

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

STATE FARM FIRE AND CASUALTY  
COMPANY AND STATE FARM MUTUAL  
AUTOMOBILE INSURANCE COMPANY

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:07CV188BP

JIM HOOD, IN HIS OFFICIAL  
CAPACITY AS ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI

DEFENDANT

JACKSON NEW MEDIA, INC.; WLBT, LLC;  
WDAM, LLC; WLOX, LLC

INTERVENORS

**MOTION OF INTERVENORS FOR PARTIAL RELIEF FROM JUDGMENT, OR IN  
THE ALTERNATIVE, FOR AN ORDER TO APPEAR AND SHOW CAUSE WHY  
SETTLEMENT AGREEMENT SHOULD NOT BE UNSEALED**

Pursuant to Rule 60(b)(6), Fed.R.Civ.P., Intervenor Jackson New Media, Inc.; WLBT, LLC; WDAM, LLC and WLOX, LLC ("New Media") move this Court for an order granting partial relief from the Court's Judgment of Dismissal of February 7, 2008 (#107), to the extent of the unsealing of the settlement agreement between the State Farm plaintiffs and Attorney General Jim Hood in this action and any related documents. Alternatively, New Media move this Court for an order requiring the original parties to appear and show cause why the settlement agreement and other court records under seal in this matter should not be unsealed.

In support of their motion, New Media show to the Court the following facts and arguments:

1.

Intervenor Jackson New Media, Inc. is a Mississippi business corporation and limited liability company in good standing, with their principal places of business in the Southern District of Mississippi. New Media are in the business of gathering, reporting, analyzing and commenting upon legal and political news generated in and about the state of Mississippi, all as protected by the First Amendment to the United States Constitution, by §13 of the Mississippi Constitution of 1890, and by the Mississippi Public Records Act of 1983. New Media's interests in this matter are also protected by a common law presumption of the openness of court records, and by the provisions of the Uniform Local Civil Rules of the United States District Courts for the Northern and Southern Districts of Mississippi.



2.

New Media seek partial relief from this Court's Judgment of Dismissal of February 7, 2008 (#107), to the extent that that Judgment allows for the settlement agreement between the State Farm plaintiffs and Attorney General Jim Hood or any other court records to remain sealed, now more than two years past the execution of the settlement agreement. Without the granting of the relief sought by New Media, their practical ability to protect their First Amendment and §13 rights of news gathering and reporting would be undermined. Moreover, without the granting of the relief sought by New Media, their practical ability to vindicate the purposes of the Mississippi Public Records Act of 1983, Miss. Code Ann. §25-61-1, et seq. (1972) would be undermined.

3.

New Media also seek the public release of the transcript/and or video of the deposition of Richard F. "Dickie" Scruggs that was apparently placed under seal. In an alias proceeding (3:08cv11), Judge Michael Mills of the Northern District specifically directed that the deposition of Scruggs by State Farm stay sealed unless otherwise directed by this Court: "The transcript of this deposition shall be kept under seal, to be opened and/or made public only at the direction of Judge Bramlette. SO ORDERED this 1st day of February, 2008." (#95). Mr. Scruggs has since pled guilty in two different felonies in judicial bribery schemes, and is currently in prison. His criminal defense is over and would no longer be affected in any way by the opening of this information. On the other hand, New Media's and the public's rights would remain prejudiced if this important information is not released by the Court.

4.

Attorney General Jim Hood made public the existence of sealed *in camera* testimony claiming in his opposition to its release, "it is evident that the same bases on which the *in camera* testimony and settlement agreement were sealed are equally applicable now." (#115). Any such *in camera* testimony and all sealed testimony, records and settlement agreements in this case should now be unsealed.

5.

The protection of New Media's highly valued constitutional, statutory, common law and procedural rights is a sound basis for relief under Rule 60(b)(6).

6.

New Media's rights of free and unfettered press and speech, and of free access to public records, are threatened by the current state of this action, inasmuch as the parties to the action successfully prevailed upon the Court to maintain under seal their settlement agreement and its terms, as well, perhaps, as other documents and court records not now known to New Media. Defendant Jim Hood is Attorney General of the State of Mississippi and New Media has a clear right under both federal and state law to know and report on the facts and details of the circumstances under which Mr. Hood and the State Farm plaintiffs settled this matter.



7.

Unless New Media are granted partial relief from the Judgment in this action, they have no platform from which they may seek to protect their free press rights and speech rights, or to have free access to public records containing information of great import to the citizens of the State of Mississippi.

THEREFORE, the New Media intervenors move this Court for an order granting them partial relief from the February 7, 2008 Judgment of Dismissal, to the extent of unsealing and allowing free access to the settlement agreement, deposition transcripts, *in camera* testimony transcripts and any related documents or materials now maintained under seal by the Court, and for related purposes, all designed to vindicate New Media's free press and speech rights under the United States Constitution and the Mississippi Constitution of 1890, and their free access rights under the Mississippi Public Records Act of 1983, under common law, and under the Uniform Local Rules.

ALTERNATIVELY, New Media move this Court for an order requiring the original parties to appear and show cause why the settlement agreement filed under seal in this matter and other sealed court records should not be unsealed and made available for public review.

This the 20<sup>th</sup> day of April, 2010.

Respectfully submitted,

JACKSON NEW MEDIA, INC.;  
WLBT, LLC; WDAM, LLC; WLOX, LLC

BY: /R. ANDREW TAGGART, JR.  
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CERTIFICATE OF SERVICE

I, R. Andrew Taggart, Jr., counsel for Intervenor, 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 to:

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This the 20<sup>th</sup> day of April, 2010.

/R. Andrew Taggart, Jr.  
R. Andrew Taggart, Jr.