

IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI

JONES, FUNDERBURG, SESSUMS,  
PETERSON & LEE, PLLC

PLAINTIFF

v.

CIVIL ACTION NO. L07-135

RICHARD SCRUGGS, ET AL.

DEFENDANTS

ORDER

Having considered the briefs and arguments of counsel regarding whether the Court has the authority to deny the referral of this matter to arbitration as a sanction for the conduct alleged in Plaintiff's Motion for Sanctions (December 7, 2007), the Court finds that it does have such authority for the reasons stated in its bench opinion of this same date, which includes the authority to strike the defendants' pleadings and enter default judgment against them. The Court finds further that as to the conduct on the part of one or more of the defendants in this matter, the actions for one, if shown to have occurred in the furtherance of the purpose of the joint venture, are the actions for all, and the Court may order sanctions accordingly.

IT IS ORDERED, THEREFORE, that the Court will conduct an evidentiary hearing on the plaintiff's Motion for Sanctions, said hearing to be set at a later date subject to availability of counsel and the court. Meanwhile, the parties shall be permitted 60 days from this date within which to conduct discovery regarding the conduct alleged in Plaintiff's Motion for Sanctions (December 7, 2007). However, if the criminal trial of Defendant Richard Scruggs commences on March 31, 2008, as scheduled in the U.S. District Court for the Northern District of Mississippi, then no written discovery responses shall be due, no documents shall be produced and no depositions shall be taken until after the conclusion of said trial.

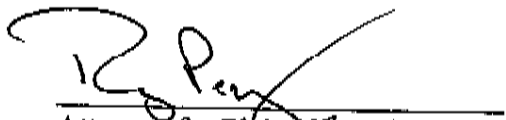
FILE THIS THE 26 DAY OF  
Feb, 2008  
MINUTE BOOK 52 PAGE 585-586  
MARY ALICE BUSBY, CIRCUIT CLERK  
BY A Roberts D.C.

SO ORDERED, this the 26<sup>th</sup> day of February, 2008.

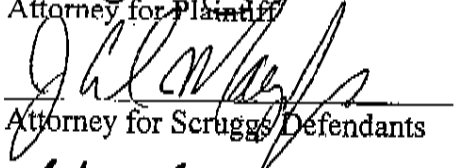


HONORABLE WILLIAM F. COLEMAN,  
CIRCUIT JUDGE

Approved as to Form Only:



Attorney for Plaintiff



Attorney for Scruggs Defendants



Attorney for Don Barrett, et al.