

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

THOMAS C. & PAMELA MCINTOSH

PLAINTIFFS

VS

CIVIL ACTION NO: 1:06cv1080 LTS RHW

STATE FARM FIRE & CASUALTY COMPANY, ET AL.

DEFENDANTS

MOTION TO CONTINUE AND RESET TRIAL

COME NOW Thomas and Pamela McIntosh, by counsel, and respectfully move the Court to continue and re-set the trial of this cause from its current setting, and as grounds would show as follows:

1. Prior to their withdrawal from this case in December, the Scruggs Law Firm had handled the case almost exclusively and had done all of the trial preparation. Plaintiffs' counsel who remain in this case have worked diligently to learn about the case and to prepare it for trial, but cannot be prepared for trial by February 25, 2008, and need an additional month to be able to fairly and adequately present the case for plaintiffs.

2. Outstanding discovery issues remain for both sides.

3. The undersigned is, since the withdrawal of the Scruggs Katrina Group from this case, the lead trial counsel for the plaintiffs. Prior to the Scruggs' withdrawal, a case pending in the Northern District of Mississippi before Judge Davidson was set for trial in Oxford beginning February 4, 2008. Counsel opposite in that case has estimated that this case will take longer than three weeks to try. Therefore, lead counsel for the McIntoshes will be unavailable if this trial setting is not continued from its current setting, and unavailable for the three critical weeks immediately preceding the trial.

4. This motion is not brought for purposes of delay, but to promote the ends of justice. Plaintiffs have not previously sought any continuance, and can be prepared to try this case with as little as four weeks additional time.

Respectfully submitted, this the 10th day of January, 2008.

THOMAS McINTOSH and
PAMELA McINTOSH, Plaintiffs

By: _____
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2008, I served the foregoing, via Court's ECF system, to the United States District Court, Southern District of Mississippi, Southern Division ECF system participants in this case, to include the following:

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I further certify that a true and correct copy has been served on the following counsel, via U.S. Mail, postage prepaid:

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