

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 3:07cr192-NBB-SAA

RICHARD F. "DICKIE" SCRUGGS, ET AL.

DEFENDANT

**STATE FARM FIRE AND CASUALTY COMPANY'S  
MOTION TO WITHDRAW MOTION FOR RETURN OF PROPERTY**

State Farm Fire and Casualty Company ("State Farm"), through counsel, submits its withdrawal of its Motion for Return of Property [Doc. 294], as follows:

1. On July 20, 2010, State Farm filed its motion pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure, for the United States to return property that State Farm believed may have been seized by searching agents while executing search warrant(s) issued in No. 3:07-mc-24 in this district.

2. State Farm's motion was primarily seeking the recovery of the original of a document, to wit, an engineering report and "sticky note." State Farm had reason to believe that the papers may have been in the possession of Scruggs Law Firm, P.A., and seized during the execution of search warrant(s) on the premises of Scruggs Law Firm.

3. On July 27, 2010, the United States filed its response to State Farm's motion, and in its response the United States asserted that:

Without waiving the fact that the search warrant proceedings are still under seal with this Court, the United States represents that the engineering report and "sticky note" requested by State Farm are not among those items sought or seized pursuant to the search warrant. In fact, after a complete review, the United States would represent that no documents proprietary to State Farm are among the items seized in this matter. The items seized pursuant to the warrant in this matter were

limited to copies (not originals) of computer files and computer hard drives.

See United States of America's Response to Motion for Return of Property and Motion to Dismiss for Failure to State a Claim, Doc. 298, at p. 2 of 4.

4. In view of the representation made by the United States that the subject document was not among the documents seized in this matter, the motion for return of property is rendered moot.

5. For these reasons, the movant State Farm hereby withdraws its Motion for Return of Property [Doc. 294], and requests that this Court enter an Order withdrawing the motion from the pleadings in this case.

This the 28<sup>th</sup> day of July, 2010.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

By: s/James B. Tucker

James B. Tucker (MSB # 8297)

Jeffrey A. Walker (MSB # 6879)

Amanda B. Barbour (MSB # 99119)

ITS ATTORNEYS

OF COUNSEL:

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

200 Renaissance at Colony Park, Suite 1400

1020 Highland Colony Parkway (39157)

Post Office Box 6010

Ridgeland, MS 39158-6010

(P) (601) 948-5711

(F) (601) 985-4500

(E) [james.tucker@butlersnow.com](mailto:james.tucker@butlersnow.com)

(E) [jeff.walker@butlersnow.com](mailto:jeff.walker@butlersnow.com)

(E) [amanda.barbour@butlersnow.com](mailto:amanda.barbour@butlersnow.com)

**CERTIFICATE OF SERVICE**

I, James B. Tucker, one of the attorneys for State Farm Fire and Casualty Company, 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 CM/ECF System:

Robert H. Norman  
UNITED STATES ATTORNEY'S OFFICE  
Northern District of Mississippi  
900 Jefferson Avenue  
Oxford, MS 38655-3608  
(P) (662) 234-3351  
(F) (662) 234-0657  
(E) [bob.norman@usdoj.gov](mailto:bob.norman@usdoj.gov)

ATTORNEY FOR THE UNITED STATES

Warren A. Braunig  
Brook Dooley  
John W. Kecker  
Travis LeBlanc  
Jan Nielsen Little  
KEKER & VAN NEST  
710 Sansome Street  
San Francisco, CA 94111-1704  
(P) (415) 391-5400  
(E) [wbraunig@kvn.com](mailto:wbraunig@kvn.com)  
(E) [bdooely@kvn.com](mailto:bdooely@kvn.com)  
(E) [jkecker@kvn.com](mailto:jkecker@kvn.com)  
(E) [jlittle@kvn.com](mailto:jlittle@kvn.com)

Cal Mayo  
Pope Mallette  
MAYO MALLETTE, PLLC  
5 University Office Park  
2094 Old Taylor Road  
Post Office Box 1456  
Oxford, MS 38655  
[cmayo@mayomallette.com](mailto:cmayo@mayomallette.com)  
[pmallette@mayomallette.com](mailto:pmallette@mayomallette.com)

ATTORNEYS FOR RICHARD SCRUGGS

THIS the 28<sup>th</sup> day of July, 2010.

By: s/*James B. Tucker*  
JAMES B. TUCKER

Jackson 5411998v1