

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

E.A. RENFROE & COMPANY, INC.

PLAINTIFF

v.

CIVIL ACTION NO.
2:06-CV-01752-WMA
2:08-MC-00908-LSC

CORI RIGSBY and KERRI RIGSBY

DEFENDANTS

**NON-PARTY STATE FARM FIRE AND CASUALTY COMPANY'S
MOTION TO CLARIFY AND REQUEST FOR ORAL ARGUMENT**

Non-Party State Farm Fire and Casualty Company ("State Farm") respectfully submits this Motion to Clarify and Request for oral argument.

1. At the June 4, 2008 hearing in this case, the Court made reference to the recently consolidated Illinois proceedings in a manner suggesting to counsel for State Farm that the Court believed State Farm was now a party because of a separately filed Illinois lawsuit. The undersigned apologize in advance should this have been a misunderstanding; however, out of an abundance of caution, State Farm respectfully wishes to clarify with regard to that issue. The motions filed in the Central District of Illinois, and assigned a miscellaneous case number, were motions dealing with Non-Party subpoenas issued by the Rigsbys to State Farm in the action pending in this Court, *Renfro v. Rigsby*, 06-CV-1752-WMA.

2. The subpoenas were issued and served in the Central District of Illinois, but under this Court's case number. Due to the breadth and scope of the

expansive subpoenas, Non-Party State Farm timely served objections to the subpoenas. Because FRCP 45(c)(3) requires motions to quash be filed in the “issuing court”, a series of motions by the parties and Non-Party State Farm alike were filed in the Central District of Illinois, and assigned a case number in that Court.

3. Ultimately, on motion of the parties and Non-Party State Farm, Judge McDade transferred the pending discovery motions to the Northern District of Alabama for handling. The matter was issued a new miscellaneous case number and assigned to Judge Coogler, but on motion of the parties, was consolidated with the case pending before this Court.

4. Non-Party State Farm respectfully points out that it was not, and has never been, a party to the *Renfro v. Rigsby* litigation (in Illinois or Alabama), and that no lawsuit was filed against it in Illinois. The Illinois motions and briefs presently pending before this Court involve issues dealing with Non-Party State Farm’s objections to the broad, expansive deposition topics and document requests served on it in the two subpoenas from the Rigsbys in this Alabama action.

5. At the June 4 hearing, this Court indicated its intent to rule on some pending motions presently under submission prior to taking up the discovery issues. While the Illinois motions have been briefed, Judge McDade did not hold a hearing, nor did he rule on any pending discovery motions prior to entering the transfer order. Non-Party State Farm respectfully requests an opportunity to be heard

before this Court on those pending motions, when the Court is ready to entertain such argument. In addition, Non-Party State Farm respectfully requests oral argument on the Risgsbys' Motion to Compel Testimony of Witnesses and for Sanctions, filed in this Court on May 29, 2008 (Doc. 321), to which State Farm filed a Response on June 3, 2008 (Doc. 333).

RESPECTFULLY SUBMITTED this the 5th day of June, 2008.

\s\ A. David Fawal

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Appearance has been served on all parties to this action by e-file and/or by United States mail, first-class postage prepaid and properly addressed as follows:

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\s\ A. David Fawal
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