

AFFIDAVIT OF DEREK A. WYATT

STATE OF MISSISSIPPI
COUNTY OF MADISON

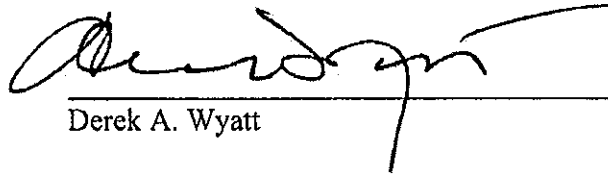
PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the State and County aforesaid, the within named DEREK A. WYATT, who states under oath as follows:

1. My name is Derek A. Wyatt. I am an adult resident of Madison, County of Madison, Mississippi, being over the age of 21 years and am otherwise competent to make this Affidavit.
2. The statements and facts contained in this Affidavit are based on my own personal knowledge.
3. I am an attorney involved in the handling of multiple cases filed by the Scruggs Katrina Group (SKG), now known as the Katrina Litigation Group (KLG).
4. I have read and reviewed Defendants' pleadings seeking disqualification of the Barrett Law Office, P.A., Nutt & McAlister, PLLC, The Lovelace Law Firm, P.A., Hesse & Butterworth, PLLC, and the Katrina Litigation Group.
5. In this connection, I have read and reviewed the statement appearing at page two of Renfroe's MTDQ asserting: "Derek Wyatt, offered to pay another material witness, Mr. Brian Ford, an engineer at former-defendant Forensic Analysis & Engineering Corporation, more than \$10,000 a month to act as a "consultant" to the KLG on Katrina-related litigations;"
6. At no time did I offer Brian Ford any money, much less the sum of "\$10,000 a month to act as a "consultant" to the KLG on Katrina-related litigations."
7. Brian Ford never sent me any proposed consultant agreement, allegedly offering to perform "consultant" services for the Scruggs Katrina Group. I was not authorized to negotiate "consultant" agreements with Brian Ford and did not enter into any such consultant agreements with Brian Ford.
8. At no time did I offer to pay Brian Ford money or any other consideration in exchange for testimony he might be called upon to give, in any capacity.
9. Likewise, at no time did Brian Ford communicate to me any offer to give certain testimony or otherwise alter any proposed testimony in exchange for money or other consideration.
10. I am the attorney who noticed and initiated the deposition of Brian Ford in the case styled *McIntosh vs. State Farm*, U.S. District Court, Southern District of

Mississippi, Southern Division, Civil Action No. 1:06-cv-1080 LTS RHW. It was during this deposition that I learned Brian Ford had kept a notebook of various Katrina events, including telephone conversations and meetings I and other SKG members may have had with him. Without any prompting from defense counsel or any other person(s) present at Ford's deposition, I requested that Brian Ford provide copies of his notebook to all counsel present.

- 11. I have never offered to pay Brian Ford or for that matter any other witness money in exchange for testimony. In fact, Brian Ford's notes confirm that I informed he would not and could not be paid as a fact witness for testimony. I also informed him that consultants may under certain circumstances be paid. Brian Ford's notes approximate the advice I gave him that a witness should: "tell the truth, that way you never have to back track."
- 12. The allegations contained in Defendants' MTDQ, are reckless falsehoods, which, based upon the strictures of Rule 11 et seq. of the Federal Rules of Civil Procedure, are in my view per se sanctionable.
- 13. I am willing and eager to discuss in further detail any questions the Court may have as to the unfounded and unsupported allegations of misconduct which have asserted by Defendants in their MTDQ, and related pleadings.

And further Affiant sayeth not.



 Derek A. Wyatt

SWORN TO and subscribed before me this the 16th day of January, 2008.



 NOTARY PUBLIC

(SEAL)

My commission expires

