

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

E.A. RENFROE & COMPANY, INC.,

Plaintiff,

v.

CORI RIGSBY MORAN and KERRI
RIGSBY

Defendants.

CASE NO.: 2:06-CV-06-WMA-1752-S

Judge William M. Acker, Jr.

RESPONSE OF RICHARD F. SCRUGGS AND SCRUGGS LAW FIRM
TO THE COURT'S JANUARY 4, 2008 ORDER

Richard F. Scruggs and the Scruggs Law Firm, P.A. (“Scruggs”), by counsel, hereby respond to the Court’s January 4, 2008 Order denying motions for disqualification but providing that “[a]ll proceedings in this case are stayed, pending possible appellate review of this order.” Doc. 241.

Scruggs hereby notifies the Court that it will seek appellate review of the January 4 Order. To that end, Scruggs intends promptly to file papers requesting that the Court amend its Order to include language certifying for interlocutory appeal the legal issues decided by the Court. *See* 28 U.S.C. § 1292(b); *McFarlin v. Conseco Servs., LLC*, 381 F.3d 1251 (11th Cir. 2004). Seeking certification pursuant to § 1292(b) is the appropriate first step when, as here, a party’s motion for disqualification of a judge has been denied. *See, e.g., Haas v. Pittsburg Nat’l Bank*, 627 F.2d 677, 679-80 (3d Cir. 1980); *cf. Hermann v. GutterGuard*, 199 Fed. Appx. 745, 747 (11th Cir. 2006) (accepting interlocutory appeal to decide attorney disqualification issue).

Scruggs also requests that the Court maintain its stay of all proceedings in this case until Scruggs has exhausted its available opportunities for appellate review or intervention.

RESPECTFULLY SUBMITTED this the 8th day of January, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2008, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the following:

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