

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

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

PLAINTIFFS

V.

NO. 3:08CV11-M

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

DEFENDANT

Alias Proceeding To:

**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

V.

NO. 2:07CV188-DCB-MTP

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

DEFENDANT

ORDER

This cause comes before the court on State Farm's motion for "clarification" of its February 1, 2008 order denying Richard Scruggs's motion to quash the subpoena for his deposition. The court held a conference with counsel for Scruggs and State Farm today, during which it expressed its displeasure regarding their inability to work out the details of this

deposition without intervention of this court. Given that such intervention is required, however, the court deems it necessary to enter this order setting forth in writing the instructions which it verbally gave to counsel today.

In its February 1 order, the court directed that “Scruggs submit to deposition under seal by State Farm at some point prior to 5 p.m. on Monday, February 4, 2008.” It was the court’s intent, as should have been clear to all parties, that Scruggs’s deposition be completed by this time. However, Scruggs refused to make himself available for deposition prior to 3 p.m. on Monday, and he appears to have used the 5 p.m. deadline for tactical purposes, to limit the duration and scope of State Farm’s deposition. This is clearly unacceptable, and the court will not tolerate any further attempts to violate its February 1 order.

In light of the foregoing, it is ordered that:

1. Scruggs’s deposition is to begin immediately and shall continue until its natural completion.
2. In light of the delays caused by Scruggs, the deadline for the completion of his deposition is extended until 5 p.m. Tuesday, February 5, 2008.
3. Any future non-compliance with this court’s orders relating to Scruggs’s deposition will be dealt with as contempt.

SO ORDERED this 4th day of February, 2008 at 12:18 p.m.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI