

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**E.A. RENFROE & CO., INC.**

**Plaintiff,**

**v.**

**CORI RIGSBY and KERRI RIGSBY,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**No. 2:06-cv-1752-WMA**

**DEFENDANTS' MOTION TO STAY EXECUTION ON CIVIL  
CONTEMPT AWARD**

**COME NOW** defendants Cori Rigsby and Kerri Rigsby (“Rigsbys” or “Defendants”), by and through their undersigned counsel, and move the Court to stay execution on the civil contempt award against them and Richard Scruggs jointly and severally which the Court entered on June 5, 2008. In support of this Motion, the Rigsbys state as follows:

1. On June 5, 2008, the Court entered an Order awarding civil contempt sanctions against the Rigsbys and Richard Scruggs (“Mr. Scruggs”), jointly and severally, in the amount of sixty-five thousand dollars (\$65,000.00). The Court stated in its Order that this amount should be paid within thirty (30) days of the Order.

2. On June 19, 2008, Mr. Scruggs filed a Petition for Permission to Appeal the civil contempt sanction order to the Eleventh Circuit Court of Appeals (“Petition”).

3. Mr. Scruggs also posted security with the Court for the full amount of the civil contempt sanction pending a decision on his Petition.

4. If Mr. Scruggs’ Petition is denied, Renfroe may execute on the bond to collect the civil contempt sanction award.

5. The civil contempt sanction obligation is joint and several so that satisfaction of the sanction award through Mr. Scruggs and/or the bond will discharge the debt against the Rigsbys.

6. Mr. Scruggs is in a significantly better financial position to satisfy the sanction award than the Rigsbys and, if Renfroe actually wants to recover the sanction award, they will likely have to do so against Mr. Scruggs anyway.

7. Undersigned counsel emailed Renfroe’s counsel yesterday and asked whether Renfroe had any objection to this Motion but has not received a response as of the time of the filing of this Motion.

WHEREFORE, PREMISES CONSIDERED, the Rigsbys respectfully request that the Court stay execution of the civil contempt sanction against the Rigsbys.

Respectfully submitted,

*Robert E. Battle*

---

Robert E. Battle (ASB-7807-T67R)

Harlan F. Winn, III (ASB-7322-N73H)

Jon H. Patterson (ASB-4981-J69P)

*Attorneys for Defendants, Cori Rigsby and Kerri Rigsby*

**OF COUNSEL:**

**BATTLE FLEENOR GREEN**

**WINN & CLEMMER LLP**

The Financial Center

505 North 20<sup>th</sup> Street, Suite 1150

Birmingham, Alabama 35203

Telephone: (205) 397-8160

Fax: (205) 397-8179

Email: [rbattle@bfgwc.com](mailto:rbattle@bfgwc.com)

[hwinn@bfgwc.com](mailto:hwinn@bfgwc.com)

[jpatterson@bfgwc.com](mailto:jpatterson@bfgwc.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Barbara Ellis Stanley  
One City Centre, Suite 1290  
1021 Main Street  
Houston, Texas 77002  
[bstanley@helmsgreene.com](mailto:bstanley@helmsgreene.com)

John W. Keker  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94111  
[jwk@kvn.com](mailto:jwk@kvn.com)

Jack Held  
J. Rushton McClees  
Sirote & Permutt  
2311 Highland Avenue  
Birmingham, Alabama 35203  
Post Office Box 55727  
Birmingham, Alabama 35201  
[jackheld@sirote.com](mailto:jackheld@sirote.com)  
[rmcclees@sirote.com](mailto:rmcclees@sirote.com)

Michael Beers  
A. David Fawal  
*Beers, Anderson, Jackson, Patty, &  
Fawal, P.C.*  
250 Commerce Street, Suite 100  
Montgomery, Alabama 36104  
[mbeers@beersanderson.com](mailto:mbeers@beersanderson.com)

Frank M. Bainbridge  
Bainbridge Mims Rogers & Smith LLP  
P.O. Box 530886  
Birmingham, AL 35253  
[fbainbridge@bainbridgemims.com](mailto:fbainbridge@bainbridgemims.com)

Rex K. Linder  
Gregory J. Rastatter  
Heyl, Royster, Voelker & Allen  
124 S.W. Adams, Suite 600  
Peora, IL 61602

And, I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None

*Robert E. Battle*  
\_\_\_\_\_  
OF COUNSEL