

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

E.A. RENFROE & COMPANY, INC.

Plaintiff

vs.

Civil Action No. 3:07MC36

*In the predicate case of
the Northern District of
Alabama*

No. 2:06cv1752

**CORI RIGSBY MORAN and
KERRI RIGSBY**

Defendants

ORDER

On January 8, 2008, this court set for hearing on January 17, 2008, Scruggs's motion to quash the subpoena issued against him in this case. On that same day, however, in *McIntosh v. State Farm et al.*, 1:06cv1080 (S.D. Miss.), U.S. District Judge L.T. Senter issued an order affirming Magistrate Judge Walker's order permitting Scruggs's deposition in that Hurricane Katrina case. Judge Senter indicated in his order, however, that the status of the documents at issue therein was uncertain,¹ and Judge Senter accordingly remanded the case to the Magistrate Judge for additional inquiries in that regard. Judge Senter appeared to be particularly concerned regarding Scruggs's arguments that some or all of the documents in question were privileged, and he directed that Judge Walker address these privilege issues on remand.

It is thus apparent that another district judge has already addressed the issue of Scruggs's

¹These are presumably the same "whistleblower" documents at issue in this case.

deposition regarding the Rigsby documents. This court does not wish to interfere with Judge Senter's resolution of these issues, and it appears that his resolution of identical issues will serve the interests of judicial economy. The proper course of action is to stay the matter of Scruggs's deposition in this case until concerns regarding the privileged documents have been resolved in *McIntosh*. The court presumes that the *McIntosh* analysis will prove conclusive in this matter. In any event, the parties may file revised motions before this court seeking whatever relief they deem to be appropriate in this case.

It is therefore ordered that the hearing previously set for January 17, 2008 in this case is continued until a date to be determined later.

SO ORDERED, this the 10th day of January, 2008.

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