

1 Q. Let me ask you specifically, Mr. Wells, about the
2 contents. We are going to look at some documents. The
3 contents list that Mrs. Weiss gave you and you had for the
4 federal flood claim, those numbers don't match up with these
5 documents, do they?

6 A. I don't remember what the totals were, but the information
7 she gave me initially, we were working on the lower floor only.

8 Q. That's right. Go to page 387. This is a Federal
9 Emergency Management Agency National Flood Insurance Program
10 Proof of Loss. You are familiar with that format of the
11 document, are you not, Mr. Wells?

12 A. Yes, I am.

13 Q. You didn't fill this one out, did you?

14 A. I don't believe so. I filled a lot of them out, but --

15 Q. But not this one?

16 A. I don't think that whole format, that form -- after I sent
17 my initial tick sheet in, those forms were produced at the
18 office.

19 Q. It's true, again, is it not, Mr. Wells, that you never saw
20 this particular document until I showed it to you in your
21 deposition?

22 A. Yes.

23 Q. Yes, I'm correct?

24 A. Yes, you're correct.

25 Q. You have no knowledge either, Mr. Wells, of who prepared

1 that document, do you?

2 A. No, I do not.

3 Q. You did not provide the numbers used in the document to
4 anybody at Allstate or the National Flood Insurance Program,
5 did you?

6 A. No. I provided a worksheet.

7 Q. Certainly, this document was not signed by Dr. or
8 Mrs. Weiss, was it?

9 A. It was not.

10 Q. To your knowledge, they never swore this document out, did
11 they?

12 A. No. There's no signatures.

13 Q. Were you aware at any point in time, Mr. Wells, of a sworn
14 proof of loss on the flood claim that my clients executed?

15 A. I was not aware.

16 Q. Go to Exhibit 4, page 393. This is a contents list that
17 was submitted to the National Flood Insurance Program,
18 Mr. Wells, and it has the adjuster listed as "Mung T. Hatten."
19 I believe that's a typo. You were the Weisses' flood adjuster,
20 weren't you, Mr. Wells?

21 A. I was.

22 Q. In terms of any assessment of damage, to your knowledge,
23 you were the only one, up until that point in February of 2006,
24 who inspected the Weiss property for flood purposes at all;
25 correct?

1 A. I don't know of anybody else that would have been there.

2 Q. You have no --

3 A. There may have been, but I didn't meet anyone else out
4 there. I don't know if there was anybody else out there or
5 not.

6 Q. Do you know what this enhanced check process, check
7 routing form is, Mr. Wells?

8 A. We had check routing forms we had to fill out as the
9 checks were prepared.

10 Q. You didn't do this one on February 22 of 2006, did you --

11 A. No, sir.

12 Q. -- verifying call agent name, your name, Mung Hatter,
13 settlement letter, claims summary, FEMA letter, and check?
14 Somebody had to approve that document in management; correct,
15 Mr. Wells?

16 A. I don't know about that particular document, but I presume
17 somebody would have had to approve the letters that were
18 attached to it.

19 Q. Certainly, that document undoubtedly establishes,
20 Mr. Wells, that somebody other than you requested the checks on
21 the flood claim; right?

22 A. Yes.

23 Q. 394, you recognize the first page of that document, do you
24 not, Mr. Wells?

25 A. Yes.

1 Q. So that the jury knows, what is that particular document?

2 A. It's a list of personal property items prepared by

3 Mrs. Weiss, or Mr. and Mrs. Weiss, or both.

4 Q. This was for the area underneath the house, storage and

5 parking; correct?

6 A. Yes.

7 Q. The handwriting on those, as you understand it, is from

8 Merryl Weiss. You made some calculations for depreciation, and

9 that's your handwriting all the way to the right; correct?

10 A. Correct.

11 Q. Go to 400. Do you recall what those numbers totaled,

12 Mr. Wells?

13 A. I don't recall the total.

14 Q. You did prepare a property loss worksheet based only on

15 those numbers, didn't you, Mr. Wells?

16 A. Yes.

17 Q. Go to 401. This is what you prepared, and that links up

18 with the handwritten stuff that we just looked at; correct?

19 A. Yes.

20 Q. The total for that, again, was what?

21 A. After the depreciation?

22 Q. Yes, sir.

23 A. \$38,348.35.

24 Q. This is a document prepared by an Ana Chen. Do you have

25 any idea who that is?

1 A. No, sir.

2 Q. Remember in your deposition, when we looked at these
3 numbers, Mr. Wells, you couldn't explain to me how the numbers
4 you prepared factored into this list; isn't that true?

5 A. Correct.

6 Q. They're different; correct?

7 A. I don't remember the specific numbers, but I do know that
8 the handwritten list that I sent in with the numbers from
9 Mr. and Mrs. Weiss should have shown up on that sheet.

10 Q. This total is \$139,582 with \$38,219.50 depreciation, which
11 brings it to \$101,342.50, less deductible, which puts it right
12 over the limits; isn't that true, Mr. Wells?

13 A. Yes. If the limit was \$100,000, yes.

14 Q. Again, that document, as the Weisses' flood adjuster, you
15 had never seen until I showed it to you in your deposition less
16 than a month ago; correct?

17 A. That is correct.

18 Q. You don't know, Mr. Wells, how the numbers you put on your
19 property loss worksheet break down into any of these numbers;
20 correct?

21 A. I didn't prepare that sheet.

22 Q. Go to 413, please. This is a fast-path contents list.
23 You didn't prepare that either, did you?

24 A. No, sir. I think that's the sheet I sent the Weisses to
25 have them fill out.

1 Q. You understand that's a completely different handwriting
2 than you saw on Meryll Weiss' submission to you; correct?

3 A. Yes.

4 Q. Do you know who filled that document out, Mr. Wells?

5 A. No, I don't.

6 Q. Do you have any diary information that would suggest that
7 any of those numbers were given to Ana Chen, Mung Hatter, or
8 anybody else by my clients?

9 A. I don't remember a diary entry. It would have been in the
10 end, some of the last entries, if this was referring to that
11 particular document.

12 Q. You have seen nothing in either the flood file or the
13 homeowners file that my clients produced any list for contents
14 for the downstairs other than what they produced to you;
15 correct?

16 A. No, other than that.

17 Q. You have seen nothing on the flood claim that my clients
18 produced anything beyond the \$38,000 that they submitted for
19 the flood claim; correct?

20 A. No.

21 Q. Were you aware, on the homeowners claim, Mrs. Weiss had
22 prepared a detailed 50-page list of contents?

23 A. 50-page?

24 Q. Yes, sir.

25 A. I don't think I saw that list.

1 Q. Go to Exhibit 29. Do you know who a Tammy Abney is,
2 Mr. Wells?

3 A. No, sir, I don't.

4 Q. These documents, the personal property inventory loss
5 form, would have been submitted with the homeowners claim, not
6 the flood claim; correct?

7 A. Correct.

8 Q. At about the same time, Mr. Wells, these documents were
9 being submitted to the federal government for the flood
10 payment, were you aware that Tammy Abney was also representing
11 to Mrs. Weiss that contents were going to be paid under the
12 homeowners policy?

13 MS. BARRASSO: Object to the form, Judge.

14 MR. TRAHANT: Are you aware of it?

15 THE COURT: It's lack of foundation?

16 MS. BARRASSO: Correct.

17 THE COURT: Sustained.

18 BY MR. TRAHANT:

19 Q. Do you know whether or not my client submitted that
20 contents list on the homeowners claim?

21 A. No. The claim number is on it. Whichever claim number
22 that is would be the claim it was associated with.

23 Q. Go to Exhibit 26, please. On February 20, which is in the
24 same time frame of 2006 -- let me ask you: Have you ever seen
25 this e-mail before?

1 MS. BARRASSO: Judge, I object. Well, let him answer
2 it.

3 THE WITNESS: I don't recall seeing that e-mail.

4 BY MR. TRAHANT:

5 Q. Were you aware, other than having seen this e-mail, that
6 Allstate, on the homeowners claim, was telling Mrs. Weiss, "I
7 will be able to pay for contents in these rooms," meaning the
8 inside rooms? Were you aware of that?

9 A. You're talking about the notation at the bottom under the
10 room list?

11 Q. Yes, sir.

12 A. Yes, that's what it says.

13 Q. As long as you were involved in this claim, Mr. Wells, my
14 clients were never paid a penny for contents under the
15 homeowners; correct?

16 A. No, not to my knowledge.

17 Q. Have you done anything since I took your deposition,
18 Mr. Wells, in further investigation of those flood documents?

19 A. No, I haven't.

20 Q. You would agree with me, Mr. Wells, that if you did not
21 prepare that contents list, meaning the one acknowledged by a
22 Mung Hatter and an Ana Chen, and the Weisses didn't prepare
23 this list, and those numbers don't match up to what you
24 submitted, somebody fabricated that contents list; correct?

25 MS. BARRASSO: I object to the form.

1 THE COURT: He can answer it.

2 THE WITNESS: I won't say that someone fabricated it.

3 It's not standard for someone just to fabricate numbers. They

4 had to have a source. Someone would have had to have a source.

5 BY MR. TRAHANT:

6 Q. That's sheer speculation, isn't it?

7 A. Well, it may be. That's not a normal procedure, just to
8 pull numbers out of the air and put them on a document.

9 Q. Sure. If somebody did that, they would be violating the
10 normal procedure, wouldn't they?

11 MS. BARRASSO: Objection. That's calling for
12 speculation.

13 MR. TRAHANT: I think he just said he knows what the
14 normal procedure is.

15 THE COURT: Overruled. He can answer as to whether
16 or not that would be a violation of normal procedure.

17 THE WITNESS: Yes.

18 BY MR. TRAHANT:

19 Q. Those documents, as far as you know, were all submitted to
20 the federal government; correct?

21 A. Most likely. I didn't submit them, but I believe that's
22 their destination.

23 Q. You also have no reason to believe that the structural
24 numbers prepared for the NFIP on those documents were accurate,
25 do you, Mr. Wells?