

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ALABAMA  
 SOUTHERN DIVISION**

<b>E. A. RENFROE &amp; COMPANY,</b>	)	
<b>INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CV-06-WMA-1752-S</b>
	)	
<b>CORI RIGSBY MORAN and</b>	)	
<b>KERRI RIGSBY,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION TO QUASH THE DEPOSITIONS OF  
 CARRON ROCKCO AND MICHELLE LEE**

Cori Rigsby and Kerri Rigsby (hereinafter the “Rigsbys”), by and through the undersigned counsel, respectfully request that this Court quash the depositions of Carron Rockco (hereinafter “Rockco”) and Michelle Lee (hereinafter “Lee”) which are currently scheduled for Thursday, April 26, 2007 or, in the alternative, request that this Court enter a protective order under Rule 26(c) of the Federal Rules of Civil Procedure. As reasons therefor, the Rigsbys state as follows:

1. As the Rigsbys testified in their depositions, Lee and Rockco were two of the three women who physically assisted the Rigsbys with the printing and copying of documents during the “data dump” that took place during the weekend

of June 3, 2006. Neither Rockco nor Lee are insurance adjusters or otherwise associated with State Farm or Renfroe. Cori Rigsby Depo. at 89.

2. On March 30, 2007, counsel for E.A. Renfroe & Company (hereinafter “Renfroe”) subpoenaed the deposition testimony of Rockco and Lee for April 12, 2007. (Exhibit A). Conversations were had among counsel to determine a date that would be more conducive to the schedules of counsel and witnesses.

3. On April 11, 2007, Renfroe filed a motion to extend the briefing schedule on the contempt issues, which the Rigsbys and counsel for Richard F. Scruggs and the Scruggs Law Firm did not oppose. (Exhibit B).

4. On April 12, 2007, counsel for Renfroe issued a second notice for the depositions of Rockco and Lee. (Exhibit C). These depositions are currently scheduled to take place on Thursday, April 26, 2007.

5. During the hearing held on Friday, April 13, 2007, this Court instructed that the factual record on contempt was “closed,”<sup>1</sup> and this Court desired to make its ruling as to contempt based on the facts that were currently before it.

6. Apparently, Renfroe seeks the deposition testimony of Rockco and Lee to add to the factual record **on the contempt issue**. In fact, this Court need look no further than the title of Renfroe’s April 11, 2007 motion, which is styled a

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<sup>1</sup> As of the filing of this motion, the transcript of the April 13, 2007 hearing was not yet available.

“**Request for Extension of Time to File Briefing on Contempt Issues,**” (emphasis added) to determine Renfroe’s purpose in taking these depositions. (Exhibit B). In this motion, Renfroe stated that one of the reasons it was seeking an extension to brief the **contempt issues** was that “Renfroe has been trying to take the depositions of two of the three women who participated in the downloading and copying of the ‘data dump.’” (Id. at 2). To take the depositions of Rockco and Lee for such a purpose after the factual record on contempt is “closed” would be irrelevant, burdensome, and a waste of resources.

7. This Court should quash the depositions of Rockco and Lee as it has declared the factual record on contempt “closed.”

8. In the alternative, the Rigsbys request that this Court enter a protective order under Rule 26(c) preventing the depositions of Rockco and Lee from going forward unless and until Renfroe makes a showing that their testimony would be relevant to its claims against the Rigsbys as set out in its case-in-chief.

9. Although Renfroe asserts that Rockco and Lee participated in both downloading and copying during the “data dump,” it is the testimony of both Rigsbys that **they alone** made the decision as to what documents were to be downloaded and printed and that Rockco and Lee only helped with the physical printing and copying of the documents selected by the Rigsbys. Cori Rigsby Depo. at 79-80, 83-84, 89-90; Kerri Rigsby Depo. at 87-89, 92. As such, upon

information and belief Rocko and Lee had no knowledge during the “data dump” weekend as to the type of documents selected by the Rigsbys to be printed and copied or the Rigsbys’ selection procedure.

10. This Court has the discretion to restrict discovery where the discovery sought “is obtainable from some other source that is more convenient, less burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(c)(i). Furthermore, this Court may limit discovery where “the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought.” Fed. R. Civ. P. 26(b)(2)(c)(ii).

11. The Rigsbys have given two days of deposition testimony and Cori Rigsby has given additional testimony in this Court. In the course of this testimony, counsel for Renfroe has asked the Rigsbys multiple questions about the “data dump” process and procedure. See, e.g., Cori Rigsby Depo. at 104-107, 112-116, 157; Kerri Rigsby Depo. at 87-90, 92-97, 101-106. It would be burdensome, expensive, inconvenient, and duplicative to conduct two additional out-of-state depositions to obtain the same information Renfroe has already had ample opportunity to obtain.

12. Upon information and belief, the only information that could be provided by Rockco and Lee would be regarding the physical printing and copying of the documents, which has already been covered by the Rigsbys’ testimony, or

their remembrance of the number of copies made, which is relevant only to the factual record for contempt that this Court has declared “closed.” Therefore, this Court should quash the depositions of Rockco and Lee or, in the alternative, enter a protective order preventing their depositions from being taken unless and until Renfroe makes a showing that it is taking their depositions in the course of permissible discovery in its case-in-chief.

**WHEREFORE, PREMISES CONSIDERED** the Rigsbys request that this Court quash the depositions of Michelle Lee and Carron Rockco or, in the alternative, enter a protective order under Rule 26(c) of the Federal Rules of Civil Procedure.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on the **24th** day of **April 2007**, I served a copy of the foregoing pleading upon the following counsel of record utilizing the CM/ECF system:

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