

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA ex rel.
CORI RIGSBY AND KERRI RIGSBY**

RELATORS

VS

CIVIL ACTION NO. 1:06-cv-00433-LTS-RHW

**STATE FARM MUTUAL INSURANCE
COMPANY, NATIONWIDE INSURANCE
COMPANY, ALLSTATE INSURANCE
COMPANY, USAA INSURANCE COMPANY,
FORENSIC ANALYSIS ENGINEERING
CORPORATION; EXPONENT FAILURE
ANALYSIS, HAAG ENGINEERING CO., JADE
ENGINEERING, RIMKUS CONSULTING
GROUP INC., STRUCTURES GROUP, E. A.
RENFROE, INC., JANA RENFROE, GENE
RENFROE and ALEXIS KING**

DEFENDANTS

**DEFENDANTS E. A. RENFROE & COMPANY, INC., GENE RENFROE AND JANA
RENFROE'S MOTION FOR SUMMARY JUDGMENT UNDER 31 U.S.C. § 3730(e)(4)**

COME NOW the Defendants E. A. RENFROE & COMPANY, INC., GENE RENFROE, AND JANA RENFROE, by and through their undersigned counsel, and file this, their *Motion for Summary Judgment Under 31 U.S.C. § 3730(e)(4)* (the "Motion"), and in support thereof, would show unto the Court the following:

For all of the reasons set forth fully in the *Memorandum of Law in Support of Motion for Summary Judgment Under 31 U.S.C. § 3730(e)(4)* that E. A. Renfroe & Company, Inc., Gene Renfroe, and Jana Renfroe have filed in support of this Motion, the Relators' claims fall within the category of claims prohibited under 31 U.S.C. § 3730(e)(4), this Court lacks jurisdiction over Counts I through IV of the First Amended Complaint, and these claims must be dismissed with prejudice.

In addition to the memorandum of law, Defendants rely on the following exhibits attached hereto and incorporated herein in support of this Motion:

- Exhibit 1: Joseph B. Cox, et al.'s *Class Action Complaint for Damages and Declaratory Relief*, filed September 20, 2005, in Case No. 1:05cv436 in the United States District Court for the Southern District of Mississippi.
- Exhibit 2: Transcript of Congressional Testimony Regarding National Flood Insurance Program, October 18, 2005.
- Exhibit 3: Ned Comer, et al.'s *Second Amended Complaint with Request for Injunctive and Declaratory Relief*, dated January 31, 2006, in Case No. 1:05cv00436 in the United States District Court for the Southern District of Mississippi.
- Exhibit 4: Transcript of Congressional Testimony Regarding National Flood Insurance Program, February 2, 2006.
- Exhibit 5: Kerri Rigsby's *Response to Renfroe's Motion for Her to Show Cause Why She Should Not Be Held in Criminal Contempt of Court*, filed May 18, 2007, in Case No. CV-06-WMA-1752-S in the United States District Court for the Northern District of Alabama.
- Exhibit 6: *Memorandum Opinion and Preliminary Injunction*, entered December 8, 2006, in Case No. CV-06-WMA-1752-S in the United States District Court for the Northern District of Alabama.

WHEREFORE, the Defendants E. A. Renfroe & Company, Inc., Gene Renfroe, and Jana Renfroe respectfully request that this honorable Court, after necessary proceedings are conducted, grant summary judgment in favor of the Defendants and dismiss the Relators' First Amended Complaint with prejudice.

THIS, the 27th day of May, 2008.

Respectfully submitted,

**E. A. RENFROE & COMPANY, INC.
GENE RENFROE, AND JANA RENFROE
Defendants**

BY: s/ H. Hunter Twiford, III
H. Hunter Twiford, III
One of their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned H. Hunter Twiford, III, McGlinchey Stafford PLLC, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

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THIS, the 27th day of May, 2008.

s/ H. Hunter Twiford, III

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