

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

E.A. RENFROE & COMPANY, INC., }

Plaintiff, }

v. }

CORI RIGSBY, et al., }

Defendants. }

CIVIL ACTION NO.

06-AR-1752-S

08-mc-0908-S

CONSOLIDATED

ORDER

In accordance with the accompanying memorandum opinion, the motion of defendants, Cori Rigsby and Kerri Rigsby ("Rigsbys"), for summary judgment for lack of subject-matter jurisdiction is DENIED. Also, in accordance with the accompanying memorandum opinion, the court finds that the Rigsbys, and non-parties, Richard Scruggs and The Scruggs Law Firm, P.A. ("Scruggs"), are guilty of civil contempt by virtue of their untimely or incomplete compliance with the preliminary injunction entered on December 8, 2006. Assuming that they did satisfactorily honor the injunction, their compliance did not occur until after the show cause order was entered, and after Renfroe was forced to seek this court's assistance in obtaining compliance. For this reason, the motion of plaintiff, E.A. Renfroe & Company, Inc. ("Renfroe") for compensatory sanctions is GRANTED. **Within thirty (30) days**, the Rigsbys and Scruggs shall pay to counsel for Renfroe the sum of \$65,000, which, when received, shall be acknowledged on the record of this court. This is the joint and

several obligation of Scruggs and the Rigsbys, and is enforceable as a judgment.

Because these two orders are not otherwise appealable, the court hereby states its opinion that each order involves one or more controlling questions of law as to which there is substantial ground for difference of opinion, and that an immediate appeal may materially advance the ultimate termination of litigation. In the event any party applies for an interlocutory appeal pursuant to 28 U.S.C. § 1292(b), there will be no stay of proceedings in this court unless the Eleventh Circuit orders it.

DONE this 5th day of June, 2008.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE