

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

**GLENDIA SHOWS, ET AL.**

**PLAINTIFFS**

**VS**

**CIVIL ACTION NO. 1:07cv709-WHB-LRA**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, ET AL.**

**DEFENDANTS**

**SECOND AMENDED CASE MANAGEMENT AND SCHEDULING ORDER**

THIS CAUSE is before the Court on the *sua sponte* motion of the Court for a Second Amended Case Management and Scheduling Order. The Court has previously entered its Initial Case Management Order [Docket No. 57] and its Amended Case Management Order [Docket No. 298], and hereby enters this, its Second Amended Case Management and Scheduling Order following the conference with counsel for the parties as listed below, which shall, in all respects replace and supersede all previous Case Management Orders. The Court conducted a status conference and hearing on Thursday, July 24, 2008 at 9:00 a.m. pursuant to written notice to all parties, at which Bryan O. Blevins, Jr., Gene M. “Zona” Jones and Guy G. Fisher, Provost Umphrey Law Firm LLP, and Wynn E. Clark and John G. Clark personally appeared on behalf of all of the Plaintiffs, except Ellen Summers and Stephen F. Summers and Sandra Simpson; H. Scot Spragins, Hickman Goza & Spragins, personally appeared on behalf of the Defendant, State Farm Fire and Casualty Company (“State Farm Fire”); Sherrie L. Moore, Allen, Cobb, Hood & Atkinson, P.A., personally appeared on behalf of the Defendant, State Farm Mutual Automobile Insurance Company (“State Farm Mutual”); and H. Hunter Twiford, III and Stephen F. Schelver, McGlinchey Stafford PLLC, personally appeared on behalf of the Defendants, E. A. Renfroe & Company, Inc. and Jana and Gene Renfroe, individually (the Court hereby notes that the Defendants Gene and Jana Renfroe have previously challenged the Court's jurisdiction over them in their individual capacities, and, that they, therefore, have not appeared for the purposes

of this scheduling conference or the Second Amended Case Management Order. Solely for ease of reference, and without waiving the foregoing objection to the Court's jurisdiction, E. A. Renfroe & Company, Inc. and Gene and Jana Renfroe are collectively referred to herein as the "Renfroe Defendants."). The Court, having considered the matter carefully, and having heard presentations and statements by counsel, hereby amends the scheduling orders previously entered in this case and modifies the scheduling of this litigation as is set forth herein. IT IS HEREBY ORDERED:

1. **Case Track:** This case shall continue to be assigned to the Complex Track.
2. **Discovery Provisions and Limitations:** Since discovery in this matter is stayed pending the Court's rulings on motions to dismiss and/or for judgment on the pleadings as described in Paragraph No. 10, below, the Court will take up the matter of specific discovery provisions and limitations at a future reconvened scheduling conference.
3. **Disclosures:** The pre-discovery initial disclosure requirements of UNIFORM LOCAL RULE 5.1(A) have been fully complied with at this time, subject to all parties' duties to supplement as necessary.
4. **Contact Persons:** The following persons are hereby designated as the primary and secondary contacts for each of the parties:

For the Plaintiffs:

Bryan O. Blevins, Jr. (primary)  
Guy G. Fisher (secondary)

For the Defendant State Farm Fire:

H. Scot Spragins (primary)  
Goodloe Lewis (secondary)

For the Defendant State Farm Mutual:

Harry R. Allen (primary)  
Sherrie L. Moore (secondary)

For the Renfroe Defendants:

H. Hunter Twiford, III (primary)  
James F. Hibey, Howrey LLP (secondary)

5. **Consent to Trial by Magistrate Judge:** The parties do not consent to trial by the Magistrate Judge.
6. **Current Trial Date:** The trial, which is currently set on the trial calendar of United States Senior District Judge William H. Barbour, Jr. beginning on October 20, 2008, is hereby continued until a further order of this Court entered in accordance herewith.
7. **Severance of Certain Plaintiffs and Settled Plaintiffs:**
  - a. The Plaintiffs will move to sever certain Plaintiffs, namely, Ellen Summers and Stephen F. Summers (“Summers”), who are now represented by Merlin Law Group, and Sandra Simpson (“Simpson”), who is now represented by Owen & Galloway PLLC, and any remaining Plaintiffs who are, at this time, unrepresented and appearing *pro se*, in accordance with the following schedule.
  - b. Provost Umphrey will file a motion to sever the claims of Summers and Simpson on or before August 1, 2008. It is anticipated that such motion will not be opposed by State Farm Fire, State Farm Mutual and the Renfroe Defendants. An agreed order shall be submitted to the Court at that time, granting the severance, which will also be approved by counsel for Summers and for Simpson.
  - c. Provost Umphrey represented to the Court at the July 24<sup>th</sup> case management and scheduling conference that there may be remaining Plaintiffs who are not represented by it or by Messrs. Clark, and who have not obtained substitute counsel at the present time. Provost Umphrey will file a separate motion to sever the claims of any remaining Plaintiffs not represented by it or Messrs. Clark and who have not obtained other counsel in accordance with the prior orders of the Court, and who are now appearing *pro se*, on or before August 1, 2008. Provost Umphrey will identify those remaining *pro se* Plaintiffs in such motion. It is specifically understood that neither State Farm Fire, State Farm Mutual nor the Renfroe Defendants will join in such motion. No agreed order will be submitted to the Court concerning the severance of the claims of any remaining *pro se* Plaintiffs.
  - d. The following persons named as Plaintiffs in the initial or the First or Second Amended Complaints have settled their claims and executed settlement agreements and releases, and their cases have been dismissed with prejudice:
    - i. Tom Arnold and Ann Arnold. An Agreed Order of Dismissal with Prejudice as to the Claims of Tom and Ann Arnold dated May 8, 2008 [Docket No. 360] has been entered.

- ii. Ginger Thackrey and Debra Joiner. An Agreed Order of Dismissal with Prejudice as to the Claims of Ginger Thackrey and Debra Joiner dated June 3, 2008 [Docket No. 389] has also been entered.
- iii. Michael Heitzmann & Patricia Heitzmann. An Agreed Order of Dismissal with Prejudice as to the Claims of Michael Heitzmann and Patricia Heitzmann dated June 12, 2008 [Docket No. 405] has likewise been entered.

**8. Amended Complaints and Deadlines to Add Parties:**

- a. Provost Umphrey has advised that it intends to file a Third Amended Complaint to add the claims of new plaintiffs representing approximately twenty-two (22) separate properties insured by State Farm Fire. While the Defendants do not believe that the RICO and other claims have merit or that they should be joined in a single complaint, the claims of these new plaintiffs will initially be included as part of the *Shows* litigation. Provost Umphrey shall file its Third Amended Complaint on or before August 29, 2008 to add any and all claims by new plaintiffs and to add any additional defendants. The Defendants expressly reserve their right to file motions to sever the claims of the existing or any new plaintiffs.
- b. Neither State Farm Fire, State Farm Mutual nor the Renfroe Defendants will be required to file any answer or other responsive pleading to the Third Amended Complaint for the reasons stated below, and no defendant shall be considered to be in default for any failure to do so.
- c. Provost Umphrey shall file its Fourth Amended Complaint on or before September 30, 2008, so to clarify its claims made against the Defendants, and to comply with the prior orders of this Court regarding FEDERAL RULES OF CIVIL PROCEDURE 8, 10 and 11, including the Court's March 10, 2008 Order [Docket No. 286]. Provost Umphrey shall also file its Amended RICO Statement, to be designated as the Third Amended RICO Statement, as required by the Southern District Courts' STANDING LOCAL ORDER REGARDING RICO CASES dated July 13, 1998, on or before September 30, 2008.
- d. The Defendants shall file their answers or other responsive pleadings, including, without limitation, their motions to dismiss or motions for judgment on the pleadings, on or before November 14, 2008. State Farm Fire and the other Defendants have specifically reserved, and are hereby granted the right to file limited motions for summary judgment against certain of the Plaintiffs based on the participation by those Plaintiffs in prior mediations and their execution of release and settlement agreements, which motions shall likewise be filed on or before November 14, 2007.
- e. The responses by the Plaintiffs to any motions, including motions to dismiss, motions for judgment on the pleadings, or motions for summary judgment, shall be due on or before December 2, 2008.

- f. Replies (rebuttals) by Defendants on any such motions shall be due on or before December 19, 2008.
  - g. The parties previously sought and were granted additional pages for their briefing the Defendants' prior motions to dismiss over and above the page limitations set out in UNIFORM LOCAL RULE 7.2(E). The parties have requested, and the Court hereby grants additional pages to each of the Defendants filing motions to dismiss and/or for judgment on the pleadings on the Fourth Amended Complaint so that their original and rebuttal memoranda shall not exceed 60 pages, and that the responses by the Plaintiffs collectively to each motion shall not exceed 60 pages. There shall be no necessity that any party file any other or further motion for leave to file excess pages for such briefs, or further order of the Court thereon.
  - h. Judge Barbour shall subsequently set the dates for any hearings on any motions he deems appropriate.
9. **Trial Dates:** This case is not currently set for trial. The trial date shall be set following rulings by Judge Barbour on the motions to dismiss, for judgment on the pleadings and/or summary judgment.
10. **Discovery Stay:** All discovery shall be stayed until such time as Judge Barbour has ruled on the motions to dismiss, for judgment on the pleadings and/or summary judgment.
11. **Reconvening the Scheduling Conference:** The undersigned Magistrate Judge will reconvene this scheduling conference within fifteen (15) days following the entry of an order by Judge Barbour on any outstanding motions to dismiss, for judgment on the pleadings or for summary judgment, at which time, depending on the rulings by Judge Barbour, discovery deadlines, expert designation deadlines, dispositive motions deadlines, the pre-trial conference setting, and the trial setting will be established.
12. **Consent:** Counsel for all remaining parties to this litigation following severance hereby consent to the entry of this Order and the scheduling deadlines and other matters set forth herein.

**SO ORDERED** on this, the 6<sup>th</sup> day of August, 2008.

*s/Linda R. Anderson*

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UNITED STATES MAGISTRATE JUDGE

**APPROVED:**

**GLEND A R. SHOWS, ET AL., PLAINTIFFS**

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