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IN THE CHANCERY COURT OF THE FIRST JUDICIAL  
DISTRICT OF HINDS COUNTY, MISSISSIPPI

KEVIN BUCKEL PLAINIFF  
VS. CAUSE NO. 2009-909 T/1  
INSURANCE COMMISSIONER MIKE CHANEY DEFENDANT

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TRANSCRIPT OF HEARING

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APPEARANCES:

Present and Representing the Plaintiff:  
Kevin Buckel, Pro se

Present and Representing the Defendant:  
Lisa L. Colonias, Esq.  
George Neville, Esq.  
Office of the Attorney General  
Civil Litigation Division  
Post Office Box 220  
Jackson, Mississippi 39205

\* \* \* \* \*

Transcript of hearing held in the above styled and  
numbered cause before Judge J. Dewayne Thomas,  
commencing on Monday, August 31, 2009, at 2:25 p.m.

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1           THE COURT: Since this is a summary  
2 judgment I thought we better do it on the  
3 record, because it could be dispositive and  
4 somebody might appeal it.

5           MS. COLONIAS: All right, Your Honor.

6           THE COURT: Is this your motion?

7           MS. COLONIAS: Yes, Your Honor, it is.

8           THE COURT: And, sir, what is your name?

9           MR. BUCKEL: Kevin Buckel.

10          THE COURT: And you represent yourself?

11          MR. BUCKEL: Yes, sir.

12          THE COURT: Do you want counsel?

13          MR. BUCKEL: (No response.)

14          THE COURT: Do you need counsel?

15          MR. BUCKEL: No, sir.

16          THE COURT: Okay. You understand this  
17 could be dispositive against you?

18          MR. BUCKEL: Yes, sir.

19          THE COURT: Okay. So you don't want  
20 counsel?

21          MR. BUCKEL: No, sir.

22          THE COURT: All right. Ma'am, you may  
23 proceed.

24          MS. COLONIAS: May it please the Court,  
25 Your Honor?

26          THE COURT: Yes, ma'am.

27          MS. COLONIAS: Lisa Colonias for the  
28 State.

29          Your Honor, we're here today to

1 respectfully ask this Court to grant our motion  
2 for summary judgment. There are two basic  
3 issues before this Court. The first is with  
4 regard to the denial of a public records  
5 request. And Mr. Buckel seeks judicial review  
6 of that request as of right.

7 The secondary issue is that when  
8 Mr. Buckel filed the complaint he added an  
9 additional request for State Farm examination  
10 documents, which were not in his original  
11 public records request, so they don't come  
12 under judicial review. More importantly,  
13 examination documents are barred wholly by  
14 statute.

15 Your Honor, as for the first issue, the  
16 denial of the public records request,  
17 Mr. Buckel wrote to the Mississippi Insurance  
18 Department on January 4th, 2009, requesting  
19 certain documents with regard to Hurricane  
20 Katrina. After a diligent search the  
21 Department of Insurance determined they did not  
22 have those documents and they wrote to Mr.  
23 Buckel denying that request on the basis of not  
24 possessing the documents. And he has filed  
25 this action for review.

26 Attached to our motion for summary  
27 judgment we provided the affidavit of Donna  
28 Cromeans, who with personal knowledge and being  
29 duly competent to testify and being qualified

1 evidence under Rule 56(e) provided affidavit  
2 testimony that she had undertaken a diligent  
3 search and none of those files were in the  
4 possession of the Insurance Department.

5 Your Honor, right now that evidence stands  
6 uncontroverted and in our opinion respectfully  
7 must be accepted by the Court as dispositive  
8 evidence that we are entitled to summary  
9 judgment as a matter of law. The Insurance  
10 Department cannot produce records that it does  
11 not possess. And in the response to our motion  
12 for summary judgment, Mr. Buckel has conceded  
13 that the Department does not have to compile or  
14 gather data that it does not have. And that is  
15 well settled law as well, Your Honor.

16 As to the second issue with regard to the  
17 examination documents, examination documents  
18 were not a subject of the first request, so it  
19 is improper to ask this Court. But much more  
20 importantly Mississippi Code Annotated  
21 83-5-209, of which I have a copy if the Court  
22 would like to see.

23 May I approach the bench?

24 THE COURT: You can. Thank you.

25 MS. COLONIAS: May I give one to --

26 THE COURT: Yes.

27 MS. COLONIAS: Thank you, Your Honor.

28 It is just a copy of the statute.

29 Under subsection 7, Your Honor, all

1 working papers, recorded information, documents  
2 and copies thereof produced by, obtained by or  
3 disclosed to the Commissioner or any other  
4 person in the course of an examination made  
5 under Sections 83-5-201 through 217, may be  
6 held by the Commissioner as a record not  
7 required to be made public under the  
8 Mississippi Public Records Act. That is a  
9 dispositive statute. The plain language makes  
10 it very clear that not only are examination  
11 documents exempt by legislative mandate, but  
12 they are specifically exempt from the Public  
13 Records Act.

14 Your Honor, as a matter of law, we request  
15 that summary judgment be entered on our behalf  
16 because these have never been requested and it  
17 would be completely against statutory authority  
18 to demand that the Insurance Department provide  
19 documents that are exempt by statute. And,  
20 frankly, we don't even -- we're not admitting  
21 that the Insurance Department even possesses  
22 these documents. Mr. Buckel says there are a  
23 minimum of 43,000 files that were examined by  
24 the team. And that's -- having never been  
25 requested we don't even know the substance of  
26 that or where those documents are.

27 THE COURT: All right.

28 MS. COLONIAS: Your Honor, is there  
29 anything I might add or --

1 THE COURT: I don't know enough about  
2 what his claim is yet. Maybe I will know in a  
3 minute.

4 MS. COLONIAS: All right. Thank you,  
5 Your Honor.

6 THE COURT: All right, sir.

7 MR. BUCKEL: Yes, sir. In the initial  
8 letter sent on January 4th -- in the initial  
9 letter sent on January 4th, I requested all  
10 claims filed, paid and denied as a result of  
11 Hurricane Katrina from the Mississippi  
12 Insurance Department. And we believe that the  
13 State Farm files that we later requested under  
14 this action was included in that request. So,  
15 we would --

16 THE COURT: What are you trying to find  
17 out? What do you want to know?

18 MR. BUCKEL: After Hurricane Katrina I  
19 was a slab owner and we --

20 THE COURT: A what owner?

21 MR. BUCKEL: A slab owner. I just had a  
22 slab left for my house.

23 THE COURT: Your house got blown away?

24 MR. BUCKEL: Yes, sir.

25 And we were unjustly denied our claims.  
26 In a lot of cases not even -- claims were not  
27 even evaluated before being denied. And I have  
28 been trying to pass legislation, a homeowners'  
29 insurance bill of rights up here in the hill.

1 And I haven't been very successful. Been  
2 blocked by some strong lobbyists. So I need  
3 this information to convince our legislators  
4 that we need stronger homeowner rights in the  
5 state for all homeowners.

6 THE COURT: All right. So your house got  
7 blown away?

8 MR. BUCKEL: Yes, sir.

9 THE COURT: Did you hire a lawyer to help  
10 you with that matter?

11 MR. BUCKEL: Yes, sir.

12 THE COURT: What happened on that suit?

13 MR. BUCKEL: We settled out of court.

14 THE COURT: So what you are trying to do  
15 is find out information concerning other  
16 homeowners?

17 MR. BUCKEL: All the homeowners as a  
18 result of Katrina to show the legislators how  
19 unfairly we were denied our homeowner  
20 insurance claims after the storm. And to  
21 hopefully pass stronger homeowner rights for  
22 all homeowners in the state. So that is why  
23 I'm seeking this information today.

24 THE COURT: But the AGs have told you  
25 they don't have that information.

26 MR. BUCKEL: Well, we believe they do,  
27 sir. I have included three exhibits, E, D and  
28 C. And this was under former Commissioner  
29 George Dale's office where he specifically



1 refers to exact numbers -- claims numbers that  
2 were put out on press releases from the Office  
3 of Insurance. And so we believe that they are  
4 there. And then also under the State Farm  
5 conduct exam, George Dale did not follow his  
6 own procedures that govern that exam. He  
7 requested the 43 files and three months into  
8 the exam he went back to State Farm and forced  
9 them to reopen all of their claims that were  
10 previously denied, which resulted in another  
11 \$80 million being paid. However, the rules  
12 that govern that conduct exam specifically  
13 state that he is supposed to adopt his  
14 findings, make them public and then he should  
15 have approached State Farm. So we believe  
16 because those files were misused and he didn't  
17 follow the right procedures a summary of those  
18 files should be made to the -- available to  
19 the general public.

20 THE COURT: All right. But the AG said  
21 they don't --

22 Y'all have those?

23 MS. COLONIAS: No, Your Honor, the  
24 Insurance Department does not have the files.  
25 And the information -- the statistics that Mr.  
26 Buckel refers to were provided by a national  
27 data call. They never compiled these  
28 statistics. They simply received them from a  
29 national data call and put them on the

1 website. They did not have the underlying  
2 statistical information. And there is  
3 uncontroverted affidavit evidence to that  
4 effect.

5 THE COURT: How do you dispute that?

6 MR. BUCKEL: Your Honor, there is two  
7 issues here. One is that the information that  
8 was disseminated from the MID about claims  
9 filed and paid in the state after the storm.  
10 It is very exact detailed information. So,  
11 obviously, they were compiling this  
12 information somewhere and it should have fell  
13 under the request that I initially sent in.

14 However, on the other issue, the 43,000  
15 files that were subpoenaed under the conduct  
16 exam, something obviously led George Dale to go  
17 back to State Farm and force them to reopen all  
18 these cases, a summary of that information. He  
19 should have shared that information with the  
20 public. He had no authority under the rules to  
21 govern that exam to go to State Farm and  
22 approach them before finding -- adopting the  
23 final results of that exam. So we are  
24 approaching this on two issues. I can  
25 appreciate the argument that's being made that  
26 they don't -- they are saying they don't have  
27 the records. However, when it comes to the  
28 conduct exam, obviously, there has to be  
29 something there, because George Dale clearly

1 states in the summary -- Commissioner Chaney  
2 clearly states in the final results of the  
3 conduct exam that in March of 2007, they went  
4 back to State Farm and forced them to reopen  
5 all these cases. And that put the homeowners  
6 who were still in dispute with State Farm in a  
7 very unfair disadvantage. That information  
8 should have been made public and it should be  
9 made public now since there was a misuse of  
10 power by former Commissioner Dale.

11 MR. NEVILLE: Your Honor, if I may, I  
12 don't think there is any dispute that Attorney  
13 General Hood was attempting to try to do  
14 everything he could to assist the homeowners  
15 and had a real beef with State Farm.

16 However, we're representing the Department  
17 of Insurance here and with all the sympathy and  
18 trying to have an understanding of what the  
19 homeowners are going through is that the market  
20 conduct exam is not commonly done. They are  
21 rarely utilized when the Commissioner  
22 determines that there is a unique circumstance  
23 he feels like that they need to go in and  
24 actually audit claims files. And they can do  
25 every one or they can do a random sample. And  
26 as you may remember, I've represented the  
27 Department of Insurance for five years and  
28 these market conduct examinations are just like  
29 a financial examination, they are confidential.

1           And the only thing that is available to the  
2           public would be the report. And the decisions  
3           that are made by Mr. Dale as Commissioner about  
4           why he may want to stop midway through a market  
5           conduct exam and require a company to do  
6           something or not is not public information. I  
7           mean, he -- it is still part of the market  
8           conduct exam. I'm curious. I'd love to know.  
9           But, I mean, it is just not something that --  
10          that the statute allows to be made public.  
11          Certainly, State Farm could do that if they  
12          wanted to. I don't suspect they would, but  
13          they would have the right to do it, because it  
14          is their documents. They are not the state's  
15          documents. And the only reason we get to look  
16          at them is because of the extensive, broad  
17          jurisdictional authority that the Commissioner  
18          of Insurance has over insurance companies. And  
19          the reason that they have that broad authority  
20          is is that there is supposed to be some  
21          discretion involved that you are not out there  
22          and attempting to try to foster more  
23          litigation. It is certainly the insurance  
24          company's excuse. So in that market conduct  
25          examination they obviously tripped upon things  
26          that they felt like was important for State  
27          Farm to do it. Frankly, there may have been  
28          some pressure from the Attorney General that  
29          they reopen those files. I would be more

1 suspicious of that motivation than the fact  
2 that they found something that the Commissioner  
3 decided he wanted State Farm to do something  
4 different. But, nevertheless, all this is  
5 interesting. It is historical. It's sad what  
6 happened. But the reality is the law doesn't  
7 allow us -- we're in that box that the law says  
8 the market conduct exam records are not public.  
9 Only the conclusionary findings. There is a  
10 right to contest the findings. And if they had  
11 an objection, they could have contested those  
12 findings that Commissioner Chaney made after he  
13 assumed office and finished up the report. I  
14 don't know that they did that, but that would  
15 have been the methodology of determining  
16 whether they feel like that report was  
17 sufficient. And then I can assure you that the  
18 department doesn't have the resources to keep  
19 the kinds of information that they are seeking  
20 here. I mean, it just becomes a practical  
21 thing. And so whatever records that an  
22 examiner may go out -- they may copy the notes  
23 and everything, they are destroyed as part of  
24 that whole examination process. So when they  
25 do these data calls, that is through the  
26 National Association of Insurance Commissioners  
27 often referred to as NAIC is the acronym. And  
28 they did this data call and not the Department  
29 of Insurance. And so I certainly can

1 understand. It looks like George Dale had all  
2 this information and stuff, but he was just  
3 getting it from resources like the NAIC and  
4 then putting it out trying to sell the public  
5 on the fact that he was attempting to try to  
6 force insurance companies to do more. And we  
7 could debate infinitum whether he was doing  
8 enough. Okay? But, you know, that is where we  
9 are. We are just in this box where legally  
10 there is just nothing to give or there is  
11 nothing that we can legally give him. And  
12 that's why it is kind of frustrating for us.  
13 And I know it is frustrating for him.

14 THE COURT: So you're saying y'all don't  
15 have the documents?

16 MR. NEVILLE: That's right. Whatever  
17 documents that may have been retained as a  
18 result by some examiner doing the -- and they  
19 typically -- they're not even Mississippians.  
20 I mean, these people who he would have  
21 contracted with to do the market conduct exam  
22 they are people who may have come from around  
23 the country. I don't know who he hired, but  
24 typically you can't do one person. So they  
25 may have hired a team. And there are people  
26 who specialized and were doing what is called  
27 market conduct exams, which are different than  
28 financial exams. Because financial exams you  
29 can imagine are done by auditors. And they

1 would have come in and they are supposed to  
2 destroy their notes and then whatever drafts  
3 of their reports all of that is destroyed and  
4 then compiled into its final report.

5 THE COURT: Mr. Buckel?

6 MR. BUCKEL: Your Honor, the purpose of  
7 the conduct exam is it states it is for the  
8 protection of the policyholders. Obviously,  
9 George Dale saw there was some mistreatment  
10 there going on and that is why he ordered the  
11 conduct exam. He obviously didn't go through  
12 all 43,000 files that were supplied by State  
13 Farm to him. There was a summary of those  
14 files put forth to him, which abruptly had him  
15 go back to State Farm and forced them to  
16 reopen thousands -- literally thousands of  
17 claims that were previously denied. So I  
18 believe those records do exist and I believe  
19 they would have to be not destroyed because to  
20 back up in case this went any further why he  
21 did not follow his own procedures and went to  
22 State Farm without adopting his findings and  
23 making them public. The purpose of the  
24 conduct exam is for the benefit of the  
25 policyholders, especially the policyholders  
26 who were unfairly denied and are being  
27 mistreated by insurance companies. He clearly  
28 didn't follow his own rules and he should have  
29 found -- adopted those findings, made them

1 public, then went back to State Farm. The  
2 other thing I would like to point out, Your  
3 Honor, is that this Court does have the  
4 authority to review those files or what  
5 information before making a judgment in this  
6 case.

7 THE COURT: Okay. What is the second  
8 part that he had?

9 MS. COLONIAS: Your Honor, the second  
10 part is the examination documents that are  
11 exempt by statute. The first part is the  
12 initial public records request that Mr. Buckel  
13 made. A diligent search was made. Those  
14 documents are not held by the Insurance  
15 Department. We have affidavit testimony to  
16 that effect that they simply don't exist. And  
17 we believe that we are entitled to summary  
18 judgment as to that.

19 As to the secondary issue of the conduct  
20 exam and the underlying files, those are exempt  
21 by statute and have not been before requested  
22 and they are -- an exception has been carved  
23 out by the legislature. So we believe we are  
24 entitled to summary judgment as to that as  
25 well, Your Honor. Those are both of the  
26 issues.

27 THE COURT: What about the second part?

28 MR. BUCKEL: Well, again, Your Honor, I  
29 would argue that because the purpose and the



1 scope of the freedom of information request  
2 and the conduct exam is for the protection and  
3 the benefit of the policyholders that those  
4 43,000 policies clearly exist and clearly were  
5 in the possession of MID. They had them.  
6 George Dale didn't go through every one of  
7 those files. So a summary report or a summary  
8 of those files is -- exist, I believe,  
9 somewhere in MID.

10 Also, it's reasonable to argue that the  
11 reason why George Dale went back to State Farm  
12 and forced them to reopen thousands of  
13 homeowners' claims is because of the amount --  
14 amount of claims that were denied. And that is  
15 the magic number we need as far as  
16 policyholders in this -- throughout this whole  
17 state. We need to know how -- the public  
18 should know how bad we were all treated after  
19 Katrina. And I believe this Court -- I would  
20 ask the Court to review this information before  
21 making a judgment.

22 THE COURT: why didn't you sue State  
23 Farm?

24 MR. BUCKEL: My policy was with  
25 Nationwide.

26 THE COURT: okay.

27 MR. BUCKEL: Yeah, I'm here on behalf of  
28 my homeowner's insurance bill of rights that I  
29 am trying to strengthen the rights

1           legislatively. We have asked Commissioner  
2           Chaney and Commissioner Dale to adopt these  
3           rights. However, they have been uncooperative  
4           to this point. So we have to try the  
5           legislative process now.

6           THE COURT: well, why don't you get you a  
7           legislator to introduce that bill?

8           MR. BUCKEL: We have, Your Honor. It  
9           died in committee without a vote.

10          THE COURT: Imagine that. All right.

11          MR. NEVILLE: Your Honor, I hate to be  
12          repetitious. I think I've said this, the  
13          market conduct examination report before it is  
14          published --

15          THE REPORTER: Excuse me, Mr. Neville.  
16          Are you saying marketing?

17          MR. NEVILLE: Excuse me. Market,  
18          M-A-R-K-E-T.

19          THE REPORTER: Okay.

20          MR. NEVILLE: Conduct.

21          THE REPORTER: Okay. well, I was  
22          understanding you correctly. Go ahead.

23          MR. NEVILLE: I am bad to run fast.

24          The market conduct examination statute  
25          provides for opportunities for people to  
26          contest the report before it is filed. And  
27          there is a right of review. And I don't think  
28          they availed themselves of that. That's an  
29          avenue they should have had they believed that

1           there was something in that report that should  
2           have been either reexamined or changed or done  
3           differently. And, you know, he took swipes at  
4           us. I mean, you know, I'm here on behalf of my  
5           client. But, I mean, he took swipes at our  
6           office. And we weren't happy about it, but we,  
7           you know, we took it. But the bottom line on  
8           it is is that that -- those records don't  
9           become possession of the department. You  
10          examine them at the place of where the  
11          insurance company holds them. And if that's in  
12          Kentucky or that's in, you know, Ocean Springs  
13          or wherever it is, you go and look at those  
14          files. And this market conduct team is a group  
15          of people who are contracted by the Department  
16          of Insurance. And they again may come from all  
17          over the nation. I don't know whether there  
18          were three people or 30, but they would go out  
19          and go through these files. And they would  
20          periodically be doing -- giving tentative  
21          preliminary summaries to the Commissioner. And  
22          obviously he made a determination that he felt  
23          like I want State Farm to do something  
24          different. whatever he did in directing them  
25          to go back and reopen them was not pursuant to  
26          the final market conduct exam. It was either  
27          because he issued a bluff so to speak, y'all go  
28          do this, and they did it, or it was through  
29          some other power. But it was not a result of

1 the final adopted market conduct exam, because  
2 Commissioner Dale is the one who directed State  
3 Farm to reopen them and he didn't finalize the  
4 adopted report. That was done by Commissioner  
5 Chaney. So what he is asking for is  
6 understandable, especially for his purpose.  
7 But the dilemma is is that these records are  
8 not at MID. They are at those places. That is  
9 what they literally do is every 37th file or  
10 every file of whatever it is, they sit there  
11 and they go through them and they interview the  
12 claims people and the adjustors. And I don't  
13 know how thorough it was. I assume it was very  
14 thorough. But, hopefully, it was more than  
15 cursory. But the bottom line on it at the end,  
16 these people turn in a report to the  
17 Commissioner that is edited or reedited and  
18 edited and reedited, you know. And so all of  
19 the supporting documentation is exempt from  
20 public records. Just it is. I mean, there is  
21 just no way around that. The statute is so  
22 clear. And so wherever those records may be,  
23 whether it be in Omaha, Nebraska, or whether  
24 they be in Jackson, Mississippi, they are  
25 exempt from the public records law.

26 THE COURT: All right.

27 MS. COLONIAS: Thank you, Your Honor. Is  
28 there anything we can add?

29 MR. BUCKEL: Your Honor, on Page 9 of the

1           conduct exam under claims and analysis and  
2           review it clearly says on the fourth sentence  
3           down, the company provided a list of 43,054  
4           claims. Various analytical and statistical  
5           testing was performed on the data files  
6           provided. So, obviously, they were provided  
7           to MID and not just looked at in some office.  
8           So, I -- and the other argument I would make  
9           is that nothing in the statute that governs  
10          the conduct exam gives the Commissioner the  
11          right to just go off and use that information  
12          without informing the public or adopting the  
13          findings. There is nothing in there that  
14          gives them that authority. So once he opened  
15          this procedure under those exams, I would  
16          argue that he was governed by those rules and  
17          that he didn't just have arbitrarily the right  
18          to go bring State Farm back to the table, the  
19          company he is actually examining because of  
20          the mistreatment of policyholders in the  
21          beginning and say reopen all these cases.

22                 Again, I would ask the Court to review  
23                 these analytical and statistical testing data  
24                 before making a judgment in the case.

25                 **THE COURT:** You don't agree with their  
26                 position that they don't have the documents?

27                 **MR. BUCKEL:** Well, Your Honor, it says  
28                 here company provided a list of the claims.

29                 **THE COURT:** They may have told them who

1 the claims were, but that don't mean they have  
2 got the documents you want. Did you have an  
3 attorney in your lawsuit?

4 MR. BUCKEL: I had an attorney help me  
5 write my response to their --

6 THE COURT: Documents?

7 MR. BUCKEL: -- to dismiss.

8 THE COURT: I'm talking about in your  
9 original claim?

10 MR. BUCKEL: Against Nationwide?

11 THE COURT: Yes.

12 MR. BUCKEL: Yes, sir.

13 THE COURT: And they settled with you?

14 MR. BUCKEL: Yes, sir.

15 Again, this is a separate issue. This is  
16 more about improving our homeowner rights for  
17 the next time we have a catastrophe in this  
18 state whether it is on the coast or up north.  
19 Again, in my particular case, and I could speak  
20 to numerous, numerous other homeowners, our  
21 claims were denied. My claim was denied from a  
22 trailer without them even looking at my house  
23 they said we were denied. I had to beg and  
24 fight to get an adjustor over there.

25 THE COURT: I know. And I am sympathetic  
26 with you. I think you're -- what you are  
27 trying to do is legislate something that you  
28 are going to have to get at least 62 in the  
29 house and at least 32 in the senate to agree

1 on. And I don't think I have the jurisdiction  
2 over that, so I'm going to deny the -- I'm  
3 going to grant the summary judgment.

4 MS. COLONIAS: Thank you, Your Honor.

5 THE COURT: You may have a claim, but I  
6 think you need to sue the damn insurance  
7 companies and I will be glad to hear it.

8 All right. Good luck.

9 (CONCLUSION OF HEARING.)  
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COURT REPORTER'S CERTIFICATE

STATE OF MISSISSIPPI

COUNTY OF HINDS

I, Toni Crosson Matlock, Official Court Reporter of the First Judicial District of Hinds County, State of Mississippi, do hereby certify that to the best of my skill and ability, I have reported the proceedings had and done in the case styled KEVIN BUCKEL VS.

INSURANCE COMMISSIONER MIKE CHANEY, Cause No. G2009-909 T/1, on the docket of the Chancery Court of the First Judicial District of Hinds County, Mississippi, and that the above and foregoing twenty-three (23) pages contain a true, full, and correct transcript of my stenographic notes and tapes taken in said proceedings.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

This the 10<sup>th</sup> day of September 2009.

Toni Crosson Matlock

TONI CROSSON MATLOCK,  
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