

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

**REGINALD EDWIN BOSSIER**

**PLAINTIFF**

**VERSUS**

**CAUSE NO. 1:08-cv-408-LTS-RHW**

**STATE FARM FIRE AND CASUALTY COMPANY**

**DEFENDANT**

**WITHDRAWAL OF [134] MOTION TO EXPEDITE**

COMES NOW the Plaintiff, by and through undersigned counsel, and files this his Withdrawal of [134] Motion to Expedite and for cause therefore would show unto this Honorable Court the following:

1.

On September 23, 2009, Plaintiff filed a [133] Motion for Sanctions Under Rule 37(b) for Failure to Comply With [124] Court Order of September 3, 2009.

2.

On September 24, 2009, at approximately 9:00 a.m., Plaintiff filed a [134] Motion to Expedite said [133] motion for sanctions.

3.

On September 24, 2009, at approximately 10:00 a.m., this Honorable Court entered its order setting an expedited briefing schedule on the afore referenced motions.

4.

On September 24, 2009, at approximately at 11:00 a.m., counsel for Plaintiff and the Court received an e-mail from counsel for Defendant (Exhibit 1).

5.

On September 24, 2009, at approximately noon, counsel for Plaintiff received four discs represented to contain claims files ordered by this Honorable Court on September 3, 2009. Said discs appear to contain documents relating to approximately 150 claims files. (Exhibit 2)

6.

A preliminary review of said documents will be necessary to enable Plaintiff to determine the extent to which sanctions should be requested for failure to comply with the Court's order. After such preliminary review, counsel for Plaintiff will withdraw and/or supplement said Motion for Sanctions.

7.

Under the circumstances, expedited treatment of the motion is no longer appropriate or necessary. Accordingly, Plaintiff hereby withdraws said [134] Motion to Expedite. The Motion for Sanctions Under Rule 37(b) For Failure to Comply With [124] Court Order of September 3, 2009, remains pending.

WHEREFORE PREMISES CONSIDERED, Plaintiff hereby withdraws the [134] Motion to Expedite.

THIS the 25<sup>th</sup> day of September, 2009.

REGINALD EDWIN BOSSIER

BY: */s/ Judy M. Guice*

JUDY M. GUICE (#5057)

Judy M. Guice (MSB #5057)  
JUDY M. GUICE, P.A.  
P. O. Box 1919  
Biloxi, MS 39533-1919  
Telephone: (228) 374-9787  
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**CERTIFICATE OF SERVICE**

I, Judy M. Guice, counsel for Plaintiff, do hereby certify that I have this day electronically filed the foregoing with the Clerk of this Court using the ECF system which sent notification of such filing to the following:

H. Benjamin Mullen, Esquire  
John A. Banahan, Esquire  
Bryan, Nelson, Schroeder, Castigliola & Banahan, PLLC  
P. O. Drawer 1529  
Pascagoula, MS 39568

This the 25<sup>th</sup> day of September, 2009.

*s/Judy M. Guice*  
JUDY M. GUICE (MSB #5057)

**Rachel Poulos**

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**From:** Ben Mullen [ben@bnscc.com]  
**Sent:** Thursday, September 24, 2009 11:05 AM  
**To:** Judy Guice; Walker\_chambers@mssd.uscourts.gov  
**Cc:** Rachel Poulos; John Banahan; Layna Lassiter  
**Subject:** Bossier v. State Farm, Civil Action No.: 1:08-CV-00408-LTS-RHW  
**Attachments:** Lt to Judy Guice re remaining claim files per Order of 9.3.09.pdf

**Importance:** High

Judy and Judge Walker,

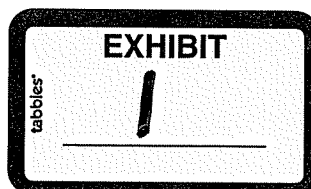
Please see the attached correspondence regarding the other property claim file production and the pending motion for sanctions. I just received the disk with the files on it this morning, although the date on the disk indicates that it was created on Monday, September 21, 2009. Highlighting the electronic files also shows creation on September 21, 2009.

Would it be possible for us to handle this on the phone today with respect to the motion for sanctions? Please let me know.

Thanks.

Ben Mullen

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Of Counsel  
ERNEST R. SCHROEDER

E. S. NED NELSON  
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JOHN F. BRYAN, III  
1915 -1994

*\*Also Admitted in Alabama*

September 24, 2009

Judy M. Guice, Esquire  
JUDY GUICE, P.A.  
Post Office Box 1919  
Biloxi, MS 39533-1919

*Via Email and First Class Mail*

**RE: Reginald Bossier v State Farm Fire  
Our File No.: 08-20,720**

Dear Judy:

I just received a disk containing the other claim files, and I am copying it now. It will be hand-delivered to you today. These are in addition to the engineer reports we previously provided pursuant to the Court's September 3, 2009, Order, on September 14, 2009.

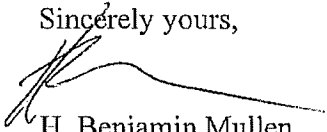
Apparently, the southern zone contact for State Farm was out of the office last week when State Farm was trying to gather these other claim files which contributed to the delay. In other words, my State Farm contact could not reach the person who was actually gathering these files and had no way of getting them scanned until this week. Also, there are some renewal certificates and declarations pages that we are still trying to locate for some of these files, and those will be forwarded as soon as I receive them. The materials that you will be receiving today should constitute mainly what you are looking for, and I do not believe that renewal certificates and declarations pages are of any real value to you. But, I wanted to let you know that they will be coming to you as well once they are located.

In any event, I am copying Judge Walker on this letter. If he is available today, I think it would be worth a telephone conference to resolve your sanctions motion rather than go through the whole process. I am not sure what else I can tell you or the Court other than what I have stated in this letter. I apologize for this short delay, but you should have ample time yet to review these documents.

Judy Guice, Esq.  
September 24, 2009  
Page Two

With kindest regards, I remain

Sincerely yours,



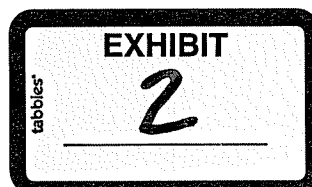
H. Benjamin Mullen

Enclosures

cc: Hon. Magistrate Robert H. Walker (w/out encs.)

**Additional Claim Files Included:**

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