

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

E.A. RENFROE & COMPANY, INC.,)
)
Plaintiff,)
)
-vs-)
)
CORI RIGSBY MORAN and)
KERRI RIGSBY)
)
Defendants.)
_____)

CIVIL ACTION
NO 2. 06-WMA-1752-S

**RENFROE’S REQUEST FOR EXPEDITED CLARIFICATION
OF ORDER AND MEMORANDUM OPINION RE STAY**

Plaintiff E. A. Renfroe & Company, Inc. (“Renfroe”) respectfully requests that this Court clarify its January 4, 2008 Order (Dkt. 242) and its Memorandum Opinion (Dkt. 241) as to whether discovery is currently stayed in this case.

In its Order (Dkt. 242), the Court states: “All proceedings in this case are STAYED, pending possible appellate review of this order.” In its Memorandum Opinion (Dkt. 241), the Court states at pp. 16-17: “In order to give movants an opportunity to obtain an appellate review of my denial of their motions, I will not rule on other pending motions unless and until movants decline to seek a reversal of my order, or the Eleventh Circuit affirms my order.”

Now that Defendants have stated their intention to appeal this court's January 4, 2008 Order, it is not clear from the two sentences quoted above whether the Court has stayed the depositions that the parties have scheduled for this month and completion of discovery pursuant to the scheduling order as modified. It is clear, however, that the Court will not rule on any pending motions until the disqualification issue is resolved by the Eleventh Circuit. Depositions, however, can proceed generally without active participation by a judge. Renfroe understands that any disputes that might arise during the depositions needing the Court's intervention could not be heard until after the stay is lifted.

Scheduling depositions around the busy calendars of the multiple attorneys and parties involved has been complicated. There is no reason to waste the hard-won availability of all concerned for the depositions agreed upon for January 12-19, 2008. There is no reason to waste January by not taking the expert witness depositions as planned.

ACCORDINGLY, Renfroe respectfully requests that this Court expedite its consideration of this request in view of the currently scheduled depositions beginning on January 12, 2008, and that this Court clarify whether the stay applies only to pending motions and rulings sought from this Court or whether discovery is stayed as well.

Respectfully submitted this 8th day of January, 2008.

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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel by telefax and certified mail, return receipt requested on January 8, 2008.

/s/ Barbara Ellis Stanley

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