

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

**UNITED STATES OF AMERICA ex rel.  
CORI RIGSBY AND KERRI RIGSBY**

**RELATORS**

**VS**

**CIVIL ACTION NO. 1:06-cv-00433-LTS-RHW**

**STATE FARM MUTUAL INSURANCE  
COMPANY, NATIONWIDE INSURANCE  
COMPANY, ALLSTATE INSURANCE  
COMPANY, USAA INSURANCE COMPANY,  
FORENSIC ANALYSIS ENGINEERING  
CORPORATION; EXPONENT FAILURE  
ANALYSIS, HAAG ENGINEERING CO., JADE  
ENGINEERING, RIMKUS CONSULTING  
GROUP INC., STRUCTURES GROUP, E. A.  
RENFROE, INC., JANA RENFROE, GENE  
RENFROE and ALEXIS KING**

**DEFENDANTS**

**MOTION TO DISMISS COUNTS I THROUGH IV AS TO DEFENDANTS  
E.A. RENFROE & COMPANY, INC., GENE RENFROE, AND JANA RENFROE**

COME NOW Cori and Kerri Rigsby (the “Relators”), by and through their counsel, and, pursuant to Federal Rule of Civil Procedure 41(a)(2), move to voluntarily dismiss Counts I through IV of their Amended Complaint as to E.A. Renfroe & Company, Inc., Gene Renfroe, and Jana Renfroe (the “Renfroe Defendants”).

**BACKGROUND**

1. This action was filed on April 26, 2006, under seal, to permit the government to investigate the matter.

2. The United States filed a notice of no decision regarding intervention on January 31, 2008.

3. By Order dated February 7, 2008, this Court directed that, “should either the relators or the defendants propose that this action be dismissed, settled, or otherwise

discontinued, this Court will solicit the written consent of the United States before ruling or granting its approval.” (Docket entry [57].)

4. Relators now wish to dismiss Counts I through IV of their Amended Complaint as to the Renfroe Defendants. The dismissal of these Counts against the Renfroe Defendants is in the best interests of justice and judicial economy. Specifically, Relators and the Renfroe Defendants have mutually agreed and request that (a) the Court, upon the United States’ consent, dismiss with prejudice as to Relators and without prejudice as to the United States all claims against the Renfroe Defendants under 31 U.S.C. § 3729(a), namely Counts I through IV of the Amended Complaint, and (b) the Court order that each party shall bear its own costs and attorneys’ fees.

5. Relators respectfully ask the Court to waive the requirement for a separate memorandum contained in Local Rule 7.2(d), as there are no other arguments or authorities to be set forth.

6. A proposed order directing the United States to state its position with respect to the proposed dismissal and a proposed order dismissing Counts I through IV of the Amended Complaint as to the Renfroe Defendants are being submitted to the Court in accordance with the local rules.

WHEREFORE, Relators request that the Court:

(1) provide an opportunity for the government to state whether it consents to the dismissal of all claims asserted by Relators against the Renfroe Defendants under 31 U.S.C. § 3729(a), and

(2) if the government does not object, dismiss with prejudice as to Relators and without prejudice as to the United States all claims against the Renfroe Defendants under 31 U.S.C. § 3729(a), including Counts I through IV of the Amended Complaint.

THIS the 24th of April, 2009

Respectfully submitted,

/s/ C. Maison Heidelberg

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**CERTIFICATE OF SERVICE**

I, C. Maison Heidelberg, attorney for Cori Rigsby and Kerri Rigsby, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the means directed by the Court's Electronic Filing System:

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