10:26 **12** **A.** I think mine was a million dollars.

10:26 **13** **Q.** So it's not based --

10:26 **14** **A.** So I couldn't do anything bigger --

15 **Q.** -- on your financial worth?

10:26 **16** **A.** -- than a million dollars.

10:26 **17** What's that?

10:26 **18** **Q.** It's not based on your net worth?

10:26 **19** Like you don't submit your financial statement and

10:26 **20** they say "Okay, you're worth a hundred thousand,

10:26 **21** so you can do a hundred thousand"?

10:26 **22** **A.** No, no. I don't -- I don't know how

10:27 **23** that -- I really don't know how -- what -- how it

10:27 **24** works. I mean I -- I don't remember that. It's

10:27 **25** been a while.

10:27 1 Q. Okay.

10:27 2 A. But if you -- they -- your -- your

10:27 3 license is -- like you may have a 450,000 limit or a

10:27 4 \$100,000 limit or 10 million or unlimited. I think

10:27 5 mine was a million. I don't remember, off the top

10:27 6 of my head, but I think it was a million. It might

10:27 7 have been more. I don't know.

10:27 8 Q. Okay.

10:27 9 A. But I never did any projects that big.

10:27 10 Q. Okay. So then -- then you

10:27 11 transitioned into the insurance adjusting business.

10:27 12 Right?

10:27 13 A. Well, I -- while I was doing the

10:27 14 construction, I had started doing assist where I was

10:27 15 inspecting with the adjusters from several different

10:27 16 carriers throughout the United States. I'd go --

10:27 17 I would travel and access the roofs for them.

10:27 18 Q. Oh. So --

10:27 19 A. Then I got into the adjusting.

10:27 20 Q. So who were you working for then,

10:28 21 when you were assisting them? You --

10:28 22 A. I mean I kind of was my -- working for

10:28 23 myself. I mean I -- I worked for numerous carriers.

10:28 24 Q. They would pay you to do the assist.

10:28 25 Right?

10:28 1 A. That's correct.

10:28 2 Q. Okay. Were you a licensed adjuster at

10:28 3 the time you were assisting them?

10:28 4 A. No, sir.

10:28 5 Q. Okay. And when do you -- when do you

10:28 6 think you first became a licensed adjuster?

10:28 7 A. I -- I mean that could probably be

10:28 8 pulled up. There's got to be a public record of

10:28 9 that. But I'm -- I'm thinking 2013, somewhere

10:28 10 around 2013, '14 --

10:28 11 Q. Okay.

10:28 12 A. -- something like that.

10:28 13 Q. What state were you -- did you first

10:28 14 become a --

10:28 15 A. Florida.

10:28 16 Q. -- licensed -- I'm sorry?

10:28 17 A. Florida.

10:28 18 Q. Okay.

10:28 19 A. Florida.

10:28 20 Q. Are you licensed in any other states,

10:28 21 other than Florida?

10:28 22 A. That -- I'm still licensed in, yeah,

10:28 23 several states.

10:28 24 Q. Okay. What states are you --

10:28 25 A. Florida was my home -- sir?

10:28 1 Q. No. I was asking what other states

10:29 2 were you licensed in -- are you licensed in?

10:29 3 A. I'm licensed in Florida, Georgia,

10:29 4 South Carolina, North Carolina, Kentucky, Indiana --

10:29 5 I think Indiana is one of them. New York, which is

10:29 6 one of the hard ones to get -- used to be anyway.

10:29 7 Q. Okay.

10:29 8 A. Texas, and I think Montana, Arkansas,

10:29 9 Mississippi, Louisiana, Oklahoma. I don't know

10:29 10 about any other ones.

10:29 11 Q. Okay. And I understand that a lot of

10:29 12 times you can take this test in one state, get

10:29 13 licensed, and then you get admitted by reciprocity

10:29 14 or reci- -- reciprocal privileges in other states.

10:29 15 Is that how -- I know you took -- did you

10:29 16 take the test in Florida and get the others by

10:29 17 reciprocity?

10:30 18 A. Yeah. I took a test in Florida and

10:30 19 got that one, and then I had to take an even more

10:30 20 difficult test to get my New York license --

10:30 21 Q. Okay. Other than --

10:30 22 A. -- and all the rest of them were

10:30 23 reciprocals.

10:30 24 Q. Okay. Have you ever been to Oklahoma?

10:30 25 A. Have I ever been to Oklahoma? I've

10:30 1 been there, yes, sir.

10:30 2 Q. Okay. Do you adjust claims here?

10:30 3 A. I've never adjusted one claim there

10:30 4 because you have too big of hail and too many

10:30 5 tornados; so the big dogs always got Oklahoma.

10:30 6 Q. Okay. What -- so trace for me, if you

10:30 7 would, from the time you became a licensed adjuster

10:30 8 everybody you worked for.

10:30 9 Who did you first work for as a licensed

10:30 10 adjuster?

10:30 11 A. Who all have I worked for as a

10:30 12 licensed adjuster?

10:30 13 Q. Yes, sir.

10:30 14 A. Mostly everything was through

10:30 15 Allstate.

10:30 16 Q. So were you an -- were you an employee

10:30 17 of Allstate at any time?

10:30 18 A. No, sir.

10:30 19 Q. Do you own your own adjusting

10:31 20 business -- or did you own your own adjusting

10:31 21 business from 2013 to 2025 or did you do

10:31 22 everything --

10:31 23 A. No. I worked -- I worked for Pilot

10:31 24 Catastrophe.

10:31 25 Q. Okay. From 2013 to basically 2025,

10:31 **1** you worked for Pilot. Is that right?
 10:31 **2** **A.** That's correct. That's correct.
 10:31 **3** **Q.** Did you have any other employers
 10:31 **4** during that time?
 10:31 **5** **A.** Oh, I don't remember.
 10:31 **6** **Q.** Okay. I should have asked you this,
 10:31 **7** too, I'm sorry I forgot.
 10:31 **8** Have you ever been a party to any legal
 10:31 **9** proceeding? Whether it's civil, criminal, probate,
 10:31 **10** bankruptcy, criminal, whatever, have you ever been a
 10:31 **11** party to any legal proceeding before?
 10:31 **12** **A.** Have I ever -- have I been through
 10:31 **13** bankruptcy is what you're asking?
 10:31 **14** **Q.** No. I'm asking have you ever been
 10:31 **15** through any legal proceedings? I know I said civil,
 10:31 **16** criminal --
 10:31 **17** **A.** No.
 10:31 **18** **Q.** -- probate --
 10:31 **19** **A.** Not that --
 10:31 **20** **Q.** -- bankruptcy --
 10:31 **21** **A.** -- not that I'm aware of --
 10:31 **22** **Q.** -- proceedings --
 10:32 **23** **A.** -- no.
 10:32 **24** **Q.** Okay.
 10:32 **25** **A.** Not that I'm aware of.

10:32 **1** **Q.** Never filed bankruptcy before.
 10:32 **2** Correct?
 10:32 **3** **A.** I have, yeah.
 10:32 **4** **Q.** Okay.
 10:32 **5** **A.** I have.
 10:32 **6** **Q.** Well, that's what I was asking about;
 10:32 **7** if you've been a party to a legal proceeding. That
 10:32 **8** would be a legal proceeding.
 10:32 **9** **A.** Oh. Well -- well, I mean --
 10:32 **10** **Q.** Okay. And I'm --
 10:32 **11** **A.** -- and divorce is a legal proceeding,
 10:32 **12** too. So, yeah, you're right. My bad.
 10:32 **13** **Q.** Okay. That's all right.
 10:32 **14** **A.** I've been divorced, too. Yeah.
 10:32 **15** **Q.** Okay. When did you file for
 10:32 **16** bankruptcy?
 10:32 **17** **A.** I don't remember. I don't remember.
 10:32 **18** **Q.** Okay. More than once?
 10:32 **19** **A.** What?
 10:32 **20** **Q.** More than once or just one time?
 10:32 **21** **A.** I'm thinking I filed -- I think
 10:32 **22** I've -- I think I've filed for bankruptcy twice.
 10:32 **23** **Q.** Okay. Was this -- was the last time
 10:32 **24** within the last five years?
 10:32 **25** **A.** The -- the last time I filed

10:32 **1** bankruptcy?
 10:32 **2** **Q.** Yes, sir.
 10:32 **3** **A.** Is what I had -- what I did after
 10:32 **4** I went to the senate hearing. That's right.
 10:32 **5** **Q.** Okay.
 10:33 **6** **A.** Correct.
 10:33 **7** **Q.** Okay. Okay. So that would have been
 10:33 **8** sometime in 2025 then?
 10:33 **9** **A.** That's correct. But I don't remember
 10:33 **10** the other time.
 10:33 **11** **Q.** All right. So, in training to be
 10:33 **12** an adjuster, what kind of training did you get?
 10:33 **13** Who trained you?
 10:33 **14** **A.** Pilot, probably, was the biggest
 10:33 **15** trainer.
 10:33 **16** **Q.** Okay. You mentioned something about
 10:33 **17** Haag and roofs. Do you re- -- that -- did you
 10:33 **18** receive Haag training?
 10:33 **19** **A.** I did. I went -- I went through the
 10:33 **20** Haag training for commercial and residential.
 10:33 **21** **Q.** Okay.
 10:33 **22** **A.** That's an engineering firm that
 10:33 **23** specializes in identifying wind and hail damage to
 10:33 **24** roofing materials.
 10:33 **25** **Q.** Okay. Do you think you got good

10:33 **1** training from them?
 10:34 **2** **A.** I got some training from them. I got
 10:34 **3** some training from Pilot. I mean I've got some
 10:34 **4** training from working with all the different
 10:34 **5** adjusters that I worked with whenever I was doing
 10:34 **6** the assist.
 10:34 **7** **Q.** Okay. The Haag training that you got,
 10:34 **8** was that like a special, intensive, one-on-one or
 10:34 **9** just delivered just with Haag for a while, in terms
 10:34 **10** of classroom training or something like that?
 10:34 **11** Describe for me the training.
 10:34 **12** **A.** It was -- it was -- I don't remember
 10:34 **13** how long the training took place. It's been years
 10:34 **14** ago. But it was in a -- a classroom setting; so you
 10:34 **15** were at one of their facilities or one of their
 10:34 **16** classrooms.
 10:34 **17** **Q.** Okay. Did you think it was good
 10:34 **18** quality training that you got from Haag?
 10:34 **19** **A.** Do I -- I think it was good quality
 10:34 **20** training, yes, sir.
 10:34 **21** **Q.** Okay. Do you think it's something
 10:34 **22** that's -- the training you got from Haag was
 10:34 **23** trustworthy and reliable?
 10:35 **24** **A.** Trustworthy and reliable? I do.
 10:35 **25** **Q.** Okay. Did you get any type of

10:35 1 training from Encompass Insurance Company?
 10:35 2 A. I've never been to any training with
 10:35 3 Encompass, no.
 10:35 4 Q. Any training from Allstate Insurance
 10:35 5 Company?
 10:35 6 A. I'm sure I've had training with
 10:35 7 Allstate, yes, but I -- I don't know when. But
 10:35 8 through the years, I'm sure I've -- I mean I've had
 10:35 9 all -- I had -- I had managers working with me in
 10:35 10 the field; so that would be training, I guess.
 10:35 11 Q. Okay. So do you remember the names of
 10:35 12 any managers from Allstate that gave you training?
 10:35 13 A. Not off the top of my head.
 10:35 14 Q. Okay.
 10:35 15 A. It may come to me. I'll -- I'll
 10:36 16 remind you if it does.
 10:36 17 Q. Okay. Thank you.
 10:36 18 And so I know you testified that you gave
 10:36 19 your testimony before the senate, the subcommittee.
 10:36 20 Did Pilot know that you were going to do that before
 10:36 21 you did it? Did you tell them you were going to do
 10:36 22 it?
 10:36 23 A. No.
 10:36 24 Q. Okay.
 10:36 25 A. No.

10:36 1 Q. So I guess they found out about it.
 10:36 2 And then you told Mr. Marr that they let you go,
 10:36 3 but the attorney said "You can't do it for that
 10:36 4 reason," and they back-stepped or something, and
 10:36 5 then you said "I had no choice."
 10:36 6 And I -- I hate to ask this is, but -- I know
 10:36 7 it was painful for you, but will you take me through
 10:36 8 that process? What happened with Pilot and...
 10:36 9 A. So I agreed to testify because, when
 10:36 10 I was asked, I said -- I agreed to it because I had
 10:36 11 nothing to hide.
 10:36 12 So Pilot management called me the day before
 10:36 13 I was leaving wanting to know what was going on
 10:36 14 because they weren't aware of what was going on
 10:37 15 until then.
 10:37 16 Q. How did they --
 10:37 17 A. And they said --
 10:37 18 Q. -- find out about it?
 10:37 19 A. I'm assuming that discovery. I'm
 10:37 20 assuming that they -- the -- I -- the senate hearing
 10:37 21 people must let Allstate know who's going to be
 10:37 22 testifying. I don't know.
 10:37 23 But I got a phone call from one of the
 10:37 24 managers there that I had worked with one-on-one --
 10:37 25 because I actually was a field manager for Pilot

10:37 1 representing Allstate.
 10:37 2 But anyway, he said, "You know, we have
 10:37 3 attorneys to represent you in this case."
 10:37 4 And I said "Well, I don't need an attorney to
 10:37 5 represent me because I'm not doing anything wrong,
 10:37 6 I'm just telling the truth."
 10:37 7 So anyway, I went to the hearing. During the
 10:37 8 hearing, some of the Pilot family came in. I know
 10:37 9 some of the managers in the office, you know, I --
 10:37 10 probably the majority of them in the office at
 10:37 11 Pilot. After the hearing was over, most everybody
 10:38 12 agreed with my stance and what I said, but the
 10:38 13 people who I guess -- anyway, the -- the family --
 10:38 14 the Pilot family had made it known to the managers
 10:38 15 in the office that I was to be worked out and let
 10:38 16 go. I was told this by my direct manager --
 10:38 17 Q. Who's that?
 10:38 18 A. -- so I -- who was my direct manager?
 10:38 19 Q. Yes, sir.
 10:38 20 A. I've -- I've -- I -- I'm not with that
 10:38 21 company anymore and I'm not going to be able to
 10:38 22 mention his name.
 10:38 23 Q. Do you remember who --
 10:38 24 A. He still --
 10:38 25 Q. Do you remember his name?

10:38 1 A. His -- his name -- he still works for
 10:38 2 the company, and that -- and that has no reason to
 10:38 3 get involved in any of my dealings.
 10:38 4 Q. Sir, I need to know. Okay? I really
 10:38 5 do. And I apologize, but you're giving testimony
 10:38 6 about what --
 10:38 7 A. I'm giving testimony, but I'm not --
 10:38 8 I'm test- -- I'm testifying to -- to what
 10:39 9 happened --
 10:39 10 Q. Yes, sir.
 10:39 11 A. -- and I was told --
 10:39 12 Q. And I'm asking who -- who told you?
 10:39 13 A. My manager, yeah, he told me that --
 10:39 14 that they -- they had said that I needed to be
 10:39 15 worked out and let go.
 10:39 16 Q. And are you -- are you refusing to
 10:39 17 tell me his name today?
 10:39 18 A. I don't feel like I can say his name
 10:39 19 because it's -- it -- it's not -- it's not fair for
 10:39 20 him to get involved. I --
 10:39 21 Q. Well, you know, it's fair --
 10:39 22 A. -- I mean I don't want -- I don't want
 10:39 23 to get retri- -- any retribution going towards him
 10:39 24 for any reason because there's nothing -- there's no
 10:39 25 reason for that to happen.

10:39 **1** Q. Well, sir, I'm -- I'm going to ask --
 10:39 **2** A. So let's just --
 10:39 **3** Q. Go ahead.
 10:39 **4** A. Go ahead.
 10:39 **5** Q. No. I'm -- I'm going to ask you.
 10:39 **6** I mean you've made the comment that this guy told
 10:39 **7** you this, but you won't tell us who it is. I mean
 10:39 **8** do you think that's fair; to make a statement like
 10:39 **9** that and then not tell us who said --
10 A. Well --
 10:39 **11** Q. -- this so that I can't go verify it?
 10:39 **12** A. Okay.
 10:39 **13** MR. JEFF MARR: Hang on, hang on --
14 A. So Cedric --
 10:39 **15** MR. JEFF MARR: -- I'm going to
 10:40 **16** object. I'm going to object as to the form.
 10:40 **17** I mean --
 10:40 **18** MR. DONCHIN: That's okay. You can
 10:40 **19** object to the form, just -- just as I did. Are
20 you --
21 MR. JEFF MARR: Hold on --
 10:40 **22** MR. DONCHIN: -- you can't instruct
 10:40 **23** him not to answer.
 10:40 **24** MR. JEFF MARR: I can -- you're
 10:40 **25** harassing the witness. He's told you what his

10:40 **1** position is, he's told you why that's his position,
 10:40 **2** so let it go.
 10:40 **3** MR. DONCHIN: No, it's not harassment.
 10:40 **4** It's a fair question.
 10:40 **5** MR. JEFF MARR: It is harassment.
 10:40 **6** MR. DONCHIN: If we were in court, a
 10:40 **7** judge would say he's got -- there's no privilege to
 10:40 **8** be invoked --
 10:40 **9** MR. JEFF MARR: We're not in court.
 10:40 **10** MR. DONCHIN: -- there's no -- pardon
11 me?
12 MR. JEFF MARR: We're not in court.
 10:40 **13** MR. DONCHIN: Well, this is a court
 10:40 **14** proceeding.
 10:40 **15** MR. JEFF MARR: Well --
 10:40 **16** MR. DONCHIN: And I guess I can bring
 10:40 **17** it up to the judge.
 10:40 **18** MR. JEFF MARR: -- this gentleman is
 10:40 **19** here by his own volition. So, if you want to file a
 10:40 **20** motion to compel or something like that, and if you
 10:40 **21** convince the judge that it's crucial to your case as
 10:40 **22** to who this gentleman is, then okay. But other than
 10:40 **23** that, I think it is harassing. So he's -- he's
 10:40 **24** answered your question, he's told you the reason
 10:40 **25** that he doesn't want to reveal it. I agree with

10:40 **1** him; I don't think it has anything to do with it.
 10:41 **2** But if you feel otherwise, then file a motion to
 10:41 **3** compel and we'll deal with it that way. But,
 10:41 **4** you know, arguing with him over it is not -- it's
 10:41 **5** not -- I don't think it's right.
 10:41 **6** MR. DONCHIN: Well, I don't -- I don't
 10:41 **7** think it's right that he makes a statement like that
 10:41 **8** and then refuses to disclose who made the comment.
 10:41 **9** It's not a one-sided deal. And the fact that he's
 10:41 **10** here by volition -- his own volition, you're
 10:41 **11** presenting him as your own witness. Okay? You made
 10:41 **12** the arrangements for it, and there's nothing wrong
 10:41 **13** with that at all. I'm glad you did and I'm glad
 10:41 **14** we're all here today. But to -- to say I'm going to
 10:41 **15** answer or not answer certain questions when you've
 10:41 **16** inserted somebody's actions or role in something
 10:41 **17** is -- it's discovery, Jeff. You know that. It's
 10:41 **18** calculated to lead to admissible evidence when he's
 10:41 **19** blaming his testimony on being fired.
 10:41 **20** MR. JEFF MARR: That's why you,
 10:41 **21** you know --
 10:41 **22** A. He didn't -- I'm not blaming -- can
 10:41 **23** I -- I'm not -- I'm not saying that I was fired.
 10:41 **24** I'm saying that I was made aware that I was being
 10:42 **25** let go, and then they reversed that decision.

10:42 **1** Cedric Banks is the direct manager that
 10:42 **2** stated "Work Cliff out. We don't have any more work
 10:42 **3** for him" --
4 Q. (By Mr. Donchin) Okay.
 10:42 **5** A. -- "when he's done."
 10:42 **6** Q. All right. And did he tell you that,
 10:42 **7** too, or is that something you were told by somebody
 10:42 **8** else?
 10:42 **9** A. That --
10 Q. Did Cedric --
11 A. That's the --
12 Q. -- Banks tell -- tell you that or did
13 somebody --
 10:42 **14** A. Well --
 10:42 **15** Q. -- tell you that Mr. Banks said that?
 10:42 **16** A. Yeah. My -- my -- my manager is the
 10:42 **17** one that told me that --
 10:42 **18** Q. Okay. The manager --
 10:42 **19** A. -- Cedric Banks said that.
 10:42 **20** Q. Okay. And your man -- the manager
 10:42 **21** whose name you don't want to give us. Right?
 10:42 **22** A. That's right.
 10:42 **23** Q. Okay.
24 A. Because -- because --
 10:42 **25** Q. So what --

10:42 **1** **A.** -- the -- there's -- there's no reason
 10:42 **2** that he needs to get fired. Because Pilot is a very
 10:42 **3** -- Pilot -- the -- the Pilot family is very
 10:43 **4** vindictive, and -- and even though he did nothing
 10:43 **5** whatsoever wrong, just because he's got an
 10:43 **6** affiliation with me and they have the hate for me
 10:43 **7** that they have, they could fire him. And for what?
 10:43 **8** For what reason? What does that -- what do we gain
 10:43 **9** from that?
 10:43 **10** **Q.** Okay. You said the "Pilot family."
 10:43 **11** And I'm -- I'm not that familiar with the company.
 10:43 **12** Is it -- is it family-owned or is that --
 10:43 **13** **A.** It's family-owned.
 10:43 **14** **Q.** Okay.
 10:43 **15** **A.** It's a --
 10:43 **16** **Q.** Is there --
 10:43 **17** **A.** -- it's a big company.
 10:43 **18** **Q.** -- in Pilot -- is there like --
 10:43 **19** **A.** Pilot. That's correct.
 10:43 **20** **Q.** Okay. Have you talked to anybody from
 10:43 **21** the Pilot family who says that they have hatred for
 10:43 **22** you?
 10:43 **23** **A.** Well, the Pilot family has -- one of
 10:43 **24** the -- the main owner, which is Curtis Pilot, has a
 10:43 **25** daughter who's married to a guy that I worked with

10:43 **1** who totally told me he could have no more
 10:43 **2** communication with me whatsoever after this
 10:44 **3** testimony because he didn't want any hard feelings
 10:44 **4** with his family.
 10:44 **5** **Q.** Okay. What was his name?
 10:44 **6** **A.** Jonathan Hamilton.
 10:44 **7** **Q.** Okay. All right. So you made a
 10:44 **8** comment earlier, just a few minutes ago, that you
 10:44 **9** weren't saying you were fired. I mean does it
 10:44 **10** officially look like you resigned? Is that what
 10:44 **11** happened or do you --
 10:44 **12** **A.** That is exactly what happened. I did
 10:44 **13** -- I did officially resign. That is correct.
 10:44 **14** **Q.** Okay. Do you remember about when you
 10:44 **15** resigned? What month?
 10:44 **16** **A.** Like somewhere, June -- short --
 10:44 **17** shortly after the hearing.
 10:44 **18** **Q.** Okay. Of 2025?
 10:44 **19** **A.** That's correct.
 10:44 **20** **Q.** Okay. And then --
 10:44 **21** **A.** I mean I'm -- that's right.
 10:44 **22** **Q.** And then you opened up your own public
 10:44 **23** adjusting firm. Is that correct?
 10:45 **24** **A.** That's correct.
 10:45 **25** **Q.** What's the name of your public

10:45 **1** adjusting firm?
 10:45 **2** **A.** Southern Claims Advocates.
 10:45 **3** **Q.** Okay. You made a comment a few
 10:45 **4** minutes ago about when you were talking to the
 10:45 **5** public adjuster who was trying to -- he said "I want
 10:45 **6** to record you. Are you okay with that?"
 10:45 **7** "Yes. I have nothing to hide." And you said
 10:45 **8** "I sleep well at night."
 10:45 **9** Do you remember that?
 10:45 **10** **A.** That's right.
 10:45 **11** **Q.** Okay. So, up until the time that you
 10:45 **12** were speaking to the public adjuster, you felt what
 10:45 **13** you were doing was fair and you could sleep at
 10:45 **14** night. Correct?
 10:45 **15** **A.** That's not correct.
 10:45 **16** **Q.** Okay. Well, when you told him "I can
 10:45 **17** sleep at night" --
 10:45 **18** **A.** That was me being --
 10:45 **19** **Q.** -- was the meaning behind that --
 10:45 **20** **A.** -- that was -- the meaning behind that
 10:45 **21** was "I'm not doing anything deceitful. I'm doing
 10:45 **22** what I'm -- what's right. I'm doing what I'm
 10:45 **23** supposed to be doing. I'm not trying to hide
 10:45 **24** anything."
 10:45 **25** That was the comment.

1 **Q.** You weren't --
 10:45 **2** **A.** That was the reason behind that
 10:45 **3** comment.
 10:45 **4** **Q.** Okay. Yeah. And I -- and I
 10:46 **5** appreciate it, but -- so the -- because it means
 10:46 **6** different things to different people; that's why
 10:46 **7** I wanted to clarify that.
 10:46 **8** When you said "I could sleep at night," you
 10:46 **9** knew you weren't doing anything deceitful to people.
 10:46 **10** Correct?
 10:46 **11** **A.** I wasn't. That's right. I was not
 10:46 **12** doing anything deceitful to people. That's correct.
 10:46 **13** **Q.** Okay. When do you think you started
 10:46 **14** doing things that were deceitful to people?
 10:46 **15** **A.** I don't think I was doing things that
 10:46 **16** were deceit -- deceitful to people.
 10:46 **17** **Q.** So, when you wrote the estimates and
 10:46 **18** you told them "here's what your damages are" and you
 10:46 **19** were the one to tell them, you didn't think you were
 10:46 **20** being deceitful at all to them. Correct?
 10:46 **21** **A.** I wasn't being deceitful to them
 10:46 **22** because I told them it was out of my hands.
 10:46 **23** If I wrote an estimate and it was changed and
 10:46 **24** it wasn't what I thought it should be, I told the
 10:46 **25** insured.

1 Q. You told --

10:46 2 A. When I was told I couldn't tell the

10:46 3 insured that, I still told the insured that because

10:46 4 that was the right thing to do.

10:46 5 Q. Okay. In your training as an adjuster

10:47 6 for property claims, were you trained on how to take

10:47 7 pictures? Or is it just commonsense?

10:47 8 A. I mean I -- I don't recall being

10:47 9 trained on taking pictures. And I don't feel like

10:47 10 it's just -- whatever. Maybe it's commonsense, but

10:47 11 it can't be commonsense because there's always

10:47 12 issues with pictures.

10:47 13 Q. Okay. Well, did you take pic -- were

10:47 14 you trained to take pictures as an adjuster when you

10:47 15 were handling --

10:47 16 A. I don't --

17 Q. -- homeowners --

10:47 18 A. -- remember having any training to

10:47 19 take pictures as an adjuster.

10:47 20 Q. Did you take pictures as an adjuster?

10:47 21 A. We did.

10:47 22 Q. Okay. Every time you did a property

10:47 23 loss, did you take pictures of it?

10:47 24 A. I did.

10:47 25 Q. Okay. Well, why take pictures of it?

10:47 1 What's the reason?

10:47 2 A. That was what I was required to do.

10:48 3 Q. Okay. Was one of the reasons to

10:48 4 document the damage that was there or not there?

10:48 5 A. It is.

10:48 6 Q. Sometimes an insured would say

10:48 7 "Hey, I think something is damaged." You would take

10:48 8 a picture of it to show whether it was or was not.

10:48 9 Correct?

10:48 10 A. That's correct.

10:48 11 Q. Okay. Because you wanted to document

10:48 12 what you saw. Right?

10:48 13 A. That's right.

14 Q. And there would be --

10:48 15 A. To document --

10:48 16 Q. Go ahead.

10:48 17 A. To document what I saw. It is a

10:48 18 verbal written explanation of what I saw.

10:48 19 Q. I understand.

10:48 20 But the pictures --

10:48 21 A. The pictures --

10:48 22 Q. Go ahead.

10:48 23 A. The pictures are in the file as well.

10:48 24 Q. Sure.

10:48 25 A. But there's also a -- like a written

10:48 1 overview of what you saw, as far as damage or not

10:48 2 damage.

10:48 3 Q. Like a caption to the picture?

10:48 4 A. There's -- there's -- there's captions

10:48 5 to the pictures, but there's also a written

10:49 6 statement --

10:49 7 Q. Okay.

10:49 8 A. -- that goes with it as well.

10:49 9 Q. Okay. And when you would take those

10:49 10 pictures, one of the reasons, as we just talked

10:49 11 about earlier, was to document damage that was or

10:49 12 wasn't there, but it would also help you. If you

10:49 13 had to give a deposition or prove something later,

10:49 14 you could point to the picture and say "That's what

10:49 15 I saw." Right?

10:49 16 A. Well, the picture doesn't always

10:49 17 reflect what you saw -- or what I saw.

10:49 18 Q. But the reason --

10:49 19 A. So --

10:49 20 Q. But you do use pictures to document

10:49 21 what you saw. True?

10:49 22 A. Well, that was -- that was the policy.

10:49 23 That was the reason why they had pictures in there.

10:49 24 But the --

10:49 25 Q. Yeah.

10:49 1 A. -- pictures don't always -- the

10:49 2 pictures don't always show what you see.

10:49 3 Q. Okay. Sometimes it --

10:49 4 A. That's the reason why --

5 Q. Sometimes it does and --

10:49 6 A. What's that?

10:49 7 Q. -- sometimes it doesn't. Is that what

10:49 8 you're saying?

10:49 9 A. Okay. That's right.

10:49 10 Q. Okay.

10:49 11 A. That's right.

10:49 12 Q. Is it fair for people to rely on those

10:49 13 pictures that you would take to determine whether

10:49 14 damage existed or not? Is that a sometimes

10:50 15 yes/sometimes no answer?

10:50 16 A. Well, ask me the question again.

10:50 17 Q. Okay. Just like I said -- earlier we

10:50 18 agreed, in your opinion, sometimes pictures show

10:50 19 damage, sometimes it doesn't. Right?

10:50 20 A. Right.

10:50 21 Q. Okay. Now, my question is: In terms

10:50 22 of the ability to rely on those pictures, your

10:50 23 testimony would be sometimes it would be fair

10:50 24 to rely on them, sometimes it would not.

10:50 25 Do I understand that correctly? Is that your

10:50 1 opinion?

10:50 2 A. I'm saying that the pictures are a

10:50 3 reference to -- to -- I mean I don't know. I mean

10:50 4 the pictures -- taking pictures isn't my idea.

10:50 5 Picture -- taking pictures was the idea of the

10:50 6 people that I worked for --

10:50 7 Q. Well, they've been doing that --

10:50 8 A. -- so yes.

10:50 9 Q. -- for years, haven't they?

10:50 10 A. What's that?

10:50 11 Q. They've been taking pictures for

10:50 12 years, haven't they?

10:50 13 A. That's right; they have. But they

10:50 14 didn't adjust claims off pictures when I first

10:51 15 started because we weren't allowed to get pictures

10:51 16 from the insured and adjust a claim. We had to go

10:51 17 out and put eyes on it because then you could

10:51 18 actually see the damage. You --

10:51 19 Q. I understand.

10:51 20 A. -- could actually --

10:51 21 Q. I understand.

10:51 22 A. All right.

10:51 23 Q. We'll get to that in a minute. We'll

10:51 24 get to that in a minute. Okay? I promise.

10:51 25 A. Okay. All right.

10:51 1 Q. I'm just trying to keep it simple.

10:51 2 A. Okay. Go ahead. All right.

10:51 3 Q. So -- so you take pictures and you

10:51 4 submit them into the claim file. Correct?

10:51 5 A. Correct.

10:51 6 Q. All right. And in the course of your

10:51 7 career as an adjuster, did you ever recommend hiring

10:51 8 an engineer to look at property to determine the

10:51 9 nature and extent of the damage?

10:51 10 A. Yes.

10:51 11 Q. All right. Was it reasonable to hire

10:51 12 engineers from time to time to determine the nature

10:51 13 and extent of damage?

10:51 14 A. Yes.

10:51 15 Q. Okay. So, when you have the pictures

10:52 16 that you would submit as part of the claim file, was

10:52 17 part of the reason for a supervisor to be able to

10:52 18 look at to determine whether maybe to hire an

10:52 19 engineer or determine coverage issues? Are those

10:52 20 the reasons, in your experience?

10:52 21 A. To take pictures is to have something

10:52 22 to reference. So, yeah, I mean the engineers take

10:52 23 pictures, the adjusters take pictures, there's

10:52 24 pictures taken by everybody.

10:52 25 Q. Okay.

10:52 1 A. But I think it's -- I think it's just

10:52 2 something they have for reference so you --

10:52 3 you know, you say "Well, look, the damage is right

10:52 4 here." So some of the pictures show damage. I go

10:52 5 out to a hail inspection, I take pictures of the

10:52 6 hail damage to the roof, it's hard to see in the

10:52 7 picture, but, by golly, it's there.

10:52 8 Q. Okay.

10:52 9 A. The reviewer looks at the picture and

10:52 10 says "I can't see hail damage."

10:53 11 I'm like "I don't give a shit. Drive your --

10:53 12 or fly your ass out here to the house and inspect

10:53 13 the house yourself because there's hail damage on

10:53 14 the roof."

10:53 15 So I have to go out to this house three times

10:53 16 and take pictures, and he never is satisfied with

10:53 17 the pictures I take; therefore, pictures have

10:53 18 issues. Eyes on don't have issues because you can

10:53 19 actually see it, you can actually feel it, you can

10:53 20 see the -- or feel the -- the indentation from the

10:53 21 hail damage.

10:53 22 So that -- that's what I'm getting at,

10:53 23 I guess. And you're asking a specific question,

10:53 24 so I'm sorry, I'll answer your question.

10:53 25 Q. That's all right. I appreciate it.

10:53 1 Okay. Would you circle -- like on hail

10:53 2 damage, would you circle where the hail damage is

10:53 3 with chalk and then take a picture of it?

10:53 4 A. That's right.

10:53 5 Q. Okay. On large property losses,

10:53 6 you made a comment earlier to Mr. Marr that --

10:53 7 is that something that would go to somebody else

10:53 8 or is that something that you would handle, like

10:53 9 totaled -- the houses that were totaled?

10:53 10 A. No. I handled large losses.

10:54 11 Q. Okay. Did you often call in an

10:54 12 engineer to look at it if it was going to be a

10:54 13 large loss or a total loss?

10:54 14 A. You did.

10:54 15 Q. Okay. I've seen pictures where like

10:54 16 they're looking at framing to determine whether it's

10:54 17 within plumb. Are you familiar with that process?

10:54 18 A. Yes.

10:54 19 Q. Did you do that yourself? Did you

10:54 20 have like a level that would show you the degrees of

10:54 21 whether it was in plumb or not?

10:54 22 A. Yeah. Sometimes I would do that

10:54 23 myself and --

10:54 24 Q. Okay.

10:54 25 A. -- sometimes engineers would do it,

10:54 1 but yes.

10:54 2 Q. My understanding is it's got to be

10:54 3 within 1 degree of 90 degrees and, if it is, it's

10:54 4 within plumb. Is that right?

10:54 5 A. If it's within 1 degree of 90 degrees?

10:54 6 Q. Right. So 89 -- if it was 89.5,

10:54 7 it was still considered plumb, but if it was 88.5,

10:54 8 it would not be. Is that your understanding?

10:54 9 A. I -- I used a level, and if the bubble

10:54 10 was inside the two lines, I felt like that was in

10:54 11 plumb, and if it wasn't, I felt like it wasn't.

10:54 12 Q. Okay. And if it's in plumb, what does

10:55 13 that -- what's your understanding of what that

10:55 14 means?

10:55 15 A. "In plumb"?

10:55 16 Q. Yes, sir. It means the frame is

10:55 17 sound?

10:55 18 A. Right. Well, it means that it's --

10:55 19 that it's level and that it's -- what is that?

10:55 20 Perpendicular or whatever? Yeah, it's straight.

10:55 21 Q. Serving its purpose, it's built the

10:55 22 way --

10:55 23 A. Straight. That's right.

10:55 24 Q. Okay. On the Woodards' claim that

10:55 25 we're here on today, you've never talked to the

10:55 1 Woodards. Is that correct?

10:55 2 A. That's correct.

10:55 3 Q. Okay. Never been out to look at their

10:55 4 property or anything like that. Correct?

10:55 5 A. That's correct.

10:55 6 Q. You don't know anything about the

10:55 7 claim or this lawsuit, other than what Plaintiffs'

10:55 8 counsel told you. Correct?

10:55 9 A. That's correct.

10:55 10 Q. Okay. You gave some testimony to

10:55 11 Mr. Marr about hail damage impact to roof, it was

10:56 12 one year old, the pictures weren't good enough.

10:56 13 Do you remember that testimony?

10:56 14 A. And we was just talking about it again

10:56 15 just a minute ago --

10:56 16 Q. Okay.

10:56 17 A. -- yes, sir.

10:56 18 Q. All right. Okay. What -- do you

10:56 19 remember the name of the insured in that case?

10:56 20 A. No, I don't.

10:56 21 Q. Okay. Do you remember the name of the

10:56 22 insurance company that had the coverage for that

10:56 23 loss?

10:56 24 A. Allstate.

10:56 25 Q. Did you only do Allstate cases for

10:56 1 Pilot? You didn't work for -- handle them for any

10:56 2 other company?

10:56 3 A. Well, I always worked under the

10:56 4 Allstate label. When I worked in Florida, they had

10:56 5 Castle Key. When I worked in Louisiana, they had

10:56 6 North Light. So there's some others, like smaller

10:56 7 divisions of Allstate, that -- I'm assuming they're

10:56 8 divisions of Allstate because all the estimates went

10:56 9 to the Allstate -- the same Allstate managers.

10:56 10 The only thing different was we sent the check up to

10:57 11 be system-issued and the logo was different that we

10:57 12 would change on our --

10:57 13 Q. Okay. Do you remember the name of the

10:57 14 adjuster or person from Allstate that you say told

10:57 15 you the pictures weren't good enough in that case?

10:57 16 A. Well, you'd think I would, but no,

10:57 17 I don't.

10:57 18 Q. Okay. Pilot is a company that --

10:57 19 that I think you described as handling catastrophic

10:57 20 losses. Is that correct?

10:57 21 A. Pilot is a subcontractor I guess for

10:57 22 numerous carriers, and they specialize in the

10:57 23 ability to throw a lot of catastrophic adjusters at

10:57 24 a catastrophe. But Pilot works, I think, running

10:57 25 daily claims with several of those carriers as well.

10:57 1 So I don't think it's all catastrophes, but it's --

10:58 2 I think -- I think mostly all catastrophe losses,

10:58 3 for the most part I think nowadays, go through a

10:58 4 third party like Pilot or Crawford, but I don't know

10:58 5 that for sure.

10:58 6 Q. Okay. And did I understand that

10:58 7 you're -- currently you were deployed 364 days a

10:58 8 year by Pilot?

10:58 9 A. I was deployed 360 -- well, 365 days a

10:58 10 year. We never got -- we never worked Christmas.

10:58 11 So...

10:58 12 Q. Okay. So 364?

10:58 13 A. That's right.

10:58 14 Q. Okay.

10:58 15 A. How did you know that? Did I say

10:58 16 that?

10:58 17 Q. It's in your statement, I think.

10:58 18 And we'll go over it in a bit, the statement you

10:58 19 gave to congress. But --

10:58 20 A. Okay.

10:58 21 Q. So were you -- in terms of how you

10:58 22 were compensated, it was by Pilot, not by Allstate.

10:58 23 Is that correct?

10:58 24 A. That's correct.

10:58 25 Q. All right. And were you paid by the

10:58 **1** claim, by the amount of the claim, or just a daily
 10:58 **2** rate? How -- what was the method of your
 10:58 **3** compensation?
 10:58 **4** **A.** Sometimes it was a daily rate.
 10:59 **5** And most of the time I would be on a -- a commission
 10:59 **6** rate; so it would be a percentage of the claim.
 10:59 **7** **Q.** Do you remember what the percentage
 10:59 **8** was?
 10:59 **9** **A.** I -- it would vary depending on the
 10:59 **10** size of the claim. So the bigger the claim, the
 10:59 **11** less percent; the smaller the claim, the higher the
 10:59 **12** percent.
 10:59 **13** **Q.** Okay.
 10:59 **14** **A.** And I don't remember the exact
 10:59 **15** percentages --
 10:59 **16** **Q.** But the bigger the claim --
 10:59 **17** **A.** -- no, sir.
 10:59 **18** **Q.** -- the more money you would make.
 10:59 **19** Is that right?
 10:59 **20** **A.** Well, the bigger claim, the less
 10:59 **21** percentage, but the more money you would make.
 10:59 **22** **Q.** Right. Because of the -- of the
 10:59 **23** volume and the value. Correct?
 10:59 **24** **A.** Because of the amount of time. I mean
 10:59 **25** it has to do with the amount of time it would take

10:59 **1** to write an estimate. The bigger the estimate, the
 10:59 **2** longer it typically would take to write, review,
 10:59 **3** inspect, so on and so forth --
 10:59 **4** **Q.** But for --
 10:59 **5** **A.** -- so yes.
 10:59 **6** **Q.** Yeah.
 10:59 **7** So the percentage might be lower on a
 10:59 **8** \$500,000 claim than it is on a \$100,000 claim, but
 11:00 **9** you would make more money off the \$500,000 claim.
 11:00 **10** Correct?
 11:00 **11** **A.** That's true. You would make more.
 11:00 **12** The percentage on a \$500,000 and a \$100,000 claim
 11:00 **13** I think would be the same, but --
 11:00 **14** **Q.** Okay.
 11:00 **15** **A.** -- I think it caps out at like 30,000
 11:00 **16** or 40,000.
 11:00 **17** **Q.** Right. Okay.
 11:00 **18** **A.** But, yes, you're going to make more
 11:00 **19** off the bigger the claim. That is correct.
 11:00 **20** **Q.** Okay. Why -- when you said earlier
 11:00 **21** that you would sometimes hire engineers, why --
 11:00 **22** why would you want to hire an engineer? What's the
 11:00 **23** purpose?
 11:00 **24** **A.** The only way that we could get --
 11:00 **25** that I could get a manager to approve some of my --

11:00 **1** like some of my estimates for the large losses, you
 11:00 **2** would have to have an engineer involved; so you'd
 11:01 **3** have to get them for that. I've also requested an
 11:01 **4** engineer to come out and dispute whether there was
 11:01 **5** hail or not on a roof.
 11:01 **6** **Q.** Okay.
 11:01 **7** **A.** So different reasons for --
 11:01 **8** **Q.** All right.
 11:01 **9** **A.** -- getting them.
 11:01 **10** **Q.** Would you defer to the subject matter
 11:01 **11** expertise of the engineer since they're trained in
 11:01 **12** those things? Is that how it kind of works?
 11:01 **13** **A.** Repeat -- repeat that, the whole
 11:01 **14** question, so I understand.
 11:01 **15** **Q.** Yeah, sure.
 11:01 **16** Just like I'm not a plumber. Okay? I'd have
 11:01 **17** to defer to a plumber if I had a plumbing issue.
 11:01 **18** **A.** Okay.
 11:01 **19** **Q.** I'm not an electrician, I'm not a
 11:01 **20** doctor. We go to those ex- -- people with expertise
 11:01 **21** in those areas.
 11:01 **22** So, with that kind of in mind, you hire an
 11:01 **23** engineer and do -- my question for you is: When you
 11:01 **24** hire the engineer, they give you their opinions,
 11:01 **25** do you defer to their opinions because they have

11:01 **1** what I call "subject matter expertise"? Is that why
 11:01 **2** you --
 11:01 **3** **A.** That -- the carrier's policy is to
 11:02 **4** defer to the engineer's report because of their
 11:02 **5** experience and their credentials.
 11:02 **6** My experience is, I mean, you know, you're
 11:02 **7** going to have good engineers and bad engineers, good
 11:02 **8** doctors, bad doctors. But I have -- I certainly
 11:02 **9** have not always agreed with engineers that were --
 11:02 **10** you know, that were used. But --
 11:02 **11** **Q.** Are there times that you did agree
 11:02 **12** with them?
 11:02 **13** **A.** Sometimes I agreed with them,
 11:02 **14** sometimes I didn't --
 11:02 **15** **Q.** Okay.
 11:02 **16** **A.** -- that's right.
 11:02 **17** **Q.** So let me ask you this: The times you
 11:02 **18** disagreed with them I assume would be the times they
 11:02 **19** disagreed with your opinion. Would that be right?
 11:02 **20** **A.** Well -- well, I consider myself to be
 11:02 **21** as -- as knowledgeable as anybody when it comes to
 11:02 **22** identifying hail on a roofing shingle. And when an
 11:02 **23** engineer goes out there and tells me that there's
 11:02 **24** hail there when I don't think there's hail there,
 11:02 **25** or I don't see the hail there, or I don't believe

11:03 **1** there's hail there, then, yes, we would -- we would
 11:03 **2** have disagreements. And what makes that engineer,
 11:03 **3** because of his degree, that they're going to take
 11:03 **4** his word -- but anyway, like any -- anyway, so yes.
 11:03 **5** **Q.** Okay.
 11:03 **6** **A.** Sometimes I would agree, sometimes
 11:03 **7** not.
 11:03 **8** **Q.** When it comes to structural damage on
 11:03 **9** a home, not hail damage but, you know, we're talking
 11:03 **10** structure, would you defer to the engineer on that
 11:03 **11** or do you think you're equally as qualified as the
 11:03 **12** engineer?
 11:03 **13** **A.** Well, I --
 11:03 **14** **Q.** Or do you --
 11:03 **15** **A.** -- I defer to the -- I defer to the
 11:03 **16** engineer on most of the structural stuff.
 11:03 **17** **Q.** Okay. And as -- when you were an
 11:03 **18** adjuster for Pilot, did you make coverage decisions
 11:03 **19** on behalf of Allstate, or is that something left
 11:03 **20** inhouse, to the people at Allstate to do?
 11:03 **21** **A.** My work for -- I -- yes, I absolutely
 11:04 **22** made coverage decisions. Yes, sir.
 11:04 **23** **Q.** Like what kinds of coverage decisions
 11:04 **24** would you make?
 11:04 **25** **A.** Like I would go out to the loss and

11:04 **1** I would inspect the loss, and if there was damage,
 11:04 **2** I would write the estimate for the damage and issue
 11:04 **3** a check to the insured for -- for that damage --
 11:04 **4** **Q.** Okay. But for --
 11:04 **5** **A.** -- without any kind of a --
 11:04 **6** **Q.** Okay. Did you have copies of the
 11:04 **7** Allstate policy for that homeowner when you were
 11:04 **8** looking at a coverage decision?
 11:04 **9** **A.** Yes.
 11:04 **10** **Q.** Okay. For example, did you ever
 11:04 **11** write estimates that included damage that would be
 11:04 **12** considered cosmetic in nature but then find out that
 11:04 **13** the policy didn't cover cosmetic damage? Did that
 11:04 **14** ever happen?
 11:04 **15** **A.** Have I ever wrote an estimate for
 11:04 **16** cosmetic damage and then found the endorsement that
 11:04 **17** excluded cosmetic coverage?
 11:04 **18** **Q.** Yes, sir.
 11:05 **19** **A.** I would say that I probably have done
 11:05 **20** that, yes.
 11:05 **21** **Q.** Okay. And were there times that
 11:05 **22** somebody from Allstate, a supervisor, would say
 11:05 **23** "Wait a second, I see your estimate, but we have a
 11:05 **24** cosmetic exclusion, so you need to change --
 11:05 **25** reduce the estimate to eliminate that part"?

11:05 **1** Did that happen from time to time?
 11:05 **2** **A.** It might happen, yeah.
 11:05 **3** **Q.** Okay.
 11:05 **4** **A.** It -- it might have.
 11:05 **5** **Q.** Okay. And so, when they were telling
 11:05 **6** you to reduce it because there was a coverage --
 11:05 **7** an exclusion or endorsement, that was a proper thing
 11:05 **8** to do because that's the contract they had.
 11:05 **9** Correct?
 11:05 **10** **A.** That -- that's correct. And -- and
 11:05 **11** I've also had them say reduce it for -- for reasons
 11:05 **12** that were also justified --
 11:05 **13** **Q.** Okay.
 11:05 **14** **A.** -- that weren't a coverage issue.
 11:05 **15** But yes.
 11:05 **16** **Q.** So Plaintiffs' counsel asked you these
 11:05 **17** questions -- he read to you from that Sedgwick sheet
 11:06 **18** about "don't discuss coverage, settlement and
 11:06 **19** estimates with the insured."
 11:06 **20** Do you remember him doing that a little
 11:06 **21** bit ago?
 11:06 **22** **A.** Right.
 11:06 **23** **Q.** Okay.
 11:06 **24** **A.** Right.
 11:06 **25** **Q.** So, for example, if you're writing the

11:06 **1** estimate and it covers -- you include damage to
 11:06 **2** actually exclude by cosmetic damage -- or the
 11:06 **3** endorsement and you have to rewrite it, that would
 11:06 **4** be a reason not to discuss coverage with an insured
 11:06 **5** because you might make a mistake on coverage and you
 11:06 **6** don't want it to cause confusion with the insured.
 11:06 **7** That would be a reason not to get involved in
 11:06 **8** coverage decisions until it's final. Correct?
 11:06 **9** **A.** It could be. That's right.
 11:06 **10** **Q.** That's -- that's fair, isn't it?
 11:06 **11** **A.** Right.
 11:06 **12** **Q.** Okay. The desk adjuster that you
 11:06 **13** talked to, you made a comment that the desk adjuster
 11:06 **14** is a "pawn." Do you remember that?
 11:07 **15** **A.** I do.
 11:07 **16** **Q.** Okay. When you say the desk adjuster
 11:07 **17** is a pawn, did you also say that no experience is
 11:07 **18** required to be a desk adjuster?
 11:07 **19** **A.** So I'm talking about the desk
 11:07 **20** adjusters that work for Pilot in the office are
 11:07 **21** pawns, and they have no experience and they make no
 11:07 **22** decisions whatsoever. Yes.
 11:07 **23** **Q.** Okay. So just to be clear because we
 11:07 **24** keep talking about different companies.
 11:07 **25** The desk adjusters you're talking about are

11:07 1 those that work for Pilot, not for Allstate. Right?

11:07 2 A. Right. Well, I'm trying to -- I'm

11:07 3 trying to differentiate between -- like there's

11:07 4 people who adjust claims that sit behind a desk that

11:07 5 aren't desk adjusters. I'm talking about the people

11:07 6 that sit in these cubicles and they're getting all

11:07 7 these pictures that come in from these third parties

11:07 8 and they're trying to adjust the claims off these

11:07 9 pictures. Those are the people I'm talking about,

11:08 10 not actual adjusters.

11:08 11 Q. Okay. That's what I'm trying to

11:08 12 clarify. Okay.

11:08 13 A. Right.

11:08 14 Q. I think what you're talking about are

11:08 15 people that work for Pilot that look at it. It's

11:08 16 not the Allstate people you're talking about.

11:08 17 Correct?

11:08 18 MR. JEFF MARR: Object to form --

11:08 19 A. That's correct.

11:08 20 MR. JEFF MARR: -- mischaracterizes

11:08 21 his testimony.

11:08 22 Q. (By Mr. Donchin) So is -- and when we

11:08 23 use the term "desk adjuster," is it somebody who's

11:08 24 actually licensed as an adjuster? Do you know?

11:08 25 A. I don't believe that these -- the term

11:08 1 that I'm thinking of for desk adjuster -- in the

11:08 2 specific line I was saying "They're just pawns,

11:08 3 they just sit..." Anyway, I don't think those

11:08 4 people are -- are even licensed as adjusters.

11:08 5 Q. Okay.

11:08 6 A. I don't know -- I don't know that for

11:08 7 sure, but I don't think they are.

11:08 8 Q. Okay. And so I guess we have to ask

11:08 9 somebody from Pilot if they are or not, since you

11:08 10 don't know. Is that correct? I just don't want to

11:09 11 put you in a bad spot saying yes or no when you're

11:09 12 not sure.

11:09 13 A. Well, yeah, you'd have to ask somebody

11:09 14 from Pilot. I -- honestly, I don't know if they're

11:09 15 licensed or not. I just know they're very, very

11:09 16 unknowledgeable people, the ones that I'm talking

11:09 17 about.

11:09 18 Q. So the comment was made that Allstate

11:09 19 never sends out adjusters, and my question for you

11:09 20 is: What I understand is you are a licensed

11:09 21 adjuster that was sent out to handle the claims

11:09 22 on people that were insured by Allstate.

11:09 23 Is that correct?

11:09 24 A. That's correct.

11:09 25 Q. All right. So Allstate would send out

11:09 1 adjusters; it's just they were through Pilot and not

11:09 2 their direct adjusters, their staff adjusters.

11:09 3 Correct?

11:09 4 A. That's correct.

11:09 5 Q. Okay. And one of the reasons that

11:09 6 happens is because, when you have these CAT claims,

11:09 7 there's just so people that need so many *[sic]* help

11:10 8 at the same time, there's just not enough adjusters

11:10 9 to deploy and cover everybody in a matter of days or

11:10 10 weeks, and that's why you have people like Pilot out

11:10 11 there that can deploy people to different sites.

11:10 12 Correct?

11:10 13 A. Yeah. So yeah. So, whenever there's

11:10 14 a catastrophe, Allstate would get Pilot involved and

11:10 15 Pilot would send a -- the licensed adjusters out.

11:10 16 And these adjusters would have the ability to make

11:10 17 coverage decisions up until 2020-something.

11:10 18 And then they're sending out adjusters who don't

11:10 19 have coverage decision ability.

11:10 20 So that's -- that's where the problem that

11:10 21 I feel like comes in; that they don't have any --

11:10 22 any authority to make any decisions and they're --

11:10 23 and they're -- they're just more or less --

11:10 24 anyway, I'll -- I'll let you --

11:10 25 Q. That's okay. You're --

1 A. -- ask questions.

11:11 2 Q. -- you're good.

11:11 3 So -- so, when they would send you out, you

11:11 4 were the same adjuster pre-COVID as you were

11:11 5 post-COVID. Correct?

11:11 6 A. I was -- I was the same adjuster,

11:11 7 that's right.

11:11 8 Q. Yeah. The same qualifications.

11:11 9 What you're saying is that, post-COVID, the

11:11 10 scope of what you were allowed to do was changed;

11:11 11 and that is, you would go investigate the claim,

11:11 12 send in your opinion with the pictures, and somebody

11:11 13 else would make the ultimate decision. Do I

11:11 14 understand that correctly?

11:11 15 A. That's right.

11:11 16 Q. Okay. On the total losses, large

11:11 17 losses, were you always able to make the decision

11:11 18 yourself or would you have to get approval from

11:11 19 somebody at Allstate on the large losses?

11:11 20 A. Always had to get approval on large

11:11 21 losses.

11:11 22 Q. Okay. Both pre-COVID and post-COVID?

11:11 23 A. Always had to, yes.

11:11 24 Q. Okay. Was that just because of the

11:11 25 nature of the loss, the size of the loss, or the

11:11 1 complexity of the issues and coverages that might be
 11:12 2 affected?
 11:12 3 A. I think it's -- it's mostly the size
 11:12 4 of the loss, yeah.
 11:12 5 Q. Okay. You made a comment that
 11:12 6 Allstate always sticks with the engineer; the same
 11:12 7 with litigation. Then you said 95 percent of the
 11:12 8 insureds are unsatisfied.
 11:12 9 Do you remember saying that?
 11:12 10 A. I think I said 95 percent of the
 11:12 11 unsatisfied insureds.
 11:12 12 Q. Okay. I'm sorry, I'm just not
 11:12 13 following that.
 11:12 14 95 percent of the unsatisfied insureds?
 11:12 15 A. Right.
 11:12 16 Q. Do ninety --
 11:12 17 A. No, I'm not saying 95 percent of
 11:12 18 people are unsatisfied.
 11:12 19 Q. Okay.
 11:12 20 A. I'm saying 95 percent of the
 11:12 21 unsatisfied insureds just walk away --
 11:12 22 Q. Okay. And when --
 11:12 23 A. -- just take whatever they are given.
 11:12 24 Q. All right. When you use that term,
 11:12 25 that figure, 95 percent, is that just a personal

11:13 1 opinion or did you -- is there a survey or a record
 11:13 2 somewhere that you rely on to say that?
 11:13 3 A. No. That's -- that's just my
 11:13 4 experience, what --
 11:13 5 Q. Okay.
 11:13 6 A. -- based off my experience, based off
 11:13 7 of what I've learned in my time doing this.
 11:13 8 Q. Okay. So how do you come up with --
 11:13 9 5 out of 100 then would do what?
 11:13 10 A. They would fight, hire a public
 11:13 11 adjuster, get an attorney, get their own engineer,
 11:13 12 fight in some capacity --
 11:13 13 Q. How do you --
 11:13 14 A. -- for what they think is correct.
 11:13 15 Q. Okay. Did you keep any statistics
 11:13 16 or have you read anything somewhere that says
 11:13 17 95 percent of the unsatisfied people don't do
 11:13 18 anything?
 11:13 19 A. It's just --
 11:13 20 Q. Or is this just a number --
 11:13 21 A. -- a statistic --
 11:13 22 Q. Pardon?
 11:13 23 A. I'd say a statistic from Cliff
 11:13 24 Millikan.
 11:13 25 Q. Okay. All right.

11:13 1 A. That's my own statistic.
 11:13 2 Q. Okay. Okay. I want to ask you some
 11:14 3 questions about your -- your senate testimony, and
 11:14 4 in particular, you know, that -- prepared the
 11:14 5 opening statement that you had read. Okay? We've
 11:14 6 been going about an hour and a half, an hour and
 11:14 7 45 minutes. Do you want to take a 5 or 10-minute
 11:14 8 break or do you want to keep going?
 11:14 9 A. I'm good. I'm good.
 11:14 10 MR. DONCHIN: Cheryl, Jon --
 11:14 11 A. But I've got other things to do when
 11:14 12 I get done, so I'm good.
 11:14 13 MR. DONCHIN: I'm sure you do, but
 11:14 14 I want to be fair to them, too.
 11:14 15 Do you all need to take a break or can we
 11:14 16 keep going?
 11:14 17 VIDEO TECHNICIAN: I would like a
 11:14 18 break to change media.
 11:14 19 MR. DONCHIN: Okay. Let's -- I've
 11:14 20 got -- you've always got to remember, Mr. Millikan,
 11:14 21 that you -- you and I aren't the only two involved.
 11:14 22 So we've --
 11:14 23 THE WITNESS: I understand.
 11:14 24 MR. DONCHIN: -- got to be fair to
 11:14 25 them.

11:14 1 Why don't we take 10 minutes. It's 11:15
 11:15 2 right now. Let's come back at 11:25. Does that
 11:15 3 work?
 11:15 4 THE REPORTER: That's perfect.
 11:15 5 THE WITNESS: All right.
 11:15 6 MR. DONCHIN: Okay.
 11:15 7 VIDEO TECHNICIAN: Thank you. We're
 11:15 8 off.
 11:27 9 *[Break taken: 11:15 a.m. to 11:27 a.m.]*
 11:27 10 VIDEO TECHNICIAN: We're going back on
 11:27 11 the record.
 11:27 12 Q. (By Mr. Donchin) Mr. Millikan, you
 11:27 13 realize you're still under oath. Correctly --
 11:27 14 correct?
 11:27 15 A. Correct.
 11:27 16 Q. Okay. Is there anything you want to
 11:27 17 add, change, subtract, multiply, or divide from what
 11:27 18 you've told me earlier today?
 11:27 19 A. Absolutely not.
 11:27 20 Q. Okay. I told you before the break
 11:27 21 I want to go over some of the comments you made from
 11:27 22 your prepared remarks to the senate. Okay? So I'm
 11:27 23 going to start with that.
 11:27 24 And I'll tell you, in your first paragraph,
 11:27 25 you had said -- do you have that handy, by the way;

11:27 **1** those comments you made?
 11:27 **2** **A.** No.
 11:27 **3** **Q.** Okay. I'll just read the statements
 11:27 **4** and we can talk about them.
 11:27 **5** In the first paragraph, you wrote, at the
 11:27 **6** end:
 11:27 **7** "I have been actively deployed
 11:27 **8** for nearly 364 days per year for the
 11:27 **9** most of the past four years."
 11:27 **10** That's where I got the 364 days from.
 11:27 **11** Okay. Is that accurate? Was that --
 11:28 **12** **A.** Yes.
 11:28 **13** **Q.** -- accurate at the time?
 11:28 **14** Okay. In your fourth paragraph, you write:
 11:28 **15** "The new process is completely
 11:28 **16** opposite and now the loss is 100 percent
 11:28 **17** evaluated by pictures."
 11:28 **18** Okay. Do you remember saying that?
 11:28 **19** **A.** Yes.
 11:28 **20** **Q.** Okay. When you say "100 percent
 11:28 **21** evaluated by pictures," are you saying that every
 11:28 **22** single claim is evaluated by pictures for Allstate?
 11:28 **23** Or do you know?
 11:28 **24** **A.** I'm saying that -- when I said that,
 11:28 **25** to my knowledge, every single claim was reviewed and

11:28 **1** handled and -- through pictures.
 11:28 **2** **Q.** Okay. That's your personal
 11:28 **3** experience. Correct?
 11:28 **4** **A.** That's correct.
 11:28 **5** **Q.** Okay. You're not saying that
 11:28 **6** 100 percent of all Allstate claims are handled by
 11:28 **7** pictures because you would not know that. Correct?
 11:28 **8** **A.** I would not know that. That is
 11:28 **9** correct.
 11:28 **10** **Q.** Okay. You then write:
 11:29 **11** "Example: Very experienced
 11:29 **12** field adjusters routinely go out and
 11:29 **13** inspect a property, complete the
 11:29 **14** estimate, and upload the estimate and
 11:29 **15** pictures to be reviewed and completed by
 11:29 **16** 'reviewer.'"
 11:29 **17** And you've got "reviewer" in quote
 11:29 **18** marks. Do you remember saying that?
 11:29 **19** **A.** Yes.
 11:29 **20** **Q.** Okay. When you talk about a
 11:29 **21** "reviewer," is that the -- the desk adjuster from
 11:29 **22** Pilot that you were talking about?
 11:29 **23** **A.** No.
 11:29 **24** **Q.** Okay. Who's the reviewer?
 11:29 **25** **A.** The reviewer is a group of personnel

11:29 **1** that review every estimate.
 11:29 **2** **Q.** Okay. Who -- are they with Pilot?
 11:29 **3** Are they with Allstate? Or do you know?
 11:29 **4** **A.** The reviewers are with Allstate.
 11:29 **5** They're -- now, Pilot may have reviewers as well,
 11:29 **6** but the reviewers are from Allstate --
 11:29 **7** **Q.** And how do you know --
 11:29 **8** **A.** -- that I'm talking about.
 11:29 **9** **Q.** Okay. And how do you know --
 11:29 **10** **A.** How do I know that?
 11:30 **11** **Q.** Yes, sir.
 11:30 **12** **A.** Because the names of the group of
 11:30 **13** people that I had worked with in the past were now
 11:30 **14** on this review board --
 11:30 **15** **Q.** Okay.
 11:30 **16** **A.** -- or this review team or whatever you
 11:30 **17** want to call it.
 11:30 **18** **Q.** Do you remember their names or any of
 11:30 **19** their names?
 11:30 **20** **A.** No, not off the top of my head.
 11:30 **21** **Q.** Okay. Would you have any
 11:30 **22** documentation that would show that?
 11:30 **23** **A.** Would show their names?
 11:30 **24** **Q.** Yes, sir.
 11:30 **25** **A.** I could probably come up with several

11:30 **1** of the names, not every name, but yes.
 11:30 **2** **Q.** So for -- did you keep records
 11:30 **3** personally from claims you handled while you were
 11:30 **4** with Pilot?
 11:30 **5** **A.** No --
 11:30 **6** **Q.** Okay.
 11:30 **7** **A.** -- not the --
 11:30 **8** **Q.** And the reason I asked that is
 11:30 **9** because, when I ask about documents or documentation
 11:30 **10** that would show their names, I'm just trying to
 11:30 **11** figure out how you'll -- you'll tie any names or --
 11:30 **12** **A.** I didn't say I would have
 11:30 **13** documentation that would show their name. I said
 11:30 **14** I could probably figure out their names --
 11:30 **15** **Q.** Okay.
 11:30 **16** **A.** -- or come up with their names --
 11:30 **17** **Q.** And so just --
 11:30 **18** **A.** -- but not all their names.
 11:31 **19** **Q.** Okay. So the record is clear, you did
 11:31 **20** not keep any records or documents on any claims that
 11:31 **21** you handled for Allstate. Is that correct?
 11:31 **22** **A.** That's correct.
 11:31 **23** **Q.** Or for Pilot as well. Correct?
 11:31 **24** **A.** Correct.
 11:31 **25** **Q.** All right. You say:

11:31 1 "On a regular basis, these
 11:31 2 reviewers deny the approval and often
 11:31 3 for opinion-related reasons."
 11:31 4 Do you remember saying that?
 11:31 5 A. Yes -- well, something like that, yes.
 11:31 6 Q. Okay. And I'm just reading, verbatim,
 11:31 7 from your testimony --
 11:31 8 A. And that's fair. As long as you was
 11:31 9 reading my words, I mean I agree.
 11:31 10 Q. Yeah.
 11:31 11 A. But...
 11:31 12 Q. Okay. You say "on a regular basis."
 11:31 13 Does that mean 50 percent of the time? 75 percent
 11:31 14 of the time? 25 percent of the time? What --
 11:31 15 what mill -- what Millikan statistic do we have for
 11:31 16 that one?
 11:31 17 A. What was the question? The regular
 11:31 18 amount of time or --
 11:31 19 Q. You say: "On a regular basis" --
 11:31 20 A. -- or regular basis --
 11:31 21 Q "On a regular basis, these
 11:31 22 reviewers deny the approval and often
 11:32 23 for opinion-related reasons."
 11:32 24 What -- you say "regular basis," so
 11:32 25 I'm trying to figure out how to quantify that.

11:32 1 What percentage of time? Or could you say?
 11:32 2 A. I don't know. 50 -- 50 --
 11:32 3 Q. Okay.
 11:32 4 A. -- 50 percent. I mean I -- I'm just
 11:32 5 throwing a number out there.
 11:32 6 Q. Okay.
 11:32 7 A. That's going to be -- that's going to
 11:32 8 be close.
 11:32 9 Q. Okay.
 11:32 10 A. 50 percent sounds good.
 11:32 11 Q. 45? 40?
 11:32 12 A. What's that?
 11:32 13 Q. 45?
 11:32 14 A. No. I mean I think half the time is
 11:32 15 -- half the time is fair.
 11:32 16 Q. Okay. You say "They deny the
 11:32 17 approval." When you use the term "deny approval,"
 11:32 18 are you saying they denied the entire the claim or
 11:32 19 part of the claim?
 11:32 20 A. Oh, a part.
 11:32 21 Q. Okay.
 11:32 22 A. A part.
 11:32 23 Q. You're not saying they deny all of the
 11:32 24 claim 50 percent of the time? You're saying part of
 11:32 25 the --

11:32 1 A. No.
 11:32 2 Q. Okay.
 11:32 3 A. No. No. I'm saying a -- yeah, a
 11:33 4 portion of the -- of the claim estimate. Yes.
 11:33 5 Q. Okay.
 11:33 6 A. Not the claim; the claim estimate.
 11:33 7 Q. Okay. And then -- then you --
 11:33 8 the rest of it, I'll read it again:
 11:33 9 "On a regular basis, these
 11:33 10 reviewers deny the approval and often
 11:33 11 for opinion-related reasons."
 11:33 12 What do you mean by "opinion-related
 11:33 13 reasons"?
 11:33 14 A. One example is: You go out and you
 11:33 15 find significant widespread wind damage to a roof.
 11:33 16 You put eyes on it, you have experience, you're
 11:33 17 having to take pictures, you're sending the pictures
 11:33 18 up to somebody else. The pictures don't look good
 11:33 19 to this person, and so they're saying that they
 11:33 20 think the roof could be repaired, but you've been
 11:33 21 out there and you know that the shingles are not
 11:33 22 repairable. That's -- their opinion is it's
 11:33 23 repairable; my opinion is it's not.
 11:34 24 Q. Okay. And in the days before COVID,
 11:34 25 if you had a disagreement like this, would they send

11:34 1 somebody out and put boots on the ground and look at
 11:34 2 the property with you, or was it always like this?
 11:34 3 A. So, before COVID, they had a group of
 11:34 4 managers that worked in the field, and if you had a
 11:34 5 disagreement like that, they would meet you at the
 11:34 6 loss or you could discuss it with them and almost
 11:34 7 always come to a -- not always. They're not always
 11:34 8 going to see my way, but we're almost always going
 11:34 9 to come to terms.
 11:34 10 But the new process is a no-discussion form;
 11:34 11 it's their way or the highway. It's -- there's no
 11:34 12 back and forth, there's no telling of your reason
 11:34 13 for what you feel like it needed to be done for.
 11:34 14 Q. Okay.
 11:34 15 A. It's what they come up with on their
 11:34 16 own.
 11:34 17 Q. So -- so pre-COVID then, like if you
 11:34 18 were sent to, let's say, Nashville, Tennessee, on a
 11:35 19 CAT claim, you're saying that they would send like
 11:35 20 managers to be on the ground with you. They might
 11:35 21 send a group. There's hundreds of claims that
 11:35 22 people are looking at, but if you had an issue,
 11:35 23 they had somebody there that could meet with you in
 11:35 24 person and look at it with you. Is that --
 11:35 25 A. Well, I'm not --

11:35 **1** Q. -- what --

11:35 **2** A. -- I'm not saying that that -- that

11:35 **3** they -- somebody could always meet with you, but

11:35 **4** yeah, they had people in -- in the -- in the area

11:35 **5** that could go out with you, yes --

11:35 **6** Q. Okay. And if --

11:35 **7** A. -- 100 percent -- and not -- I mean

11:35 **8** not 100 percent of the time, but it had people

11:35 **9** available that could go out to assist on complex or

11:35 **10** when you had an issue --

11:35 **11** Q. And then -- but the times --

11:35 **12** A. -- but agreed.

11:35 **13** Q. And then the times they couldn't,

11:35 **14** would they be looking at your pictures and then

11:35 **15** talking to you on the phone and having that

11:35 **16** discussion with you? Is that how it would work

11:35 **17** then?

11:35 **18** A. Yeah. I think -- I think that if you

11:35 **19** -- you would try to work it out over the phone

11:36 **20** working, you know, through Teams viewer or something

11:36 **21** like that on the computer. But -- but if it was to

11:36 **22** where, you know, you couldn't -- I'm not saying that

11:36 **23** they're always -- they're always going to agree with

11:36 **24** the adjuster, but if there was an area of contention

11:36 **25** that you couldn't overcome, then I think they would

11:36 **1** -- they would assign a time for a manager to go out

11:36 **2** on a -- on a loss and put eyes on it as well. Yes.

11:36 **3** Q. Okay. And so there were times they

11:36 **4** would have the discussion with you and you were able

11:36 **5** to point out things that they would agree with you

11:36 **6** and say "Okay, yeah, we'll approve what you did."

11:36 **7** Right?

11:36 **8** A. Right.

11:36 **9** Q. And there were times --

11:36 **10** A. Right.

11:36 **11** Q. -- that they would say "we still

11:36 **12** disagree with you" and not agree with what your

11:36 **13** recommendation was. Correct?

11:36 **14** A. Right. But they would -- yeah.

11:36 **15** They would have a discussion and they would explain

11:36 **16** their stance and we would come to an agreement on

11:37 **17** that. That's right. And I mean --

11:37 **18** Q. Okay.

11:37 **19** A. -- I'm not saying that that is an

11:37 **20** agreement, but at least -- but we would come to an

11:37 **21** understanding; you would understand what their

11:37 **22** stance is. That's right.

11:37 **23** Q. Right.

11:37 **24** So, when they wouldn't agree with you,

11:37 **25** because you had to have those -- you got to have

11:37 **1** those conversations, it was a system where I might

11:37 **2** not agree with them, but I -- at least I understood

11:37 **3** why they were reaching those decisions.

11:37 **4** Is that what I'm hearing you say? Is that a

11:37 **5** summary?

11:37 **6** A. I think you -- I think, in a nutshell,

11:37 **7** I guess that's -- that's -- that's fair.

11:37 **8** Q. Okay. You said, in your next

11:37 **9** sentence:

11:37 **10** "These same very talented

11:37 **11** adjusters are even instructed to deny

11:37 **12** the coverage because, in the reviewer's

11:37 **13** opinion, the pictures do not support

11:37 **14** covered damage."

11:37 **15** Do you remember saying that?

11:37 **16** A. Yes. I mean...

11:37 **17** Q. Okay. So there's -- there's talented

11:37 **18** adjusters that would be working for Allstate,

11:37 **19** post-COVID. Correct?

11:37 **20** A. Well, I was referring to a person like

11:38 **21** myself.

11:38 **22** Q. Oh, okay. All right.

11:38 **23** "... are even instructed to deny

11:38 **24** the coverage because, in the reviewer's

11:38 **25** opinion, the pictures do not support the

11:38 **1** covered damage."

11:38 **2** And that's kind of like back to the

11:38 **3** way it was before, with the difference that the

11:38 **4** managers were there and you could have that

11:38 **5** discussion. On the times they disagreed with you,

11:38 **6** while you may agree or disagree, at least you knew

11:38 **7** where they were coming from, but they would still

11:38 **8** tell you "Hey, we're going to deny that claim."

11:38 **9** Is that what you're kind of trying to

11:38 **10** describe?

11:38 **11** A. Well, I'm trying to describe --

11:38 **12** Q. But now it's --

11:38 **13** A. -- when I stated that --

11:38 **14** Q. But now it comes from somebody who's

11:38 **15** not on the property with you or talking to you.

11:38 **16** That's the difference?

11:38 **17** A. I'm not -- I guess I don't understand

11:38 **18** your question. So if you would try again --

11:38 **19** Q. That's --

11:38 **20** A. -- I'll -- I'll --

11:38 **21** Q. Yeah, you bet.

11:38 **22** They're told "even instructed to deny

11:38 **23** coverage because, in the reviewer's opinion, the --

11:38 **24** the pictures do not support covered damage."

11:39 **25** In the old way --

1 A. Right.

11:39 2 Q. -- before COVID, there was somebody

11:39 3 you would have a discussion with, and sometimes

11:39 4 you'd agree, sometimes you'd disagree, but when they

11:39 5 would listen to you and you -- and they didn't agree

11:39 6 with you, you were instructed to deny coverage at

11:39 7 that point, but at least you knew what they were

11:39 8 saying because you had the conversation.

11:39 9 Is that kind of the difference pre and

11:39 10 post-COVID that you're trying to describe?

11:39 11 A. No, not at all.

11:39 12 Q. Okay.

11:39 13 A. So, like the pre-COVID days, if you go

11:39 14 out and you inspect a property and you see, just for

11:39 15 a reference, hail damage to a roof, and your

11:39 16 pictures aren't real good and the person that's

11:39 17 reviewing your estimate says "I can't see the

11:39 18 damage," then you would go back out with that person

11:39 19 or go back out and take pictures for that person

11:39 20 again to identify that damage. And once again,

11:40 21 if they -- your pictures still didn't support the

11:40 22 damage, then they would certainly schedule a time to

11:40 23 go out there with you on the -- on the third shot to

11:40 24 make sure that the insured was compensated fairly.

11:40 25 After COVID, not that way. You go out there,

11:40 1 you inspect, you find hail damage, you know it's

11:40 2 hail damage. The pictures don't show -- for some

11:40 3 reason, don't show the hail damage. They deny it.

11:40 4 You go back out to the loss, you take more pictures,

11:40 5 send it up. They deny it, say the pictures don't

11:40 6 look good. You then go back out a third time, meet

11:40 7 the contractor, both of you take pictures. They

11:40 8 still don't agree with it.

11:40 9 There's -- you know, the insured is being

11:40 10 cheated on a covered loss because this person is

11:40 11 saying it's not covered when it is covered because

11:40 12 it's there. Before, they tried -- before, Allstate

11:41 13 tried to get to the bottom, tried to do what's

11:41 14 right, tried to cover the loss. Now this person is

11:41 15 not trying to cover the loss; this person is --

11:41 16 that's not eyes on is saying it's not covered.

11:41 17 That's -- that's, I guess, what I'm trying to

11:41 18 say.

11:41 19 Q. Okay. 50 percent of the time they are

11:41 20 saying it's covered?

11:41 21 A. What's that?

11:41 22 Q. We -- when we talked about on a

11:41 23 regular basis. Remember we talked about regular

11:41 24 basis? Reviewers deny the approval and you --

11:41 25 I asked you what percentage --

11:41 1 A. Yeah. Yeah.

11:41 2 Q. -- and you said 50 percent.

11:41 3 So are you saying that 50 percent of the time

11:41 4 the reviewers do approve what you were doing and --

11:41 5 A. Yeah, I would say --

11:41 6 Q. All right.

11:41 7 A. -- I would say that's right.

11:41 8 Q. All right. Your next sentence says:

11:41 9 "The contract/policy never

11:41 10 implies that coverage is based on

11:41 11 pictures but that the carrier will

11:41 12 repair or replace covered damage."

11:41 13 Do you remember saying that?

11:41 14 A. Yeah.

11:41 15 Q. Okay. So, when you say "the contract

11:42 16 or policy never implies that coverage is based on

11:42 17 pictures," I assume you've read the contract with --

11:42 18 that -- the Allstate or Encompass policies.

11:42 19 Correct?

11:42 20 A. I've not read the Encompass policy,

11:42 21 but I've read numerous Allstate policies.

11:42 22 Q. Okay. Well, as it relates to

11:42 23 Allstate, when it says "contract/policy never

11:42 24 implies that coverage is based on pictures,"

11:42 25 have you ever seen a policy from any company that

11:42 1 describes what the decision-making is going to be

11:42 2 based on?

11:42 3 A. "What the decision-making is going to

11:42 4 be based on"?

11:42 5 The policy reads sudden and accidental direct

11:42 6 physical damage, the best I can remember.

11:42 7 Q. Right.

11:42 8 Okay. But it says it never --

11:42 9 A. It's covered.

11:42 10 Q. -- it never implies that the coverage

11:42 11 is based on pictures. I mean --

11:42 12 A. Well, yeah. So I mean I'm saying that

11:43 13 -- what I -- my stance is that whether or not the

11:43 14 picture looks good doesn't negate whether or not

11:43 15 it's damaged or doesn't -- it doesn't -- if it's

11:43 16 damage, it's covered, regardless of whether there's

11:43 17 a picture or not --

11:43 18 Q. Well, sometimes --

11:43 19 A. -- or whether the picture looks good.

11:43 20 Q. Sometimes you have damage that's not

11:43 21 covered because of an endorsement or an exclusion

11:43 22 under the policy. True?

11:43 23 A. Well, that's true.

11:43 24 Q. Okay. So just because there's damage

11:43 25 there doesn't mean it's covered. Correct?

11:43 1 A. No, that's right. That's correct.
 11:43 2 Q. All right. Okay. The next one says:
 11:43 3 "The policy states the carrier
 11:43 4 owes for repair or replacement of
 11:43 5 similar construction for damage not,
 11:43 6 open quote, 'Allstate estimating
 11:43 7 practices, as most of these practices
 11:44 8 does not contain similar construction
 11:44 9 methods,'" closed quote.
 11:44 10 Do you remember saying that?
 11:44 11 A. Yeah. To me, I mean I -- yes.
 11:44 12 Q. Do you want me to read it to you --
 11:44 13 A. You're reading it, so I remember
 11:44 14 saying it. Go ahead.
 11:44 15 Q. Okay.
 11:44 16 A. Yes.
 11:44 17 Q. All right. When it says "the policy
 11:44 18 states the carrier owes for repair or replacement of
 11:44 19 similar construction for damage," let me stop right
 11:44 20 there real quick.
 11:44 21 When you would write estimates, would you use
 11:44 22 Xactimate or what system would you use? Platform?
 11:44 23 A. Xactimate.
 11:44 24 Q. Okay. Is that reliable, in your
 11:44 25 opinion?

11:44 1 A. It's -- it's -- it's very reliable,
 11:44 2 not 100 percent, but reliable. Yes.
 11:44 3 Q. And the Xactimate estimates I see
 11:44 4 always have a breakdown, room by room. They will
 11:44 5 tell you like line item "Here's what we're going to
 11:44 6 replace." It kind of gives you an idea of the kind
 11:44 7 of quality that -- you know it's Formica or marble
 11:44 8 or some type of granite, things like that, same or
 11:44 9 similar materials. Correct?
 11:45 10 A. Right. As a general rule, that's
 11:45 11 right.
 11:45 12 Q. All right.
 11:45 13 A. There -- there are exceptions, but
 11:45 14 yes.
 11:45 15 Q. Okay. And those kinds of estimates
 11:45 16 are important to have to make sure -- both for the
 11:45 17 insured and the insurer, to make sure that the same
 11:45 18 or similar type of materials are being used.
 11:45 19 Correct?
 11:45 20 A. Well, that's -- that's a medium,
 11:45 21 you know. That's a level playing field, so to
 11:45 22 speak.
 11:45 23 Q. Right.
 11:45 24 A. Sometimes it's in err on the side of
 11:45 25 the insured, sometimes it's in err on the side of

11:45 1 the carrier. You know, but on the norm, it's very
 11:45 2 fair, yes.
 11:45 3 Q. Standard in the industry is to produce
 11:45 4 estimates like that so the insurer and the insured,
 11:45 5 the homeowner, knows what kind of materials
 11:45 6 basically are going to be used to rebuild, replace,
 11:45 7 or repair the damage. Correct?
 11:45 8 A. Correct.
 11:45 9 Q. All right.
 11:45 10 A. Correct.
 11:45 11 Q. For example, if you had \$100,000
 11:45 12 damage to a house, whether it's the roof or the
 11:46 13 structure, just simply writing an estimate that says
 11:46 14 it's going to cost a hundred thousand to repair it
 11:46 15 and giving them nothing else would not be
 11:46 16 acceptable. True?
 11:46 17 A. That's true.
 11:46 18 Q. Okay. Because you need that breakdown
 11:46 19 to make sure, in everybody's best interest, and
 11:46 20 again both the insurer and the insured, that
 11:46 21 everybody knows what's going to be done with what
 11:46 22 kind of materials to make sure you're trying to
 11:46 23 replace it in the best same or similar condition.
 11:46 24 Correct?
 11:46 25 A. That's right.

11:46 1 Q. Okay. When you say that "Allstate
 11:46 2 estimating practices, as most of these practices
 11:46 3 does not contain similar construction methods,"
 11:46 4 what do you mean by that?
 11:46 5 A. Most of --
 11:46 6 Q. And do you --
 11:46 7 A. -- these practices --
 11:46 8 Q. Yeah. Do you want me to --
 11:46 9 A. Most --
 11:46 10 Q. -- read it again?
 11:46 11 A. Yeah, read it again.
 11:46 12 Q. Okay. I'm going to read the entire
 11:47 13 sentence:
 11:47 14 "The policy states the carrier
 11:47 15 owes for repair or replacement of
 11:47 16 similar construction damage, not
 11:47 17 'Allstate estimating practices, as most
 11:47 18 of these practices does not contain
 11:47 19 similar construction methods,'" closed
 11:47 20 quote.
 11:47 21 A. That's right. That's the new --
 11:47 22 that's right.
 11:47 23 Q. So, when you make the comment -
 11:47 24 I'm reading the part in quote marks - "Allstate
 11:47 25 estimating practices, as most of these practices

11:47 1 does not contain similar construction methods."
 11:47 2 I know we talked about the estimates being
 11:47 3 detailed and everything. What do you mean; that
 11:47 4 Allstate estimating practices don't contain similar
 11:47 5 construction methods? What do you mean by that?
 11:47 6 A. Yeah, that's going to be one of them
 11:47 7 that my -- my thought process makes me think that
 11:47 8 I'm talking about how Allstate is not covering all
 11:47 9 the line items today in what it takes to make the
 11:48 10 repairs. But the way I understood that question
 11:48 11 was -- was different. So I don't necessarily --
 11:48 12 Q. Let me re-ask --
 11:48 13 A. -- I guess --
 11:48 14 Q. -- it -- let me re-ask it again.
 11:48 15 Okay? And just --
 11:48 16 A. Okay.
 11:48 17 Q. -- so we're both clear because
 11:48 18 I want -- I want this to be fair to you.
 11:48 19 The part in quote marks says not -- and then
 11:48 20 it says, in quotes, "Allstate estimating practices,
 11:48 21 as most of these practices does not contain similar
 11:48 22 construction methods," closed quote.
 11:48 23 And I'm really trying to get to the part of
 11:48 24 when you say --
 11:48 25 A. Yeah, it shouldn't be "most."

11:48 1 Q. Pardon me?
 11:48 2 A. That -- it should -- it shouldn't say
 11:48 3 "most of these practices."
 11:48 4 Q. Okay. What should it say?
 11:48 5 A. Well, I mean I'm -- I'm assuming.
 11:48 6 I'd have to read the sentence. I'd have to look
 11:48 7 at it and see what I'm talking -- what I -- what
 11:48 8 I wrote and where I wrote it at.
 11:48 9 But the -- what I'm -- what I'm most likely
 11:48 10 referring to is how the new standard of estimating
 11:48 11 does not reflect what it takes to build back now.
 11:49 12 Q. Okay.
 11:49 13 A. I'm not saying that the estimating
 11:49 14 standard that they're using, as far as Xactimate.
 11:49 15 What I'm saying is they're not allowing for the
 11:49 16 line items --
 11:49 17 Q. You were --
 11:49 18 A. -- per what it would take to do.
 11:49 19 Because the -- what I'm saying is they're taking --
 11:49 20 they -- when I write an estimate, I'm writing the
 11:49 21 estimate for what I believe the estimates would --
 11:49 22 would take to make the repairs. And if I'm having
 11:49 23 -- if I'm asked to take something out of that
 11:49 24 estimate, then that's most likely not what it's
 11:49 25 going to take.

11:49 1 Q. Okay. That's what you mean by
 11:49 2 "similar construction methods"?
 11:49 3 A. Yeah, that's -- that's what I'm trying
 11:49 4 to -- I guess what I'm trying to allude to on that,
 11:49 5 or say.
 11:49 6 Q. Okay. It says -- the next paragraph,
 11:49 7 you say:
 11:49 8 "Since 2020, Allstate has
 11:49 9 increasingly relied on third-party
 11:49 10 non-licensed picture-takers."
 11:49 11 All right. So, after 2020, when they
 11:49 12 would send you out on something, you were taking
 11:50 13 pictures, but you would have been a licensed
 11:50 14 picture-taker. Is that what you're saying?
 11:50 15 A. Well, yeah, that's -- that's correct.
 11:50 16 I would -- yeah, that's right.
 11:50 17 Q. Okay. And so were -- is everybody
 11:50 18 that Pilot would send out, were they licensed
 11:50 19 adjusters?
 11:50 20 A. Any adjuster that Pilot sent out
 11:50 21 would be a licensed adjuster. Pilot also employed
 11:50 22 glorified picture-takers as well.
 11:50 23 Q. Okay. So they would send out --
 11:50 24 Pilot would send out licensed adjusters that you say
 11:50 25 have really been reduced to picture-takers after

11:50 1 COVID. Correct?
 11:50 2 A. Correct.
 11:50 3 Q. All right. So some were licensed,
 11:50 4 some were not licensed. Correct?
 11:50 5 A. The adjusters are licensed, the
 11:50 6 third-party inspectors or whatever are not licensed.
 11:50 7 That's right.
 11:50 8 Q. Okay. So, when you say "third party,"
 11:51 9 you're not referring to Pilot; you're talking to
 11:51 10 somebody else?
 11:51 11 A. I'm talking about like Hancock or --
 11:51 12 or Ladder Now, SeekNow, something like that.
 11:51 13 Q. All right. Those would be
 11:51 14 third parties?
 11:51 15 A. Patriot.
 11:51 16 Yeah, that's right --
 11:51 17 Q. Okay.
 11:51 18 A. -- third parties.
 11:51 19 Q. Is Pilot a third party?
 11:51 20 A. Pilot also -- Pilot also has a
 11:51 21 third-party program just like that.
 11:51 22 Q. Okay.
 11:51 23 A. Not all -- like Pilot has adjusters
 11:51 24 and they have non-adjusters.
 11:51 25 Q. All right.

11:51 **1** **A.** I don't have any problem with a
 11:51 **2** third party going out there and taking pictures,
 11:51 **3** but the third party isn't the adjuster; the adjuster
 11:51 **4** should be there with them.
5 **Q.** Okay.
 11:51 **6** **A.** Because the pictures aren't what --
 11:51 **7** aren't -- you know, the damage needs to be observed
 11:51 **8** by the adjuster --
 11:51 **9** **Q.** Okay. Your last sentence --
 11:52 **10** **A.** -- so that it's not missed.
 11:52 **11** **Q.** Yeah. Okay.
 11:52 **12** So your last part of that paragraph says:
 11:52 **13** "This process confuses
 11:52 **14** policyholders who mistake picture-takers
 11:52 **15** for adjusters and increases the
 11:52 **16** likelihood of missing damage often to
 11:52 **17** carrier's benefit."
 11:52 **18** Do you remember saying that?
 11:52 **19** **A.** Yes.
 11:52 **20** **Q.** Okay. When you say "This process
 11:52 **21** confuses the policyholders who mistake
 11:52 **22** picture-takers for adjusters," how -- where does
 11:52 **23** the confusion come from the policyholder?
 11:52 **24** Picture-taker versus adjuster, what --
 11:52 **25** what does that mean to the policyholder?

11:52 **1** **A.** Well, you -- you -- as an insured,
 11:52 **2** you have a fire at your house, you have Allstate
 11:52 **3** Insurance, you file a claim, somebody comes out to
 11:52 **4** your house. You're assuming that person is a
 11:52 **5** representative of Allstate Insurance. That person
 11:52 **6** has been sent to your house by Allstate; so your
 11:52 **7** assumption is that's the adjuster. They're coming
 11:52 **8** around and taking pictures, taking measurements.
 11:53 **9** That's what an adjuster does.
 11:53 **10** **Q.** Okay.
 11:53 **11** **A.** And then they say "We're going to put
 11:53 **12** this together, get an estimate," whatever.
 11:53 **13** Whatever that person says is kind of irrelevant.
 11:53 **14** But they're -- that -- that person is sent out there
 11:53 **15** by Allstate, and that is a -- that's where the --
 11:53 **16** the confusion lies with the insured, where the
 11:53 **17** insured doesn't understand that that's not the
 11:53 **18** adjuster or not a representative of Allstate.
 11:53 **19** **Q.** Okay. Does that person, what you
 11:53 **20** called the "picture-taker," do they also do an
 11:53 **21** estimate that they propose?
 11:53 **22** **A.** Sometimes.
 11:53 **23** **Q.** Okay.
 11:53 **24** **A.** Sometimes they do and sometimes they
 11:53 **25** don't, depending on the carrier.

11:53 **1** **Q.** When -- when they don't -- like what
 11:53 **2** carrier -- since you only did the work for Pilot for
 11:53 **3** Allstate, you said, what -- what carriers do it
 11:53 **4** differently?
 11:53 **5** **A.** Well, Farm Bureau does it different.
 11:53 **6** They --
7 **Q.** Did you handle --
 11:53 **8** **A.** -- they use --
 11:53 **9** **Q.** -- claims for them --
 11:53 **10** **A.** -- the third-party people to go out
 11:54 **11** and take pictures and do that.
12 **Q.** Did you handle --
 11:54 **13** **A.** As a matter of fact, I'm not too sure
 11:54 **14** that -- I don't know who else does it. I know
 11:54 **15** Farm Bureau does.
 11:54 **16** **Q.** Okay. Have you done work for
 11:54 **17** Farm Bureau?
 11:54 **18** **A.** No. I'm a public adjuster; I've --
 11:54 **19** I've done work against Farm Bureau.
 11:54 **20** **Q.** Okay. When you were working for
 11:54 **21** Pilot, did you do anything for Farm Bureau?
 11:54 **22** **A.** No.
 11:54 **23** **Q.** Okay. You say:
 11:54 **24** "Allstate has stripped all field
 11:54 **25** adjusters of decision-making authority,

11:54 **1** period."
 11:54 **2** Is it your testimony that Allstate
 11:54 **3** does not have any field adjusters with
 11:54 **4** decision-making authority across the country?
 11:54 **5** **A.** It was my understanding, at the time
 11:55 **6** of that statement, that Allstate did not have any
 11:55 **7** field adjusters --
 11:55 **8** **Q.** Okay.
 11:55 **9** **A.** -- that did not have to send an
 11:55 **10** estimate up to be reviewed.
 11:55 **11** **Q.** When you said "when you made the
 11:55 **12** statement," have you heard, or found out, things
 11:55 **13** otherwise?
 11:55 **14** **A.** I have not.
 11:55 **15** **Q.** Okay. And who told you that Allstate
 11:55 **16** has stripped all field adjusters, meaning there's
 11:55 **17** none in the country, they have no field adjusters
 11:55 **18** with any decision-making authority?
 11:55 **19** Who told you that?
 11:55 **20** **A.** That came down from numerous sources.
 11:55 **21** Todd Potempa was one of the managers that made the
 11:55 **22** statement -- or that -- that -- yeah, made the
 11:55 **23** statement that not just Pilot adjusters, all field
 11:55 **24** adjusters had to send their estimates up to be
 11:55 **25** reviewed --

11:55 1 Q. Okay.

11:55 2 A. -- from that day forward or whatever.

11:55 3 Q. Do you remember where you were or when

11:56 4 he said that?

11:56 5 A. No.

11:56 6 Q. Okay. Was that in person, over the

11:56 7 phone, or in an email, or do you know?

11:56 8 A. That was both -- that was a personal

11:56 9 conversation between me and Todd, and that was also

11:56 10 done through email. I don't know any other avenue.

11:56 11 But that was a personal conversation that I had with

11:56 12 Todd Potempa. And --

11:56 13 Q. What do --

11:56 14 A. -- there was also an email that came

11:56 15 down --

11:56 16 Q. Okay.

11:56 17 A. -- and said that.

11:56 18 Q. What do you remember about the email?

11:56 19 Like who was it between and what was said in it?

11:56 20 A. I don't remember anything about it,

11:56 21 to be honest with you. I mean I'm wham bam thank

11:56 22 you, ma'am. I'm just -- I'm knocking out claims and

11:56 23 not worrying about that email about having to send

11:56 24 something up. I'm just doing what I'm told to do

11:56 25 and taking care of the customers.

11:56 1 Q. Okay. Would that email have been to

11:56 2 you, like on a personal email that you still have

11:56 3 access to, or was it through Pilot?

11:57 4 A. It would have been a companywide

11:57 5 email, I would assume, sent to all deployed

11:57 6 adjusters.

11:57 7 Q. Okay. And do you have access to those

11:57 8 emails anymore?

11:57 9 A. I do not have access to it, but Todd

11:57 10 Potempa might have access to it.

11:57 11 Q. Okay.

11:57 12 A. I don't know. I can check with him

11:57 13 and see.

11:57 14 Q. Okay. Who does he work for now?

11:57 15 A. He worked -- he worked for Pilot as

11:57 16 one of the managers in the office at that time.

11:57 17 I don't know where he works now.

11:57 18 Q. Okay. Do you know why he left?

11:57 19 A. I don't. And I don't know if he has

11:57 20 left. I don't know whether he's there or not.

11:57 21 Q. Okay. You said:

11:57 22 "These revisions often force

11:57 23 adjusters to use materials not of like

11:57 24 kind and quality, delete damages known

11:57 25 to be covered, and even to issue denial

11:58 1 letters even when the adjuster disagrees

11:58 2 with the decision."

11:58 3 Do you remember saying that?

11:58 4 A. Yes.

11:58 5 Q. Okay. So, when you say it forces them

11:58 6 to use materials not of like kind and quality, is

11:58 7 there some way to go back and look? Do you remember

11:58 8 any claim by name that we could go back and look at,

11:58 9 with your experience, that would have resulted in

11:58 10 materials not of like kind and quality being used

11:58 11 that you took exception to?

11:58 12 A. Yeah, I -- I can get that for you, of

11:58 13 one specific one, because that's the one I wanted

11:58 14 Josh Hawley to take a look at because I felt like

11:58 15 it was pure obvious fraud. I just can't think of

11:58 16 the name. But I'll get that. If we have another

11:58 17 meeting or whatever, I'll -- I'll get that for you.

11:58 18 Q. Okay. Would that name of the family

11:58 19 have been in one of the emails that went back and

11:58 20 forth between you and Senator Hawley's office;

11:59 21 do you think?

11:59 22 A. It might have been in one of the

11:59 23 emails. And it might have been a verbal --

11:59 24 Q. Okay.

11:59 25 A. -- conversation between one of the

11:59 1 attorneys and me. But I -- I can almost -- I'll --

11:59 2 I'll look for that when we get finished.

11:59 3 Q. Okay. Thank you.

11:59 4 After that, you wrote there is no -- you

11:59 5 wrote:

11:59 6 "There is no room for

11:59 7 discussion. If an adjuster resists,

11:59 8 the claim is reassigned to someone who

11:59 9 complies. When I've explained to

11:59 10 policyholders that I didn't make these

11:59 11 decisions, which is 100 percent

11:59 12 accurate, I've been reprimanded."

11:59 13 Do you remember saying that?

11:59 14 A. I do.

11:59 15 Q. Okay. So, when you say you were

11:59 16 "reprimanded," who reprimanded -- how many times

11:59 17 do you think you were reprimanded, and for what?

11:59 18 A. I was reprimanded by Tom Harrison,

11:59 19 who was a manager for Pilot, because I told the

12:00 20 insured on a supplement that I was working that

12:00 21 I did not make the decision and did not agree with

12:00 22 the decision, but I had no say in the matter.

12:00 23 And that particular insured called the

12:00 24 office, filed a complaint, saying that even

12:00 25 I agreed. And I was told that I can't tell people

12:00 1 that any longer, that I don't make the decision.
 12:00 2 That particular claim I was sent out there
 12:00 3 because the prior adjuster paid to replace --
 12:00 4 paid to -- they paid to replace shutters on the
 12:00 5 house that were discolored by hail impact but didn't
 12:01 6 cover the siding that had the same exact color.
 12:01 7 It didn't puncture the siding, but it knocked the --
 12:01 8 the color in it, and so it -- it looked polka-dot.
 12:01 9 And because the prior adjuster -- it wasn't damaged
 12:01 10 because there was no hole. But because the prior
 12:01 11 adjuster had covered the shutters and Allstate
 12:01 12 approved that, and they covered a certain section of
 12:01 13 the siding but not the other section of the siding
 12:01 14 that was like three square, I told the insured that
 12:01 15 that wasn't my decision, I felt like it should have
 12:01 16 been covered as well because they covered the other
 12:01 17 part.
 12:01 18 Q. Do you remember the name of the
 12:01 19 insured in that case?
 12:01 20 A. I don't.
 12:01 21 Q. And any other reprimands that you're
 12:01 22 aware of or --
 12:01 23 A. Oh, yeah, I've had several of them
 12:01 24 like that.
 12:01 25 Q. Okay. Just for being -- for telling

12:01 1 the insureds what you really thought and that's what
 12:01 2 you --
 12:01 3 A. For telling the insured that --
 12:02 4 that I felt like the estimate was not accurate --
 12:02 5 Q. Okay.
 12:02 6 A. -- and wouldn't -- and wouldn't be --
 12:02 7 they wouldn't be able to make the repairs based off
 12:02 8 of what it was. And I've also told them what their
 12:02 9 options are, which I never was necessarily directly
 12:02 10 reprimanded for that.
 12:02 11 Q. Okay. When you tell them what their
 12:02 12 options are, what would you tell them their options
 12:02 13 were?
 12:02 14 A. They could retain a public adjuster or
 12:02 15 they can hire an attorney.
 12:02 16 Q. Okay. But nobody reprimanded you for
 12:02 17 that? Is that -- for telling them that. Is that
 12:02 18 correct?
 12:02 19 A. That's correct.
 12:02 20 Q. Okay. Anything -- other than being
 12:02 21 reprimanded for telling insureds that you disagreed
 12:02 22 with the decision, were you reprimanded by Pilot for
 12:02 23 any other reason at any other time?
 12:02 24 A. I think I -- I think there was
 12:03 25 at least one other instance where I was scolded or

12:03 1 reprimanded. It was a disgruntled insured that
 12:03 2 called in a complaint saying that -- that I had said
 12:03 3 that their house wasn't well maintained or something
 12:03 4 of that fashion on a denial that I had sent to them.
 12:03 5 And I -- and I didn't say any -- anything negative.
 12:03 6 Now, I was just told not to say it, and then it was
 12:03 7 over and done with, but that could be a reprimand,
 12:03 8 I guess.
 12:03 9 Q. Okay. Any others you can think of?
 12:03 10 A. No.
 12:03 11 Q. Okay. Your last sentence of that
 12:03 12 paragraph says:
 12:03 13 "All claims should be inspected
 12:03 14 by people who make the decisions based
 12:03 15 on the damage seen, not damage that
 12:03 16 could not be seen from pictures.
 12:03 17 Decision-makers need to inspect losses."
 12:03 18 Do you remember saying that?
 12:04 19 A. Yes.
 12:04 20 Q. Okay. So let me ask you something.
 12:04 21 We -- we talked earlier about how, for example,
 12:04 22 there was one instance where you had an estimate
 12:04 23 that included damage that -- you hadn't seen the
 12:04 24 policy, but somebody from Allstate told you or Pilot
 12:04 25 told you that the policy doesn't cover cosmetic

12:04 1 damage, and you had to revise it because it wasn't
 12:04 2 covered under the loss.
 12:04 3 Do you remember us talking about that a
 12:04 4 little bit ago?
 12:04 5 A. We talked about that, yes.
 12:04 6 Q. Okay. So, when you say the
 12:04 7 decision-makers need to inspect the losses, I mean
 12:04 8 there was a decision-maker who looked at your
 12:04 9 estimate and said "Well, this is too high because it
 12:04 10 covers something that's not -- it's including
 12:04 11 something that's not covered." And you eventually
 12:04 12 agreed that the cosmetic endorsement applied and
 12:04 13 reduced the estimate. Correct?
 12:04 14 A. That's correct. I made a mistake on
 12:04 15 that claim. I didn't read the policy like I was
 12:04 16 supposed to and I had allowed for coverage that
 12:05 17 wasn't covered. That's correct.
 12:05 18 Q. And so there's a decision-maker who
 12:05 19 didn't inspect the loss but caught that without
 12:05 20 being on the property. Correct?
 12:05 21 A. That's right.
 12:05 22 Q. Okay. So there are times when
 12:05 23 decision-makers don't need to be the ones who
 12:05 24 inspect the losses to be accurate. Correct?
 12:05 25 A. I mean I'm -- I -- yeah. Yes.

12:05 1 Q. Okay. On the next paragraph, on the
 12:05 2 third line, it says:
 12:05 3 "Allstate sends out non-licensed
 12:05 4 inspectors on over 70 percent of
 12:05 5 homeowners claims to take pictures and
 12:05 6 upload pictures to a portal where is --
 12:05 7 where it's very likely an inexperienced
 12:05 8 desk adjuster will review pictures and
 12:05 9 attempt to prepare some sort of estimate
 12:05 10 to send up for review."
 12:05 11 Do you remember saying that?
 12:05 12 A. I do.
 12:05 13 Q. And do you know what my next question
 12:06 14 is going to be?
 12:06 15 A. You know what my next answer is going
 12:06 16 to be.
 12:06 17 Q. Okay. When it comes to --
 12:06 18 A. But I -- but I -- but I dare you to
 12:06 19 try to get a statistic from a reliable source
 12:06 20 that's -- that's lower than that.
 12:06 21 Q. Okay. Well, that -- and you --
 12:06 22 so we're on the same wavelength. Okay?
 12:06 23 The 70 percent number is a Millikan
 12:06 24 statistic. Right?
 12:06 25 A. That's a pretty accurate statistic,

12:06 1 but, yes, I would say that was probably my
 12:06 2 statistic.
 12:06 3 Q. So once some -- somebody told me,
 12:06 4 jokingly, that maybe 2.3 percent of all statistics
 12:06 5 are made up on the spot.
 12:06 6 Have you ever heard that, something like
 12:06 7 that?
 12:06 8 A. No. I hadn't ever heard it, but
 12:06 9 I'm not an attorney, I'm not smart enough to --
 12:06 10 Q. No. But that's kind of a joke.
 12:06 11 But --
 12:06 12 A. I agree.
 12:06 13 Q. Yeah.
 12:06 14 But 70 percent, there's -- you don't have
 12:06 15 any evidence or proof or something, something
 12:06 16 you can point out to say "That's how I know it's
 12:06 17 70 percent." It's just your feel for it. Correct?
 12:06 18 A. Yeah. So where -- where I came up
 12:06 19 with that number is based on the -- the difference
 12:07 20 in deployed adjusters over -- like, before the COVID
 12:07 21 time frame -- and I'm not saying exactly before.
 12:07 22 Before the COVID time frame, there would be,
 12:07 23 I don't know, 1200 adjusters deployed on a normal
 12:07 24 basis with Pilot. Post-COVID, on a normal basis,
 12:07 25 there may be 300 adjusters. So, even during a big

12:07 1 event, you would have a fewer number of adjusters
 12:07 2 deployed. And the reason why that is -- and a
 12:07 3 hundred percent the reason why that is is because
 12:07 4 they implemented the plan, or the process, where
 12:07 5 they -- and I honestly don't think that these desk
 12:07 6 adjusters are licensed. I mean I can't swear to it
 12:07 7 because I don't know any of them. But I know
 12:07 8 they're not very smart because I've talked to a few
 12:08 9 of them.
 12:08 10 They -- they bring in the desk adjusters and
 12:08 11 they sit them in this office, and they're governed
 12:08 12 by a manager of some sort, whatever -- whatever you
 12:08 13 want to call them. And these people take pictures
 12:08 14 and they send the pictures in through some kind of a
 12:08 15 portal, and then this person is trying to write the
 12:08 16 estimate based off the pictures. They don't know
 12:08 17 nothing about the property, the layout of the
 12:08 18 property, unless the person took a really good
 12:08 19 picture and showed everything.
 12:08 20 But that's where I come up with that number.
 12:08 21 There's a -- a significant less number of people
 12:08 22 working in the field and a huge increase of people
 12:08 23 working in the office --
 12:08 24 Q. Okay. So just --
 12:08 25 A. -- so much that my understanding is it

12:08 1 might even be 90 percent now.
 12:08 2 Q. Okay. And what do you base that on?
 12:08 3 And because you're --
 12:08 4 A. I was told that --
 12:08 5 Q. -- testifying before congress under
 12:08 6 oath, what do you base that percentage on?
 12:08 7 Did Pilot give you numbers that show "We used
 12:09 8 to send out 1200, now it's 300"? Do you have
 12:09 9 something like that from Pilot to show there's
 12:09 10 fewer people?
 12:09 11 A. No, no, no. I just -- I just know the
 12:09 12 numbers because of being in the business for a long
 12:09 13 time. I do -- I was a manager; so I could see who
 12:09 14 was deployed and how many people were deployed and
 12:09 15 so on and so forth.
 12:09 16 Q. All right.
 12:09 17 A. So --
 12:09 18 Q. There's a statistic on --
 12:09 19 A. -- is that statistic accurate?
 12:09 20 If it's wrong, it's in the -- it's too low.
 12:09 21 So, yeah, I would say it's -- I would say it's
 12:09 22 pretty close to accurate.
 12:09 23 Q. And -- and is there any data that you
 12:09 24 rely on that we can point our fingers to, open up,
 12:09 25 look at a page or a computer to say "Here's where

12:09 1 it's 70 percent"?

12:09 2 A. Yes. There -- there is data.

12:09 3 Do I have access to that data? No.

12:09 4 Q. Okay. So, if you would, describe --

12:09 5 because I'd like to get it from it Pilot. What --

12:09 6 A. Well, you can get it from Allstate,

12:09 7 probably.

12:09 8 Q. Well, but Pilot is the one deploying

12:09 9 the adjusters, not Allstate. Correct?

12:09 10 A. And the --

12:10 11 Q. Is that right? Is it Pilot that

12:10 12 deploys them?

12:10 13 A. Yeah. This -- this problem is bigger

12:10 14 than Pilot. But, yeah, yeah, you can get it from

12:10 15 Pilot. Pilot probably has that number for you,

12:10 16 yeah.

12:10 17 Q. Okay. So -- so, when the adjusters

12:10 18 are deployed, is -- is it Allstate that's deploying

12:10 19 them or is it Pilot that deploys them?

12:10 20 A. Pilot.

12:10 21 Q. Okay.

12:10 22 A. You work for Pilot, your paycheck

12:10 23 comes from Pilot, so --

12:10 24 Q. Okay.

12:10 25 A. -- it would have --

1 Q. And when you --

12:10 2 A. -- to be Pilot.

12:10 3 Q. -- got the assignment, it came from

12:10 4 Pilot, not from Allstate. Correct?

12:10 5 A. When I get the assignment, it comes

12:10 6 from Allstate I think. I don't -- I don't know how

12:10 7 they come. It comes through Xactimate. It comes

12:10 8 through your Allstate email.

12:10 9 Q. So, like if --

12:10 10 A. I had a Pilot email and an Allstate

12:10 11 email --

12:10 12 Q. You are based --

12:10 13 A. -- and it came through my Allstate

12:10 14 email.

12:10 15 Q. So, like, you're based in Tennessee

12:10 16 and --

12:10 17 MR. JEFF MARR: I'd like to hear his

12:10 18 answer. Please let him finish.

12:10 19 MR. DONCHIN: I thought he was.

12:10 20 I'm sorry.

12:10 21 Q. (By Mr. Donchin) Go ahead, sir.

12:10 22 If I -- if you have more to say, please do.

12:11 23 A. I don't -- I don't know what I -- what

12:11 24 were you saying? What was I saying? I don't know.

12:11 25 MR. DONCHIN: Cheryl, could you read

1 back what his answer was, to make sure we got the

2 complete answer?

3 THE REPORTER: Yes. And just to be a

4 little bit cranky, you guys are talking on top of

12:11 5 each other, but let's see.

12:11 6 *[Record read as follows:*

12:10 7 *Answer: "When I get the assignment, it*

12:10 8 *comes from Allstate I think. I don't know*

12:10 9 *how it comes. It comes through Xactimate.*

12:10 10 *It comes through your Allstate email.*

12:10 11 *I had a Pilot email and an Allstate email,*

12:10 12 *and it came through my Allstate email."*

12:10 13 *Question: "So you are based in Tennessee*

12:10 14 *and" --]*

15 THE REPORTER: There we are.

16 MR. DONCHIN: Okay.

12:11 17 Q. (By Mr. Donchin) So go back --

12:11 18 A. Yeah, that's right. I didn't --

12:11 19 Q. -- and is there something more you

12:11 20 want to add?

12:11 21 A. No. No. I think that -- that got it.

12:11 22 Q. Okay. So you're based in Tennessee.

12:11 23 Right? Is that what you said?

12:11 24 A. Yeah. Right now I live in Tennessee

12:11 25 I've lived in Tennessee for the whole time. Yes.

12:11 1 Q. Right.

12:11 2 So, when there's like a -- say a hurricane in

12:11 3 Florida or a tornado in Kansas and Pilot is going to

12:12 4 deploy 100, 300, 500 people, whatever, you were told

12:12 5 "Okay, we want you to go to this location for the

12:12 6 next 10, 14 days," or whatever. Right?

12:12 7 A. In a -- in a nutshell.

12:12 8 Q. Yeah.

12:12 9 A. Yes.

12:12 10 Q. And that would be an email from Pilot

12:12 11 telling you "We want you to go to this location

12:12 12 for -- because of this disaster." Correct?

12:12 13 A. That is correct.

12:12 14 Q. Okay. And then, when you got there,

12:12 15 you were assigned individual properties. Correct?

12:12 16 A. Yeah, that's correct. Eventually,

12:12 17 yes.

12:12 18 Q. Yeah.

12:12 19 And so, when you got those assignments, like

12:12 20 "Go to house 1312, 1314, and 1316 on Northwest 58th

12:12 21 Street," would those assignments come from Pilot,

12:12 22 coordinating all the homes and bus- -- and

12:12 23 properties to be covered or did that come directly

12:13 24 from Allstate, or do you know?

12:13 25 A. I -- they came through my Allstate

12:13 1 email --
 12:13 2 Q. Okay.
 12:13 3 A. -- so I would have to assume that they
 12:13 4 come from Allstate.
 12:13 5 Q. Okay. So Pilot would then tell
 12:13 6 Allstate who they deployed and then Allstate would
 12:13 7 make the assignments. Is that your understanding?
 12:13 8 A. Yeah, that's my understanding.
 12:13 9 Q. Okay. So was Pilot sending out
 12:13 10 non-licensed inspectors on those storms post-COVID?
 12:13 11 A. "Post-COVID"? Yes.
 12:13 12 Q. Okay. And they were doing the same
 12:13 13 work that you were doing. Is that what you're
 12:13 14 saying?
 12:13 15 A. No.
 12:13 16 Q. Okay. Distinguish for me the
 12:14 17 difference between the work you were doing at the
 12:14 18 same time the non-licensed workers were doing.
 12:14 19 What was the difference in what you were doing
 12:14 20 versus them?
 12:14 21 A. The non-licensed people that go out
 12:14 22 for Pilot were called "inspectors on demand."
 12:14 23 Other companies that are non-licensed are Patriot,
 12:14 24 SeekNow, Hancock, you know, and these people are
 12:14 25 not adjusters, they're not licensed adjusters.

12:14 1 And they're going out there to a catastrophe loss,
 12:14 2 just knock on the door, meet the homeowner, say
 12:14 3 "I'm so-and-so with Allstate" or they may say
 12:14 4 "I'm so-and-so with Hancock or Pilot" or whatever
 12:14 5 the case is, "I'm here to inspect your property."
 12:14 6 So the homeowner assumes that they're
 12:15 7 representing Allstate. They're not adjusters,
 12:15 8 they -- they don't know how to adjust a loss,
 12:15 9 so how can their inspection correlate with the --
 12:15 10 the adjuster who's writing the loss?
 12:15 11 Q. So are you saying they're doing the
 12:15 12 same functions that you are doing but they're not
 12:15 13 licensed and you are? Is that what you're saying?
 12:15 14 A. No. I'm saying that all they're doing
 12:15 15 is taking pictures. I'm taking pictures, I'm
 12:15 16 jotting down notes, I'm measuring what's damaged,
 12:15 17 how long it's damaged, what size it is. I'm --
 12:15 18 I'm getting all the facts --
 12:15 19 Q. Okay.
 12:15 20 A. -- so that I can go write my
 12:15 21 estimate --
 12:15 22 Q. Do they --
 12:15 23 A. -- and this -- this person is going
 12:15 24 out and taking, (indicating), pictures. So they may
 12:15 25 take a measurement or two, I don't know. I don't

12:15 1 know what they do necessarily; I'm not one of them
 12:16 2 and I never have done it. They're -- you know, I've
 12:16 3 done the assist where I was with an adjuster, but
 12:16 4 I never have been to an inspection as one of the
 12:16 5 inspectors.
 12:16 6 Q. Okay.
 12:16 7 A. So my problem with that is they're not
 12:16 8 adjusters --
 12:16 9 Q. Okay.
 12:16 10 A. -- but they're essentially adjusting
 12:16 11 the claim. They're taking pictures of what they
 12:16 12 think is damaged and they're sending it up to a
 12:16 13 portal to a person who most likely isn't an adjuster
 12:16 14 either who takes this information and writes an
 12:16 15 estimate or attempts to write an estimate, and then
 12:16 16 they submit that to the homeowner.
 12:16 17 Q. Okay. Is that person also writing
 12:16 18 estimates, in addition to taking the pictures?
 12:16 19 A. I don't think so.
 12:16 20 Q. Do you know?
 12:16 21 A. I don't think they are, no. I don't
 12:16 22 think so.
 12:16 23 Q. Okay. I know you say you don't think
 12:16 24 so, but I'm asking do you know?
 12:16 25 A. I don't know.

12:16 1 Q. Okay. You say it goes up the portal
 12:17 2 to somebody who may, or may not, be an adjuster.
 12:17 3 Do you know if the person that sees it in the portal
 12:17 4 is, or is not, an adjuster? Do you --
 12:17 5 A. I do not.
 12:17 6 Q. -- know?
 12:17 7 Okay. You say:
 12:17 8 "Allstate is licensed and needs
 12:17 9 to abide by the licensing requirement to
 12:17 10 prepare estimates that outline all the
 12:17 11 damage, not just what they pick and
 12:17 12 choose to cover."
 12:17 13 Do you remember saying that?
 12:17 14 A. "Allstate is licensed"?
 12:17 15 Q. Let -- I'll read it again. Allstate
 12:17 16 is -- you say -- this is from your written text.
 12:17 17 It says:
 12:17 18 "Allstate is licensed and needs
 12:17 19 to abide by the licensing requirement to
 12:17 20 prepare estimates that outline all the
 12:17 21 damage, not just what they pick and
 12:17 22 choose to cover."
 12:17 23 Do you remember saying that?
 12:17 24 A. They should -- they should,
 12:17 25 absolutely.

1 Q. Okay.

2 A. Okay.

12:17 3 Q. When you say "Allstate is licensed,"

12:17 4 what do you mean by "Allstate is licensed"?

12:18 5 A. I don't remember.

12:18 6 Q. Okay.

12:18 7 "... needs to abide by licensing

12:18 8 requirements to prepare estimates that

12:18 9 outline all the damage, not just what

12:18 10 they pick and choose to cover."

12:18 11 So, along those lines, are you saying

12:18 12 that, when they do an estimate, everything that's

12:18 13 damaged needs to be on the estimate even though it

12:18 14 may not be covered under the terms of the policy?

12:18 15 A. No. What I'm saying is they need a --

12:18 16 licensing requirement is -- in Oklahoma, it's a

12:18 17 requirement for an adjuster to have a license.

12:18 18 Q. Right.

12:18 19 A. Allstate, by -- Allstate, by their new

12:18 20 process, if an inspector doesn't have a license and

12:18 21 this desk adjuster doesn't have a license, then --

12:18 22 then it's -- they're not really having a licensed

12:18 23 adjuster handle their claim. I mean I don't even

12:18 24 know how it's -- I don't know how they skirt or --

12:18 25 maybe -- maybe they do have a license. I don't

12:18 1 know. But it's something to look into.

12:18 2 Q. Okay. And the part that I was really

12:18 3 trying to focus on, Mr. Millikan, is where it says:

12:19 4 "... needs to abide by the

12:19 5 licensing requirement to prepare

12:19 6 estimates that outline all the damages,

12:19 7 not just what they pick and choose to

12:19 8 cover."

12:19 9 So, for example, the cosmetic

12:19 10 endorsement --

12:19 11 A. No, no. Yeah, that's taken out of

12:19 12 context. I'm -- I'm saying all damages that are

12:19 13 covered, not what they decide. I'm not saying that

12:19 14 at all. That's taken out of context.

12:19 15 Q. Okay. I'm not -- that's why I'm

12:19 16 asking for clarification. I'm not trying to be --

12:19 17 A. Right. Right.

12:19 18 Q. But when I see it says "not just what

12:19 19 they pick and choose to cover," like, for example,

12:19 20 they choose not to cover cosmetic --

12:19 21 A. That's not -- that's not what I'm

12:19 22 referring to.

23 Q. Okay.

12:19 24 A. I'm referring to pick and choose

12:19 25 covering covered damage --

1 Q. What you --

12:19 2 A. -- such as "I'm covering the damage to

12:19 3 your siding, but I'm not covering the damage to your

12:19 4 roof because I don't think it's damaged."

12:19 5 Q. Okay.

12:19 6 A. So that's what I'm talking about.

12:19 7 Q. Okay. So, just for clarity, if it's

12:20 8 something that's not covered under the policy, it

12:20 9 should not be in the estimate. Correct?

12:20 10 A. That is -- that is correct.

12:20 11 Q. Okay. Okay. And I think you're

12:20 12 trying to address it in your next sentence.

12:20 13 You said:

12:20 14 "Otherwise, not preparing the

12:20 15 estimate with all covered damage is

12:20 16 fraud."

12:20 17 That's where we go back to the

12:20 18 estimate should cover what's covered damage but

12:20 19 does not need to include damage that is not covered.

12:20 20 Correct?

12:20 21 A. Correct.

12:20 22 Q. All right. You say:

12:20 23 "Most managers and experienced

12:20 24 adjusters agree the new way of handling

12:20 25 claims is not ethical, fair, or even

12:20 1 remotely accurate."

12:20 2 Do you remember saying that?

12:20 3 A. If --

12:20 4 Q. When you --

12:20 5 A. If I said that, yes. I don't

12:20 6 remember. Yes. Go ahead.

12:20 7 Q. When you say "most managers and

12:20 8 experienced adjusters agree," most managers from

12:20 9 whom? And where?

10 A. That --

12:21 11 Q. Is that a statistic somewhere or

12:21 12 survey --

12:21 13 A. That's just the ones that -- is the

12:21 14 people I talked to. That's why I said "most" and

12:21 15 not a number.

12:21 16 Q. Okay. Any idea how many managers

12:21 17 would be covered under this "most managers" thing?

12:21 18 10? 20? 30? 5?

12:21 19 A. Yeah. Let's say -- let's say 20.

12:21 20 Q. Okay. Would they all be --

21 A. We've got --

12:21 22 Q. -- from Pilot?

12:21 23 A. All Pilot.

12:21 24 Q. Okay.

12:21 25 A. Yes.

12:21 1 Q. And when we say 20 -- it says "most
 12:21 2 managers and experienced adjusters." Are the -- are
 12:21 3 the experienced adjusters covered in the number 20,
 12:21 4 or is that a different number?
 12:21 5 A. No. That's probably, let's just say
 12:21 6 -- say 40.
 12:21 7 Q. Okay.
 12:21 8 A. Out of 40 adjusters, I talked to,
 12:21 9 all 40 agreed it was -- with me. And out of 20
 12:21 10 managers I talked to, all 20 agreed --
 12:21 11 Q. Well, that wouldn't --
 12:21 12 A. -- with what I said.
 12:21 13 Q. That would be all. You should say
 12:21 14 "all managers and adjusters."
 12:22 15 A. The problem is I don't know what all
 12:22 16 of them think. I didn't talk to all of them.
 12:22 17 Q. Oh, okay. So it's the ones you
 12:22 18 talked to all agree, but clearly you didn't talk to
 12:22 19 everybody. Right?
 12:22 20 A. I'm not perfect with my speech
 12:22 21 writing.
 12:22 22 Q. Okay. That's all right.
 12:22 23 A. I did the best I could with what I had
 12:22 24 to work with.
 12:22 25 Q. I -- I'm just trying to go through

12:22 1 your testimony. Okay? That's -- that's all I've
 12:22 2 got to work with. Okay? Fair enough?
 12:22 3 A. I'm just -- and I'm just trying to be
 12:22 4 honest and straightforward. I mean I'm just saying
 12:22 5 I don't say -- I mean I'm not trying to be beating
 12:22 6 around the bush or anything, just trying --
 12:22 7 Q. No, I appreciate that.
 12:22 8 A. -- to be honest.
 12:22 9 Q. No, I do, I appreciate it.
 12:22 10 "Some have quit their positions
 12:22 11 with carriers due to unethical
 12:22 12 practices."
 12:22 13 Do you remember the name of anybody
 12:22 14 that quit their positions with a carrier due to
 12:22 15 unethical practices?
 12:22 16 A. "Do you remember the name of anybody"?
 12:22 17 Q. Who quit their positions with a
 12:22 18 carrier due to unethical practices.
 12:23 19 Do you remember the name of anybody that --
 12:23 20 A. No, I don't. I have a little bit of a
 12:23 21 delay.
 12:23 22 Q. Okay. You -- you did not quit Pilot
 12:23 23 and Allstate due to unethical practices, did you?
 12:23 24 A. Oh, I mean I resigned because -- yeah.
 12:23 25 I mean I think that the way they were handling

12:23 1 claims was unethical. Absolutely I would have to
 12:23 2 say that that had something to do with it, for sure.
 12:23 3 Q. Okay. You didn't resign in 2021, '22,
 12:23 4 '23, '24, when all this unethical stuff that you
 12:23 5 thought was taking place. Correct?
 12:23 6 A. That's right. That's right.
 12:23 7 Q. All right. You resigned after you
 12:23 8 testified to congress in the senate subcommittee in
 12:23 9 2025 because --
 12:23 10 A. That's right.
 12:23 11 Q. -- as you put it, the handwriting was
 12:23 12 on the wall, so to speak, after your -- you got
 12:23 13 back. Correct? Is that correct?
 12:24 14 A. So I spent a lot of time on this
 12:24 15 senate hearing and -- so, through all that time and
 12:24 16 soul-searching, how -- how am I going to go back and
 12:24 17 work for Pilot or Allstate when I think both of them
 12:24 18 have -- are -- are operating unethically?
 12:24 19 Yeah, I honestly do think that I left for
 12:24 20 that reason.
 12:24 21 Q. Okay. Well, why didn't you leave in
 12:24 22 '21 or 2022 or 2023 or 2024?
 12:24 23 A. Business as -- business as usual.
 12:24 24 I worked seven days a week for the most part,
 12:24 25 364 days a year for the most part. I mean I --

12:24 1 I just -- business as usual, I'm just doing what
 12:24 2 I'm told, I'm like a robot.
 12:24 3 Q. But -- but if it was due to the
 12:24 4 unethical practices, you wouldn't want to be
 12:24 5 involved in that --
 12:24 6 A. No.
 12:24 7 Q. -- would you?
 12:24 8 A. But at the end of the day, you're just
 12:24 9 doing what you're told. That's -- that's -- you're
 12:24 10 just -- you just get into a rut. But once I bring
 12:24 11 the light to it, I can't sit here and go back into
 12:24 12 doing that exact same thing.
 12:24 13 Q. You did not want to leave Pilot when
 12:24 14 you left them, did you?
 12:25 15 A. I did not.
 12:25 16 Q. Okay. Why would you want to stay with
 12:25 17 them if it was unethical?
 12:25 18 A. I didn't want to leave them because
 12:25 19 I never -- I never wanted to lose my job. I mean
 12:25 20 I have a family to support. I never even thought
 12:25 21 about leaving them. I just was doing what I was
 12:25 22 told to do, and I fought the system every time
 12:25 23 I could.
 12:25 24 Q. Okay.
 12:25 25 A. And when I couldn't convince people to

12:25 1 do what was right that I thought was right, then
 12:25 2 I would try to help the insured with the next
 12:25 3 options that they had to their disposal.
 12:25 4 I mean I live in the United States. I don't
 12:25 5 think everything the United States does is good and
 12:25 6 right all the time, but it's still the best country
 12:25 7 out there.
 12:26 8 Sorry, I shouldn't be going on like that.
 12:26 9 I'm supposed to just answer your questions. I'm
 12:26 10 sorry.
 12:26 11 Q. You're fine. You're fine.
 12:26 12 I appreciate your comment. And I'd bet we probably
 12:26 13 would agree on a lot of things about what we do
 12:26 14 right or wrong in this country, but that's probably
 12:26 15 a discussion for another day.
 12:26 16 A. Yes, sir.
 12:26 17 Q. Your -- your comment in your next to
 12:26 18 the last paragraph says:
 12:26 19 "Violation of the rules and
 12:26 20 regulations of my licensing agreement
 12:26 21 can cause revocation of my license,
 12:26 22 fines, or both."
 12:26 23 Were you -- was your ever license --
 12:26 24 was it ever revoked or any complaints made against
 12:26 25 you with any state regulatory agency with your

12:26 1 licensing?
 12:26 2 A. No.
 12:26 3 Q. Ever have to pay any fines in your
 12:26 4 career --
 12:26 5 A. No.
 12:26 6 Q. Okay. You say:
 12:26 7 "I believe there are other
 12:26 8 methods to generate profits for
 12:26 9 shareholders than short-paying
 12:27 10 legitimate claims and attempting to
 12:27 11 push out all the experienced personnel."
 12:27 12 What did you mean by that?
 12:27 13 A. It means that I think there's --
 12:27 14 you can raise premiums, you can do a lot of
 12:27 15 different things other than short-paying or whatever
 12:27 16 you want to call it on the claims. If you --
 12:27 17 you know, there's other ways to generate revenue
 12:27 18 than to shortchange somebody in a time of crisis.
 12:27 19 Q. Okay.
 12:27 20 A. And I'm not saying every claim is a
 12:27 21 major crisis, but a lot of them, you know, are
 12:27 22 pretty major for a lot of people.
 12:27 23 Q. Okay. You -- let me ask you
 12:27 24 something. In terms of your work with Pilot and
 12:27 25 handling claims on behalf of Allstate, did you ever

12:27 1 have check-writing authority where you wrote checks
 12:27 2 to the insureds?
 12:27 3 A. Absolutely.
 12:27 4 Q. Okay. Before COVID, did you?
 12:28 5 A. Yes.
 12:28 6 Q. And after COVID, did you?
 12:28 7 A. Shortly after COVID is when the new
 12:28 8 process started. I still had check-writing ability
 12:28 9 after COVID, but I had to get approval before
 12:28 10 I could write the check.
 12:28 11 Q. And how long would it take to get
 12:28 12 approval?
 12:28 13 A. It depends on -- you know, anywhere
 12:28 14 from immediate to three or four days.
 12:28 15 Q. Okay. Did you have -- I know that
 12:28 16 some adjusters have limits of authority, like "I can
 12:28 17 write a check up to 10,000, 50,000, or whatever."
 12:28 18 Did you have some type of limit of authority
 12:28 19 on what you could write checks for?
 12:28 20 A. Yes. Yeah. Most of the time it was
 12:28 21 25,000.
 12:28 22 Q. Okay. And for the record to be clear,
 12:28 23 if it was going to be over 25,000, you had to get
 12:28 24 authority from somebody to approve it and to let you
 12:29 25 write the check that big?

12:29 1 A. That's right.
 12:29 2 Q. All right. If it was like \$14,000,
 12:29 3 you could just do it on the spot, without approval.
 12:29 4 Correct?
 12:29 5 A. Correct.
 12:29 6 Q. Okay. When you would recommend
 12:29 7 engineers to come out, how would you pick what
 12:29 8 engineer you'd want to use or recommend?
 12:29 9 A. No, you didn't have a choice.
 12:29 10 Q. How did it -- how did that work?
 12:29 11 A. It's just an engineer request that you
 12:29 12 sent -- send in.
 12:29 13 Q. Okay. And then they assign the
 12:29 14 engineering company?
 12:29 15 A. Yeah. Somebody in Allstate, the --
 12:29 16 the different division, assigns the engineer
 12:29 17 company.
 12:29 18 Q. Okay. Have you ever testified as an
 12:30 19 expert witness?
 12:30 20 A. You know, I've been an expert witness
 12:30 21 but not testified in court, no.
 12:30 22 Q. Okay. When did -- so you were
 12:30 23 retained as an expert but not -- didn't have to
 12:30 24 testify. Correct?
 12:30 25 A. Right. I think it -- I think it was

12:30 **1** a written -- once was written testimony or whatever,
 12:30 **2** or written -- whatever. And once was --
 12:30 **3** **Q.** Interrogatories?
 12:30 **4** **A.** -- in person and -- and -- right.
 12:30 **5** **Q.** Okay.
 12:30 **6** **A.** Right.
 12:30 **7** **Q.** What's your hourly rate that you
 12:30 **8** charge when you're an expert witness?
 12:30 **9** **A.** 200.
 12:30 **10** **Q.** Okay. And as a public adjuster,
 12:31 **11** do you just get a percentage of the recovery?
 12:31 **12** Is that how --
 12:31 **13** **A.** Yes.
 12:31 **14** **Q.** -- your contract works?
 12:31 **15** Okay. What percentage --
 12:31 **16** **A.** Yes.
 12:31 **17** **Q.** What percentage do you get?
 12:31 **18** **A.** It typically maxes out at 10 and --
 12:31 **19** anywhere from 1 percent to 10. I -- I'm new to
 12:31 **20** this, so I don't really --
 12:31 **21** **Q.** Okay.
 12:31 **22** **A.** -- have a good...
 12:31 **23** **Q.** Are you -- do you any marketing as a
 12:31 **24** public adjuster now; advertising, media,
 12:31 **25** social media, or anything?

12:31 **1** **A.** I just -- it's just word of mouth,
 12:31 **2** people who I just help. Most of them I'm just
 12:31 **3** trying to help people. I can't make any money doing
 12:31 **4** that if I don't charge a fee, but --
 12:31 **5** **Q.** Right.
 12:31 **6** **A.** -- I'm learning that.
 12:31 **7** **Q.** But I just didn't --
 12:31 **8** **A.** I'm learning that.
 12:31 **9** **Q.** -- know how they find out about you
 12:31 **10** at this point.
 12:31 **11** **A.** Word of mouth. I mean I just tell
 12:31 **12** people that I -- that I'm representing the
 12:31 **13** homeowners now, I'm trying to help them get a
 12:31 **14** fair settlement.
 12:31 **15** **Q.** Okay. I'm going to ask you a
 12:32 **16** question. I'm going to go back to -- to your last
 12:32 **17** bankruptcy. I'm not doing this to pick on you,
 12:32 **18** I promise I'm not, but I think I want the record to
 12:32 **19** be clear for you and everybody.
 12:32 **20** You made a comment, it sounds like, in your
 12:32 **21** earlier testimony that you had to file a bankruptcy
 12:32 **22** because you got let go or you left Pilot and lost
 12:32 **23** that income.
 12:32 **24** Do you remember telling me that?
 12:32 **25** **A.** Uh-huh. Yes.

12:32 **1** **Q.** And what I want to bring up is
 12:32 **2** I'm looking at a copy of the bankruptcy that was
 12:32 **3** filed. It's a Chapter 13, which means it's a
 12:32 **4** reorganization, you're going to trying to pay --
 12:32 **5** **A.** Oh, you are correct. Fair enough.
 12:32 **6** You are right.
 12:32 **7** **Q.** Okay. And --
 12:32 **8** **A.** It happened before that. You're
 12:32 **9** right.
 12:32 **10** **Q.** Yeah. I'm looking at the date and --
 12:32 **11** **A.** Yeah.
 12:32 **12** **Q.** -- I'm not picking on you, but it's --
 12:32 **13** **A.** Yeah.
 12:32 **14** **Q.** -- it was December --
 12:32 **15** **A.** Yeah, that's fine. I had -- I had
 12:32 **16** just mistaken. That's right. I told you I didn't
 12:32 **17** know whenever, the first time I didn't know the
 12:32 **18** date.
 12:32 **19** **Q.** Yeah. You know, I don't want to come
 12:32 **20** back later and say "ah-ha" --
 12:32 **21** **A.** That's fine. Fair enough.
 12:32 **22** **Q.** So --
 12:32 **23** **A.** You -- yeah. I had -- I had --
 12:32 **24** you're -- you're a hundred percent correct.
 12:33 **25** **Q.** Yeah. I just didn't want there to be

12:33 **1** the wrong impression that you had to file it because
 12:33 **2** you got fired because you file it or --
 12:33 **3** **A.** That's right.
 12:33 **4** **Q.** -- you filed it before?
 12:33 **5** **A.** That's right.
 12:33 **6** **Q.** Okay.
 12:33 **7** **A.** That's right.
 12:33 **8** **Q.** Mr. Millikan, I'm -- I'm really almost
 12:33 **9** about out of questions. I want to look at my notes
 12:33 **10** for a few minutes before I wrap up.
 12:33 **11** **A.** All right.
 12:33 **12** **Q.** What I'd like to do is take --
 12:33 **13** it's 12:33. All right. Let's take 10 minutes.
 12:33 **14** I want to go look at them. And I'm really about
 12:33 **15** finished. I just want to make sure I'm not missing
 12:33 **16** anything. Okay?
 12:33 **17** **A.** Fair enough.
 12:33 **18** MR. DONCHIN: All right. We'll be
 12:33 **19** back in 10 minutes.
 12:33 **20** VIDEO TECHNICIAN: Okay. We're off
 12:33 **21** the record.
 12:33 **22** *[Break taken: 12:33 p.m. to 12:43 p.m.]*
 12:43 **23** VIDEO TECHNICIAN: We're back on the
 12:43 **24** record.
 12:43 **25** **Q.** (By Mr. Donchin) Okay. Mr. Millikan,

12:43 1 back on the record. You realize you're still under
 12:43 2 oath. Correct?
 12:43 3 A. Correct.
 12:43 4 Q. Anything you want to change from what
 12:43 5 you've told me earlier today?
 12:43 6 A. No.
 12:43 7 Q. Okay. I really don't have many other
 12:43 8 questions for you, other than do you feel like you
 12:43 9 were able to answer the questions I asked and give
 12:43 10 full answers to what you wanted to say?
 12:43 11 A. Yes.
 12:44 12 Q. Okay. Was I nice to you today?
 12:44 13 A. Were you nice to me?
 12:44 14 Q. Yes, sir.
 12:44 15 A. Is that what you said?
 12:44 16 Q. Yes, sir.
 12:44 17 A. Oh, yes.
 12:44 18 Q. Okay.
 12:44 19 A. Yeah.
 12:44 20 Q. Okay.
 12:44 21 A. Yes.
 12:44 22 Q. Well, since we agreed on that, I don't
 12:44 23 have any other questions for you at this time.
 12:44 24 I don't know if Mr. Marr has any follow-up or not.
 12:44 25 MR. JEFF MARR: Yeah, I have a few.

12:44 1 REDIRECT EXAMINATION
 12:44 2 BY MR. JEFF MARR:
 12:44 3 Q. I'm sorry that you've had to be here
 12:44 4 this long. I do appreciate your time, and I do
 12:44 5 understand that you're just doing this on a
 12:44 6 voluntary basis, but I need to cover some things.
 12:44 7 I want to understand because I see this
 12:44 8 as well. So you've -- you've witnessed these
 12:44 9 insurance carriers having non-adjusters inspecting
 12:44 10 damage and writing estimates. Correct?
 12:44 11 MR. DONCHIN: Object to form.
 12:44 12 A. Correct.
 12:44 13 Q. (By Mr. Marr) And whether it's
 12:44 14 ladder assist or Hancock or whatever, you've got
 12:45 15 these folks that are going out there, ringing the
 12:45 16 door of policyholders, the policyholder is thinking
 12:45 17 that they're there to take care of their claim,
 12:45 18 and they're taking photographs and then send those
 12:45 19 photographs up to Allstate where an estimate is
 12:45 20 written. Correct?
 12:45 21 MR. DONCHIN: Object to the form.
 12:45 22 A. Correct.
 12:45 23 Q. (By Mr. Marr) And then that estimate
 12:45 24 is being written by someone who actually is a
 12:45 25 licensed adjuster, presumably. Right?

12:45 1 A. Some -- yes. Sometimes.
 12:45 2 Q. Yeah.
 12:45 3 A. I don't know about the -- I don't know
 12:45 4 about the desk adjusters. I don't know.
 12:45 5 Q. Yeah. I don't know if they're desk
 12:45 6 adjusters, I don't know where they are, but all
 12:45 7 I know is these -- when these estimates are written
 12:45 8 up in Xactimate, the estimator is somebody who's
 12:45 9 never stepped foot on the property before.
 12:45 10 Is that what you're seeing?
 12:45 11 A. Yes.
 12:45 12 Q. And the only photographs that those
 12:45 13 folks are relying on are photographs taken by people
 12:46 14 that aren't licensed as adjusters. Correct?
 12:46 15 MR. DONCHIN: Object to the form.
 12:46 16 A. Correct.
 12:46 17 Q. (By Mr. Marr) And this is something
 12:46 18 that you've seen Allstate doing since around 2020?
 12:46 19 A. Yes.
 12:46 20 Q. Okay. Now, we agree that pictures are
 12:46 21 not a substitute for a physical inspection.
 12:46 22 Correct?
 12:46 23 MR. DONCHIN: Object to the form.
 12:46 24 A. Correct.
 12:46 25 Q. (By Mr. Marr) We agree that you can't

12:46 1 fairly adjust a claim from photos alone?
 12:46 2 MR. DONCHIN: Object to the form.
 12:46 3 A. Correct.
 12:46 4 Q. (By Mr. Marr) That's one of your
 12:46 5 criticisms, is it not?
 12:46 6 MR. DONCHIN: Form.
 12:46 7 A. Yes.
 12:46 8 Q. (By Mr. Marr) And we also -- can we
 12:46 9 also agree that, you know, the scope, if that were
 12:46 10 the case, would only be as good as the photographs
 12:46 11 that were taken?
 12:46 12 MR. DONCHIN: Form.
 12:46 13 A. Correct.
 12:46 14 Q. (By Mr. Marr) And if you've got
 12:46 15 photographs being taken by somebody that's not even
 12:46 16 a licensed adjuster, that's a recipe for disaster.
 12:46 17 Wouldn't you say?
 12:47 18 MR. DONCHIN: Form.
 12:47 19 A. Yes, sir.
 12:47 20 Q. (By Mr. Marr) A lot of the damage is
 12:47 21 going to be missed, a lot of claims go underpaid.
 12:47 22 Right?
 12:47 23 MR. DONCHIN: Form.
 12:47 24 A. Yes.
 12:47 25 Q. (By Mr. Marr) That's what you've seen

12:47 1 in your own personal adjustment of these claims.
 12:47 2 Correct?
 12:47 3 MR. DONCHIN: Form.
 12:47 4 A. Yes.
 12:47 5 Q. (By Mr. Marr) Now, Mr. Donchin asked
 12:47 6 you, you know, to admit that it's reasonable to hire
 12:47 7 an engineer from time to time.
 12:47 8 Do you remember that?
 12:47 9 A. Yes.
 12:47 10 Q. And it is, from time to time.
 12:47 11 Correct?
 12:47 12 A. Correct.
 12:47 13 Q. Because they have the subject matter
 12:47 14 expertise or whatever he said. So, from time to
 12:47 15 time, yeah, you may need the services of an
 12:47 16 engineer, and that's okay. Agreed?
 12:47 17 A. Right.
 12:47 18 Q. But do you agree it's not reasonable
 12:47 19 to misuse an engineer?
 12:47 20 A. To do what?
 12:47 21 Q. To misuse an engineer?
 12:47 22 MR. DONCHIN: Object to the form.
 12:47 23 A. Right.
 12:47 24 Q. (By Mr. Marr) In other words, use an
 12:48 25 engineer to cheat the homeowner?

12:48 1 A. Right.
 12:48 2 Q. You can't hide behind an engineer.
 12:48 3 And we all know -- I mean I think even one of the
 12:48 4 topics at the senate hearing was the use of
 12:48 5 U.S. Forensics. Correct?
 12:48 6 MR. DONCHIN: Form.
 12:48 7 A. That's correct.
 12:48 8 Q. (By Mr. Marr) And that, if you pick a
 12:48 9 whose engineer because you want a whose's opinion,
 12:48 10 the policyholder is going to get cheated, and that's
 12:48 11 not good faith, is it?
 12:48 12 MR. DONCHIN: Object to the form.
 12:48 13 A. That's correct.
 12:48 14 Q. (By Mr. Marr) And that's not an
 12:48 15 isolated occurrence with Allstate, is it?
 12:48 16 MR. DONCHIN: Object to the form.
 12:48 17 A. No. That's correct --
 12:48 18 Q. (By Mr. Marr) Like you --
 12:48 19 A. -- it's not.
 12:48 20 Q. Like you said, you've seen --
 12:48 21 you don't have any say. Allstate is the one who
 12:48 22 decides to pick and choose which engineer that it's
 12:48 23 going to send out on a claim. Correct?
 12:48 24 A. That's correct.
 12:48 25 Q. They've got a list. And how do you

12:48 1 think those engineers get to stay on that list?
 12:48 2 I mean it ain't rocket science.
 12:49 3 MR. DONCHIN: Object to the form.
 12:49 4 A. A hundred percent guarantee.
 12:49 5 Q. (By Mr. Marr) How do you think they
 12:49 6 stay on that list?
 12:49 7 A. They stay on --
 12:49 8 MR. DONCHIN: Object to the form.
 12:49 9 A. -- that list by making the person
 12:49 10 that's paying them happy.
 12:49 11 Q. (By Mr. Marr) That's right.
 12:49 12 And Allstate even tracks the engineers that
 12:49 13 it uses and the opinions that it gives -- that they
 12:49 14 give. Did you know that?
 12:49 15 A. I did not know that.
 12:49 16 Q. Does that surprise you?
 12:49 17 A. It does not surprise you.
 12:49 18 Q. Does it surprise you that here we've
 12:49 19 got a situation where -- I mean I can't believe the
 12:49 20 engineers are so reasonable and so vital that --
 12:49 21 to Allstate that, yet, it won't consider one --
 12:49 22 it won't consider the opinion of an engineer that
 12:49 23 the insured hires, will it?
 12:49 24 MR. DONCHIN: Object to the form.
 12:49 25 A. That's correct.

12:49 1 Q. (By Mr. Marr) So Allstate's
 12:50 2 like "Oh, it's only reasonable to hire an engineer
 12:50 3 if Allstate hires that engineer." Right?
 12:50 4 A. That's correct.
 12:50 5 Q. If the insured hires an engineer,
 12:50 6 they couldn't care less. That's not going to be
 12:50 7 controlling to Allstate, is it?
 12:50 8 MR. DONCHIN: Object to form.
 12:50 9 A. Not at all.
 12:50 10 Q. (By Mr. Marr) Have you ever seen a
 12:50 11 situation where there were two engineer reports,
 12:50 12 one hired by the homeowner and one hired by
 12:50 13 Allstate, and they sided with the policyholder?
 12:50 14 A. Never.
 12:50 15 Q. Have you seen a situation where there
 12:50 16 have been two, that that situation has existed?
 12:50 17 A. Yes.
 12:50 18 Q. Now, you talked about state law,
 12:50 19 and you were criticized a little for it -- or maybe
 12:50 20 not criticized, but that's the way I took it.
 12:50 21 And what you're talking about is the law of,
 12:50 22 you know, under our Unfair Claims Settlement
 12:51 23 Practices Act, only adjusters can adjust claims here
 12:51 24 in Oklahoma. Is that pretty much consistent
 12:51 25 nationwide?

12:51 1 A. In most states.
 12:51 2 Q. Okay. And so we get into the term --
 12:51 3 and I've taken a lot of the depositions of some
 12:51 4 these idiots, and when we get into, you know, a
 12:51 5 debate on "Well, what is adjusting?"
 12:51 6 "You know, investigating is not adjusting.
 12:51 7 We just send those people out there to investigate
 12:51 8 the damage to that home. That's not adjusting.
 12:51 9 They just take the photographs during their
 12:51 10 investigation and send those photographs, you know,
 12:51 11 up to some desk adjuster or some inhouse adjuster
 12:51 12 somewhere, and then they represent themselves to be
 12:51 13 the estimator and they write the estimate."
 12:51 14 Now, what's the difference between doing that
 12:51 15 and adjusting the claim?
 12:51 16 MR. DONCHIN: Object to form.
 12:51 17 A. So the whole purpose of an adjuster is
 12:52 18 to investigate.
 12:52 19 Q. (By Mr. Marr) Right.
 12:52 20 A. That's -- that's the purpose of an
 12:52 21 adjuster.
 12:52 22 Q. But this is what -- I mean I've seen
 12:52 23 what you're talking about in action repeatedly and
 12:52 24 in Allstate cases. I mean Allstate has testified to
 12:52 25 me, under oath, that it didn't send out --

12:52 1 everything was --
 12:52 2 MR. JEFF MARR: What was the word they
 12:52 3 used?
 12:52 4 MR. NICK MARR: Virtual.
 12:52 5 MR. JEFF MARR: Huh?
 12:52 6 MR. NICK MARR: Virtual.
 12:52 7 Q. (By Mr. Marr) Yes.
 12:52 8 All wind and hail claims, since COVID, are to
 12:52 9 be investigated virtually. Have you heard that?
 12:52 10 A. That was where I was getting my number
 12:52 11 that I came up with; the 75 percent.
 12:52 12 Q. Yeah. Well, you were low. I mean the
 12:52 13 testimony from Allstate is that it's a hundred
 12:52 14 percent; that, since COVID, every wind and hail
 12:52 15 claim is inspected virtually.
 12:52 16 And therein lies the problem. Do you agree?
 12:52 17 MR. DONCHIN: Object to the form.
 12:52 18 A. That's correct, yes.
 12:53 19 Q. (By Mr. Marr) Now, the policyholder
 12:53 20 -- you talked about the expectation of a
 12:53 21 policyholder, and I think it's fair for you to do
 12:53 22 it. Hell, you've met enough of them.
 12:53 23 You've gone out there, and you've seen the
 12:53 24 expectation -- you know, if I had a claim, I've got
 12:53 25 insurance. My expectation would be, if somebody

12:53 1 shows up there to investigate my damage, they're
 12:53 2 sent by my insurance company. Right?
 12:53 3 A. That's correct.
 12:53 4 Q. I mean I had a whole -- you know, I
 12:53 5 deposed the Rigsby sisters. Okay? And it's funny
 12:53 6 that this today and what happened to you after you
 12:53 7 testified sounded a lot of what -- you know, of what
 12:53 8 happened in the Rigsby sisters after they came clean
 12:53 9 on State Farm and Katrina and the whole use of
 12:53 10 engineer reports and swapping out those.
 12:53 11 Do you remember those gals?
 12:53 12 MR. DONCHIN: Object to the form.
 12:53 13 A. Right.
 12:53 14 Q. (By Mr. Marr) But, like you, they
 12:53 15 told them like it was. And what did State Farm do
 12:54 16 to them? Do you remember?
 12:54 17 A. I don't remember, off the top of my
 12:54 18 head, no.
 12:54 19 Q. They sued the hell out of them.
 12:54 20 A. That's right.
 12:54 21 Q. Dragged it out for years, until they,
 12:54 22 you know, finally got on the offensive and they
 12:54 23 ended up recovering against State Farm.
 12:54 24 Which, you know, talking about State Farm,
 12:54 25 this brings me to my next point. I find it odd that

12:54 1 what I'm seeing here -- in 2020, State Farm decided
 12:54 2 that they were paying out too many roof claims.
 12:54 3 So what did they decide to do? They decided to take
 12:54 4 away the authority of their adjusters to total a
 12:54 5 roof without management approval.
 12:54 6 Sound -- sound similar?
 12:54 7 MR. DONCHIN: Object to the form.
 12:54 8 A. Yes.
 12:54 9 Q. (By Mr. Marr) Yeah. I mean, in 2020,
 12:54 10 what happened? You know, they took away all the
 12:54 11 authority to actually go out, adjust the claim,
 12:54 12 cut a check, and be done with it.
 12:54 13 Now you've had to -- and you said you've got
 12:54 14 an email, which I look forward to seeing because we
 12:55 15 have a Court Order to produce all those types of
 12:55 16 documents pretty soon, and I look forward to getting
 12:55 17 them, about this same -- same kind of thing.
 12:55 18 So Allstate then -- excuse me. State Farm
 12:55 19 then decided what they were going to do was they
 12:55 20 would track and see what effect it had on their
 12:55 21 payout on roof claims, their payout on indemnity,
 12:55 22 after they made it where only management could --
 12:55 23 could approve a roof being totaled. And they were
 12:55 24 dumb enough to track it. And it made them billions
 12:55 25 of dollars.

12:55 1 Now we have a situation where Allstate, also
 12:55 2 in 2020, decides that they're the ones who now
 12:55 3 require every one of your estimates, or anyone's,
 12:55 4 be sent to management for review. Correct?
 12:55 5 MR. DONCHIN: Object to the form.
 12:55 6 A. Correct.
 12:55 7 Q. (By Mr. Marr) Now, oddly enough,
 12:55 8 Mr. Donchin here, he's one of the -- he's one of the
 12:56 9 guys, one of the law firms, that's suing State Farm
 12:56 10 for this very type of conduct.
 12:56 11 MR. DONCHIN: Jeff, that's not fair
 12:56 12 and that's completely irrelevant to what we're
 12:56 13 doing.
 12:56 14 MR. JEFF MARR: No, it is exactly
 12:56 15 fair. It's exactly --
 12:56 16 MR. DONCHIN: It's not.
 12:56 17 MR. JEFF MARR: -- correct.
 12:56 18 MR. DONCHIN: That's clearly
 12:56 19 irrelevant. It's improper.
 12:56 20 MR. JEFF MARR: No, it's not improper.
 12:56 21 MR. DONCHIN: Yeah, it is.
 12:56 22 Q. (By Mr. Marr) And now he's
 12:56 23 questioning you, you know, trying to say that
 12:56 24 it's okay for Allstate to do what he's critical of
 12:56 25 State Farm doing in another case. Hell, he even

12:56 1 uses my pleadings --
 12:56 2 MR. DONCHIN: We're not --
 12:56 3 Q. (By Mr. Marr) -- against State
 12:56 4 Farm --
 12:56 5 MR. DONCHIN: -- using your pleadings,
 12:56 6 Jeff. I'm not involved in those cases. And Jeff,
 12:56 7 you know this is improper.
 12:56 8 MR. JEFF MARR: I don't think it is
 12:56 9 improper.
 12:56 10 MR. DONCHIN: It is absolutely
 12:56 11 improper.
 12:56 12 Q. (By Mr. Marr) But the irony is not
 12:56 13 lost here.
 12:56 14 So what we have is kind of a situation where
 12:56 15 Allstate seems to be following State Farm's lead.
 12:57 16 Did you find it -- were you still in the chamber
 12:57 17 whenever Mr. Fiato, Chief Claims Officer from
 12:57 18 Allstate, testified?
 12:57 19 A. Yes, sir.
 12:57 20 Q. Did you notice that, when asked about
 12:57 21 this -- and I think even you brought it up. I mean
 12:57 22 you don't have the numbers, you don't have access to
 12:57 23 Allstate's numbers like their chief claims officer
 12:57 24 does.
 12:57 25 But did you find it odd that he -- he claimed

12:57 1 that he was tracking it, tracking the results that
 12:57 2 these reviews had on indemnity payouts to insureds?
 12:57 3 A. Yeah.
 12:57 4 Q. Do you remember that?
 12:57 5 MR. DONCHIN: Is this a question or...
 12:57 6 MR. JEFF MARR: Yeah.
 12:57 7 MR. DONCHIN: Object to the form.
 12:57 8 I don't think there was a question there.
 12:57 9 MR. JEFF MARR: Okay. Well, I'll do
 12:57 10 it over. I'll try better.
 12:57 11 Q. (By Mr. Marr) Do you remember --
 12:57 12 I think it was Senator Kim saying "Why is it that
 12:58 13 it only seems like, whenever these claims are being
 12:58 14 reviewed, it brings the number down, not up?"
 12:58 15 Do you remember that question?
 12:58 16 A. Yes, sir.
 12:58 17 Q. And Fiato says, you know -- and,
 12:58 18 you know, acknowledging what Mr. Donchin said about
 12:58 19 statistics are made up on the spot, this was a Fiato
 12:58 20 statistic with no proof but, still, I thought it was
 12:58 21 interesting nevertheless that 27 percent of the
 12:58 22 time, the payout to the insured goes down after
 12:58 23 some of these review specialists get through
 12:58 24 Monday-morning quarterbacking these estimates.
 12:58 25 Do you recall that?

12:58 1 MR. DONCHIN: Object to the form.
 12:58 2 A. Yes, sir.
 12:58 3 Q. (By Mr. Marr) So that means, like
 12:58 4 State Farm, that Allstate is tracking the effect
 12:58 5 that these reviewers have -- are having on indemnity
 12:58 6 payments. Correct?
 12:58 7 MR. DONCHIN: Object to the form.
 12:58 8 A. Right.
 12:58 9 Q. (By Mr. Marr) Now, why would you do
 12:58 10 that? Why would an insurance company track --
 12:59 11 I mean, if it's just done to review, you know, for
 12:59 12 accuracy, why would you be tracking the percentage
 12:59 13 of the time that the indemnity payments to the
 12:59 14 insured is going down? Why would --
 12:59 15 MR. DONCHIN: Object to --
 12:59 16 Q. (By Mr. Marr) -- why would Allstate
 12:59 17 be tracking that?
 12:59 18 MR. DONCHIN: Object to the form.
 12:59 19 A. It's all about making money.
 12:59 20 Q. (By Mr. Marr) That's right.
 12:59 21 It's all about making money at the expense of
 12:59 22 the insured. Correct?
 12:59 23 MR. DONCHIN: Object to the form.
 12:59 24 A. Correct.
 12:59 25 Q. (By Mr. Marr) Why also would you be

12:59 1 tracking the percentage of claims that the amount
 12:59 2 paid to the insured has gone down? Can you think of
 12:59 3 another reason?
 12:59 4 MR. DONCHIN: Object to the form.
 12:59 5 A. No. Saving money.
 12:59 6 Q. (By Mr. Marr) That's right.
 12:59 7 And that's what you -- you represented,
 12:59 8 and stand by, during the congressional -- the senate
 12:59 9 subcommittee hearing. Correct?
 12:59 10 A. Correct.
 01:00 11 Q. Okay. So back to these engineer
 01:00 12 issues.
 01:00 13 When he asked -- you know, I think you said
 01:00 14 -- you testified that the carrier's policy is to
 01:00 15 defer to the engineer's report. True?
 01:00 16 A. Right.
 01:00 17 Q. Is that right? What you've seen?
 01:00 18 MR. DONCHIN: Object to the form.
 01:00 19 A. Yeah. Yeah, that's right.
 01:00 20 Q. (By Mr. Marr) Okay. Unless that
 01:00 21 engineer happened to be hired by the homeowner.
 01:00 22 Then that's not --
 01:00 23 A. That's correct.
 01:00 24 Q. -- the case. Right?
 01:00 25 A. That's -- that is correct.

01:00 1 Q. Why on earth do you think an insurance
 01:00 2 company like Allstate would ignore the subject
 01:00 3 matter expertise of an engineer just because the
 01:00 4 insured hired them?
 01:00 5 MR. DONCHIN: Object to the form.
 01:00 6 A. They didn't have any control over the
 01:00 7 report. I don't remember ever seeing a case where
 01:00 8 an insured hired an engineer and Allstate took the
 01:01 9 engineer's report. Never.
 01:01 10 Q. (By Mr. Marr) All right. I haven't
 01:01 11 either.
 01:01 12 And you've adjusted, like, you know, I think
 01:01 13 you told me at the outset, thousands of these
 01:01 14 things. Correct?
 01:01 15 MR. DONCHIN: Object to the form.
 01:01 16 A. That is correct.
 01:01 17 Q. (By Mr. Marr) Now, you weren't the
 01:01 18 only person from Pilot to testify to this type of
 01:01 19 conduct by Allstate in catastrophe claims, were you,
 01:01 20 sir?
 01:01 21 A. No, sir.
 01:01 22 Q. There was another gentleman there who
 01:01 23 pretty much backed up everything you said and had a
 01:01 24 similar opinion. Correct?
 01:01 25 A. Correct.

01:01 1 Q. I think -- you know, all said and
 01:01 2 done, I think Hawley described -- Senator Hawley
 01:01 3 defined Mr. Fiato's testimony today as shameful,
 01:02 4 just like the behavior of Allstate.
 01:02 5 Do you recall that?
 01:02 6 MR. DONCHIN: Object to the form.
 01:02 7 A. Yes, sir.
 01:02 8 Q. (By Mr. Marr) You know, I touched on
 01:02 9 it a little bit at the outset regarding our attorney
 01:02 10 general here Gentner Drummond and the fact that he's
 01:02 11 revealed that he has plans for more legal action
 01:02 12 against insurers for these underpayment schemes.
 01:02 13 Do you have any objection to my making your
 01:02 14 testimony here today available to General Drummond?
 01:02 15 A. No, sir.
 01:02 16 MR. JEFF MARR: Thank you, sir.
 01:02 17 Nothing further.
 01:02 18 MR. DONCHIN: Let me just follow up
 01:02 19 with a couple of questions for you, sir.
 01:02 20 RECROSS EXAMINATION
 01:02 21 BY MR. DONCHIN:
 01:02 22 Q. You talked about the non --
 01:03 23 non-licensed people taking pictures just a few
 01:03 24 minutes ago.
 01:03 25 Do you remember that?

01:03 1 A. Yes.
 01:03 2 Q. Did you review the files of the
 01:03 3 non-licensed people that were taking pictures?
 01:03 4 A. Have I ever reviewed any files of --
 01:03 5 yes.
 01:03 6 Q. Okay. How is it that you're reviewing
 01:03 7 those files of the non-licensed people taking
 01:03 8 pictures?
 01:03 9 A. The claim gets reassigned to me as a
 01:03 10 supplement.
 01:03 11 Q. Okay. And on a supplement, what does
 01:03 12 that mean? What are you doing?
 01:03 13 A. When the insured feels like they
 01:03 14 weren't -- that the claim wasn't settled fairly,
 01:03 15 they request a supplement inspection or a supplement
 01:03 16 payment --
 01:03 17 Q. Okay. And --
 01:03 18 A. -- the claim -- the claim gets
 01:03 19 reassigned to somebody else.
 01:03 20 Q. Okay. About how -- what percentage
 01:03 21 of your claims that you handle are supplemental
 01:03 22 where you're going out to look at somebody else's
 01:04 23 work?
 01:04 24 A. I mean, probably 15 percent.
 01:04 25 Q. Okay. And what percent of that did

01:04 **1** you -- did you agree with the estimates or did you
 01:04 **2** disagree with the estimates? What percentage?
 01:04 **3** **A.** I don't know.
 01:04 **4** **Q.** Okay. Were there times that you --
 01:04 **5** you did agree with the pictures and the estimates --
 01:04 **6** **A.** I don't --
 01:04 **7** **Q.** -- damage?
 01:04 **8** **A.** I don't know that I ever agreed with
 01:04 **9** the pictures and the estimate. I would -- I would
 01:04 **10** go out and form my own opinion. So...
 01:04 **11** **Q.** Well, when -- after you formed your
 01:04 **12** own opinions, was it consistent with -- from time to
 01:04 **13** time, was it consistent with what the prior opinions
 01:04 **14** and decisions --
 01:04 **15** **A.** Oh, yeah. Was there some things in
 01:04 **16** the estimate that were consistent? Yes.
 01:05 **17** **Q.** Okay. Were there times when you
 01:05 **18** didn't think any additional payment would be
 01:05 **19** necessary?
 01:05 **20** **A.** If ever, less than one percent.
 01:05 **21** **Q.** Okay. Give us some examples of when
 01:05 **22** you thought there was missed damage.
 01:05 **23** **A.** What do you mean; "examples of missed
 01:05 **24** damage" ?
 01:05 **25** **Q.** Well, if you're -- if you're saying

01:05 **1** that you disagreed with the estimates and decisions,
 01:05 **2** you're saying there was damage that was missed.
 01:05 **3** Right?
 01:05 **4** **A.** Yeah. So damage to a gutter, damage
 01:05 **5** to a downspout, damage to -- I mean there's
 01:05 **6** unlimited areas of damage that was missed. In my
 01:05 **7** tenure of doing it, my -- it's -- it's very, very
 01:05 **8** common, almost like -- almost every case, when it
 01:06 **9** wasn't an adjuster that went out there, there was
 01:06 **10** missed damage. All I -- I don't know of any time
 01:06 **11** that there wasn't missed damage --
 01:06 **12** **Q.** Okay. I want to ask you --
 01:06 **13** **A.** -- you know, when I went out there.
 01:06 **14** What's that?
 01:06 **15** **Q.** No, I thought you were finished.
 01:06 **16** I'm sorry. Go ahead.
 01:06 **17** **A.** If I went out to a supplement on a
 01:06 **18** prior adjuster's estimate, now there was several
 01:06 **19** times that there wasn't any missed damage to that --
 01:06 **20** **Q.** Were there times --
 01:06 **21** **A.** -- but --
 01:06 **22** **Q.** -- that there was missed damage when
 01:06 **23** there was a licensed adjuster that --
 01:06 **24** **A.** There were several times --
 01:06 **25** **Q.** -- had --

01:06 **1** **A.** There were several times that there
 01:06 **2** wasn't damage, missed damage, when there was a
 01:06 **3** licensed adjuster that went out. That's correct.
 01:06 **4** **Q.** There was, and there was not, when
 01:06 **5** there was a licensed adjuster?
 01:06 **6** **A.** There was -- there was some times that
 01:06 **7** there was and sometimes that there wasn't --
 01:06 **8** **Q.** Okay.
 01:06 **9** **A.** -- with a licensed adjuster.
 01:06 **10** **Q.** All right. Going back to the subject
 01:06 **11** of engineers.
 01:06 **12** Would you meet with the engineers when they
 01:06 **13** went to the scene?
 01:06 **14** **A.** No, sir. We're not allowed to.
 01:07 **15** **Q.** Okay. So you don't know any of their
 01:07 **16** qualifications. Correct?
 01:07 **17** **A.** You can get their qualifications.
 01:07 **18** I mean, as far as their background, you can research
 01:07 **19** that online, I guess.
 01:07 **20** **Q.** Did you ever get --
 01:07 **21** **A.** But, no, I wasn't privy to any of
 01:07 **22** that. No. I didn't care.
 01:07 **23** **Q.** All right. Did you ever talk to
 01:07 **24** anyone at Allstate or Pilot as to the criteria they
 01:07 **25** would use to select engineers?

01:07 **1** **A.** I didn't -- I didn't have access to
 01:07 **2** any of that knowledge, no.
 01:07 **3** **Q.** Okay. So I heard -- did you hear
 01:07 **4** Mr. Marr use the term "whore" engineers?
 01:07 **5** **A.** Are you opening me up to that one?
 01:07 **6** **Q.** Yeah, no. Did you hear him say that
 01:07 **7** term?
 01:07 **8** **A.** I did. I did, yes.
 01:07 **9** **Q.** So what is your definition of a
 01:08 **10** "whore" engineer?
 01:08 **11** **A.** An engineer firm that an insurance
 01:08 **12** carrier uses on a regular basis that is going to
 01:08 **13** find in the favor of the carrier, which happens with
 01:08 **14** -- I don't know how often it happens, but I know for
 01:08 **15** a fact it happens because I watched it with my own
 01:08 **16** eyes recently.
 01:08 **17** **Q.** Tell us what happened.
 01:08 **18** **A.** I went out as a public adjuster.
 01:08 **19** I met an engineer that Farm Bureau hired.
 01:08 **20** The engineer went out there, never inspected the
 01:08 **21** reparability of the shingles, not one time, never
 01:08 **22** raised a shingle to see if a shingle was creased.
 01:08 **23** Formulates this 800-page report with all these
 01:08 **24** different statistics and wind ratings and all this
 01:08 **25** stuff and says that there's horizontal cracking or

01:09 1 -- actually, it wasn't even that; it was some other
 01:09 2 made-up term, and there wasn't no wind damage and
 01:09 3 the shingles were -- could be spot-repaired for the
 01:09 4 ones that were damaged. And he made that statement
 01:09 5 without ever, ever, one time, checking a shingle for
 01:09 6 pliability. That is a fraudulent statement, and
 01:09 7 I feel like it happens on a regular basis --
 8 Q. All right.
 01:09 9 A. -- very regular basis.
 01:09 10 Q. Did you see any engineering reports
 01:09 11 while you worked with Pilot that you thought were
 01:09 12 fraudulent?
 01:09 13 A. What's that?
 01:09 14 Q. Did you see any engineering reports
 01:09 15 while you worked with Pilot that you thought were
 01:09 16 fraudulent?
 01:09 17 A. Oh, I saw some that I thought were
 01:09 18 fraudulent. Yes, sir.
 01:09 19 Q. Did you ever tell anybody you thought
 01:09 20 they were fraudulent?
 01:09 21 A. Absolutely.
 01:09 22 Q. And will there be a record somewhere
 01:09 23 that you were --
 01:09 24 A. I don't know.
 01:09 25 Q. -- were an adjuster? Did you ever put

01:09 1 it in writing that you thought it was fraudulent?
 01:09 2 A. No. I never did.
 01:09 3 Q. Okay. Can you remember the name of
 01:09 4 any claim or claimant or insured that you thought --
 01:10 5 A. No, I don't.
 01:10 6 Q. -- had a fraudulent report?
 01:10 7 A. No.
 01:10 8 Q. Okay.
 01:10 9 A. I'm not saying all engineers are bad.
 01:10 10 I'm just saying there's a lot of them.
 01:10 11 Q. So how are you -- how is an insurance
 01:10 12 company supposed to pick an engineer that you guys
 01:10 13 won't say is -- is a whore? How do you --
 14 A. Why can't it be --
 01:10 15 Q. -- if there's only so many --
 01:10 16 A. How -- why can't it be a random
 01:10 17 engineer? Why -- why does it have to be somebody
 01:10 18 from one of their lists? Same as a preferred
 01:10 19 contractor list; it's the same thing. A preferred
 01:10 20 contractor is going to write an estimate that's
 01:10 21 going to be in favor of the carrier, and they're
 01:10 22 going to have under -- a backdoor avenue to come
 01:10 23 back and get compensated for missed work that
 01:10 24 they've missed in their estimate. Because they're
 01:10 25 a preferred contractor, the insurance carrier takes

01:10 1 their estimate, takes their word for it.
 01:11 2 Q. Okay. And the preferred vendor
 01:11 3 estimate, the contractor, they're supposed to be
 01:11 4 willing to do the job for what the estimate price
 01:11 5 is. Correct?
 01:11 6 A. That's what they're supposed to be
 01:11 7 willing to do. And how do you ever --
 8 Q. Have you --
 01:11 9 A. -- know anything -- that's what
 01:11 10 they're supposed to be willing to do. That's
 01:11 11 correct.
 01:11 12 Q. Okay.
 01:11 13 A. But everybody has a clause saying
 01:11 14 that, if there was something that was hidden or
 01:11 15 missed, it can be readdressed.
 01:11 16 Q. And that's true in any property damage
 01:11 17 claim, whether it's a --
 01:11 18 A. I understand.
 01:11 19 Q. -- commercial or whether --
 20 A. I understand.
 01:11 21 Q. -- it's a preferred vendor or the
 01:11 22 homeowner's contractor, if they use the homeowner's
 01:11 23 contractor, if there's hidden damage, that's going
 01:11 24 to be covered if it's determined to be covered.
 01:11 25 Correct?

01:11 1 A. Correct. I'm just bringing light to
 01:11 2 the preferred contractor. I'm dealing with that on
 01:11 3 my public adjusting side, too. Sorry --
 4 Q. Okay.
 01:11 5 A. -- I'll stay out of my own little
 01:11 6 soapbox and stick back to you all's. I'm sorry.
 01:12 7 Q. Well, as a public adjuster, you're an
 01:12 8 advocate for the insured. Correct?
 01:12 9 A. I am.
 01:12 10 MR. DONCHIN: All right. I don't have
 01:12 11 anything further for you at this time.
 01:12 12 THE WITNESS: Sir?
 01:12 13 MR. DONCHIN: I don't have any other
 01:12 14 questions for you at this time. I don't know if
 01:12 15 Mr. Marr does or not.
 01:12 16 MR. JEFF MARR: No, sir.
 17 THE WITNESS: Okay. Very good.
 01:12 18 MR. JEFF MARR: Mr. Millikan,
 01:12 19 I appreciate it very much, so do my clients.
 01:12 20 And on behalf of all the others you helped,
 01:12 21 thank you, sir.
 01:12 22 THE WITNESS: Thank you.
 01:12 23 MR. DONCHIN: Wait. Before we go off
 01:12 24 the record, Jeff, do you want to give him the --
 01:12 25 MR. JEFF MARR: Yeah. Yeah.

01:12 1 You have the right, under Oklahoma law, to
 01:12 2 read and sign your deposition, check it for accuracy
 01:12 3 or errors, or you can waive that right and just
 01:12 4 assume the court reporter got it all right.
 01:12 5 But, either way, you have to state verbally whether
 01:12 6 or not you want to read it or whether you want to
 01:13 7 waive that right.
 01:13 8 THE WITNESS: Yeah, I probably should
 01:13 9 read it, just to make sure everything is right.
 01:13 10 Right?
 01:13 11 MR. JEFF MARR: All right. That's
 01:13 12 fine with me. So we'll note -- the record will note
 01:13 13 that you will read and sign. Okay?
 01:13 14 MR. DONCHIN: Mr. Millikan, just --
 01:13 15 just so you'll know, that if you read it and sign
 01:13 16 it -- which I encourage you to do since you want to.
 01:13 17 I want you to know that, under Oklahoma law, if you
 01:13 18 make my changes, the parties have a right to
 01:13 19 re-depose you on those changes. Again, if it's a
 01:13 20 typographical mistake, obviously we're not going to
 01:13 21 call you. Okay? But if it's --
 01:13 22 THE WITNESS: That's fine. I'm going
 01:13 23 to -- as long as there's not something that -- that
 01:13 24 I -- yeah, I mean I don't have any problem accepting
 01:13 25 the way it is because I didn't say anything

01:13 1 I didn't -- I didn't believe to be true.
 01:13 2 MR. DONCHIN: No. And I'm -- I'm very
 01:13 3 respectful of the fact you want to verify it because
 01:13 4 we're online and all that stuff, on Zoom. But I --
 01:13 5 THE WITNESS: I don't even --
 01:13 6 I don't -- I don't care to verify it, as long as
 01:13 7 a typo doesn't get me in trouble.
 01:13 8 MR. DONCHIN: No, no, no. Well, my
 01:13 9 point is, is like if you changed a yes to a no or
 01:14 10 you changed a substantive answer some way on your
 01:14 11 corrections, I just want you to know that we're
 01:14 12 supposed to advise you that we have the right to
 01:14 13 re-depose you on those changes. But the -- the
 01:14 14 whole deposition doesn't open up again. It's just
 01:14 15 on any changes you make if they're substantive.
 01:14 16 THE WITNESS: All right.
 01:14 17 MR. DONCHIN: Does that make sense?
 01:14 18 THE WITNESS: That's fine.
 01:14 19 MR. DONCHIN: Okay. I just wanted to
 01:14 20 make sure you knew.
 01:14 21 THE WITNESS: Yeah, I'm fine. I mean
 01:14 22 are you all going to read it or are you all going to
 01:14 23 sign off on it? I guess you all weren't deposed,
 01:14 24 though, were you? No, never mind.
 01:14 25 MR. DONCHIN: No. You're the only one

01:14 1 that's got to sign off on it.
 01:14 2 MR. JEFF MARR: All right. I think
 01:14 3 a lot of people will read it.
 01:14 4 MR. DONCHIN: I'm sure they will.
 01:14 5 MR. JEFF MARR: We'll get you a copy.
 01:14 6 THE WITNESS: That'll be fine.
 01:14 7 Thank you.
 01:14 8 *[Record concluded, 1:14 p.m.]*
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1 C E R T I F I C A T E
 2 STATE OF OKLAHOMA
 3 SS
 4 OKLAHOMA COUNTY
 5 I, Cheryl D. Rylant, Certified Shorthand
 6 Reporter within and for the State of Oklahoma,
 7 certify that Clifford Millikan was by me sworn to
 8 testify the truth; that the videoconference
 9 deposition was taken by me in stenotype and
 10 thereafter transcribed by computer and is a true and
 11 correct transcript of the testimony of the witness;
 12 totaling 198 pages; that the deposition was taken by
 13 me on April 9, 2026, at 9:29 a.m., in Columbia,
 14 Tennessee; that I am not a relative, employee,
 15 attorney or counsel to any party in this case or
 16 otherwise financially interested in this action; and
 17 that the witness elected to exercise the right to
 18 review the deposition transcript prior to its
 19 filing.
 20 Witness my hand and seal of office on this
 21 the 10th day of April, 2026.
 22
 23
 24 Cheryl D. Rylant, CSR
 Oklahoma CSR No. 1448
 Expires December 31, 2026
 25

