

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

THOMAS C. and PAMELA McINTOSH

PLAINTIFFS

VS

CIVIL ACTION NO. 1:06cv1080-LTS-RHW

**STATE FARM FIRE & CASUALTY COMPANY,
FORENSIC ANALYSIS & ENGINEERING
CORPORATION, and E. A. RENFROE &
COMPANY, INC. and DOES 1 THROUGH 10**

DEFENDANTS

**E. A. RENFROE & COMPANY, INC.'S JOINDER IN STATE FARM'S RESPONSE TO
NON-PARTIES RICHARD AND ZACH SCRUGGS' OBJECTIONS TO MAGISTRATE
JUDGE WALKER'S ORDER COMPELLING PRODUCTION OF CERTAIN
DOCUMENTS**

E. A. RENFROE & COMPANY, INC. ("Renfroe") joins in *Defendant State Farm Fire and Casualty Company's Response to Non-Parties Richard and Zach Scruggs' Objections to Magistrate Judge Walker's Order Compelling Production of Certain Documents* [Docket No. 1202], and states as follows:

Non-parties Richard and Zach Scruggs ("the Scruggses") filed objections on May 28, 2008 [Docket No. 1201] to Magistrate Judge Robert H. Walker's May 15, 2008 Order [Docket No. 1194], compelling them to produce certain documents. The May 15 Order addressed, among other things, a motion to compel production of documents commanded by subpoena [Docket No. 1075] brought by State Farm Fire and Casualty Company ("State Farm"). Also on May 28, 2008, the Scruggses sought a stay of the May 15 order pending resolution of its objections by the District Judge [Docket No. 1200], which was granted by Text Only Order dated May 28. State Farm then filed its Response to the Scruggses' objections on June 2, 2008 [Docket No. 1202], in which Renfroe hereby joins. The Scruggses filed a reply to State Farm's Response on June 7, 2008 [Docket No. 1205].

Although the relief ordered by Magistrate Judge Walker in the May 15 Order was in response to a motion by State Farm to compel compliance with its subpoena, as detailed by the Court, both Renfroe and State Farm have been effectively unable to depose the Scruggses despite duly issued subpoenas, based on the Scruggses' ongoing refusal to produce documents as ordered by this Court. Although the Court addressed all of the issues raised with respect to the disputed documents in the May 15 Order, the Scruggses continue to rehash prior arguments in their objections, and Renfroe continues to be prejudiced by its inability to depose the Scruggses.

Rather than further clutter the already-cluttered court file with further lengthy and redundant arguments, Renfroe herein joins and adopts the arguments made by State Farm in opposition to the Scruggses' objections to the May 15 Order, inasmuch as State Farm demonstrates that the Court's rulings with respect to the narrow category of documents now sought by State Farm were neither erroneous nor contrary to law, and the documents should be produced.

In addition to the arguments made by State Farm, Renfroe respectfully submits that the Scruggses should not be permitted to avoid their obligations under this Court's orders to produce documents deemed relevant in this action, by claiming that the requested documents have been produced in other actions. This Court is not required to take judicial notice, based on the word of the Scruggses, that they have even complied with applicable orders in other courts, much less that alleged production of information in those actions fully satisfies the Scruggses' obligations to the parties and to the Court in this action. Neither the claimed burden nor risk of prosecution or other prejudice to the Scruggses eviscerates this Court's orders or alleviates the Scruggses' duty to comply with those orders.

Renfroe also respectfully submits that time is of the essence in dispensing with the Scruggses' objections to the May 15 Order and enforcing its terms. According to publicly available information, Richard Scruggs is scheduled to be sentenced in connection with his guilty

plea to criminal bribery charges on June 27, 2008, and it is reasonable to assume that Richard Scruggs will not be available for deposition or to produce documents for some period of time following his sentencing in the event of his incarceration. Further, according to publicly available information, the Scruggs Law Firm is no longer in business, and has ceased operations and closed its doors, and it is unknown to Renfroe who, if anyone, will be responsible for the maintenance and control of the computer systems of the law firm, and who, if anyone, will be responsible for gathering the requisite information, documents and data from the law firm's files and computer systems in order to comply with the subpoena if Richard Scruggs is unavailable to do so due to his incarceration.

Renfroe respectfully submits that the Scruggses' objections to the May 15 Order should be rejected, and the Scruggses should (again) be ordered to produce documents so that the depositions of the Scruggses may finally take place.

THIS, the 12th day of June, 2008.

Respectfully submitted,

E. A. RENFROE & COMPANY, INC.

BY: s/ H. Hunter Twiford, III
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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:

NONE

THIS, the 12th day of June, 2008.

s/ H. Hunter Twiford, III
H. HUNTER TWIFORD, III