

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA, ex rel.)
Cori Rigsby, et al.,)
)
Plaintiff,) Civil No. 1:06cv433LTS-RHW
)
v.)
)
STATE FARM INS. CO., et al.)
)
Defendants.)
_____)

**RELATORS' REBUTTAL TO STATE FARM FIRE AND CASUALTY COMPANY'S
MEMORANDUM IN RESPONSE TO EMERGENCY MOTION TO STAY
PROCEEDINGS PENDING A
RULING ON DEFENDENT'S MOTION TO DISQUALIFY**

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ATTORNEYS FOR RELATORS

Respondents have raised the issue of whether or not Graves Bartle & Marcus LLC or Bartimus, Frickleton, Robertson & Gorny, P.C. can represent Relators, and whether Relators can pursue the claim of the United States. Relators claim Defendants defrauded the United States in a quest to preserve their profits. Given the importance of these claims, an orderly briefing schedule is necessary, and it should give due consideration to the issues raised in the flurry of motions this week. Consideration of the disqualification would minimize any potential disruptions later in the case.

State Farm is already of several minds on the issue. On Wednesday, it strongly believed that 100 pages of briefing and exhibits were necessary to seek an order of disqualification. With a new dawn, it believes the relief was granted last Friday, and suggests that briefing on several issues continue apace.

This smacks of tactical disqualification. State Farm is trying to drive a wedge between Relators' and their attorneys, using an order from another case, dealing with a different subject matter, and involving different attorneys. The threshold issue is whether the United States' relators can have continuity of counsel, or whether State Farm's should be allowed to threaten discontinuity at every turn.

This Court obviously has the authority to answer the threshold issue, particularly where there is a charge of unethical conduct by attorneys practicing before it. State Farm cannot now argue that counsel were disqualified already while it also argues that the Court is helpless to consider the issue until a parade of subject matter jurisdiction motions pass by. State Farm

should not be allowed to hold the Court, Relators, and the United States captive with tactical motions.

Relators at least agree that an orderly briefing schedule is necessary. As State Farm alleges the issue of disqualification was *first* raised on April 4, before any subject matter motion, and as the Court clearly has jurisdiction to hear ancillary matters such as the disqualification of attorneys practicing before it, Relators believe that the disqualification motions should be heard first. Any other ordering requires counsel to take positions that may bind other counsel, jeopardizing the litigation posture of the real party in interest, the United States.

Because this disqualification matter requires careful consideration, and because hearing that matter first would minimize potential disruption, Relators respectfully request that the Court set a briefing schedule as suggested in the original motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael C. Rader, one of the attorneys for Cori and Kerri Rigby, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the means directed by the Court's Electronic Filing System:

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THIS the 10th day of April, 2008

s/ Michael C. Rader
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