

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

HENRY KUEHN AND JUNE P. KUEHN

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:08CV577-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY
AND JOHN DOES 1 THROUGH 10

DEFENDANTS

MOTION TO DISQUALIFY COUNSEL

COME NOW the Plaintiffs, HENRY KUEHN AND JUNE P. KUEHN, by and through their attorneys of record, DENHAM LAW FIRM, and would move the Court to disqualify counsel for State Farm Fire and Casualty Company, and in support thereof would show as follows:

1. Plaintiffs would show the law firm of Hickman, Goza & Spragins, PLLC, represented Defendant, State Farm Fire and Casualty Company, in prior litigation involving the appraisal¹, and also represents the Defendant in the instant litigation. Plaintiffs would show that circumstances have arisen making it clear that certain attorneys employed by Hickman, Goza & Spragins, PLLC (and potentially other employees as well), will, at the very least, be necessary and material witnesses in this action.

2. Counsel for Plaintiffs learned during the deposition of State Farm's designated appraiser, John Minor, on or about February 6, 2009, that counsel for State Farm will be, at the very least, necessary and material witnesses in this action. Counsel for State Farm recognized this fact and the deposition was halted.

¹ The first action, filed in the Chancery Court of Jackson County, Mississippi, *Kuehn v. State Farm Fire & Casualty Co.*, 2006-1248-PW, was removed to this Court (initially given cause number 1:06-cv-00723-LG-RHW, later changing LG to LTS), though it was subsequently remanded.

3. Pursuant to Mississippi Rules of Professional Conduct 3.7, 1.7 and 1.10, Hickman, Goza & Spragins, PLLC, must be disqualified as counsel in this action.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request the Court to disqualify Hickman, Goza & Spragins, PLLC, as counsel for State Farm Fire and Casualty Company in this action.

Respectfully submitted,
HENRY KUEHN AND JUNE P. KUEHN

BY: DENHAM LAW FIRM

BY: s/Earl L. Denham
EARL L. DENHAM
MS Bar No. 6047

CERTIFICATE

I, EARL L. DENHAM, do hereby certify that I electronically filed the above and foregoing *Motion to Disqualify Counsel* with the Clerk of the Court utilizing the ECF system, which provides notification of said filing to the following:

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SO CERTIFIED on this the 11th day of February, 2009.

s/Earl L. Denham
EARL L. DENHAM

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