

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

V.

CRIMINAL CASE NO. 3:07CR192-B-A

RICHARD F. "DICKIE" SCRUGGS,
DAVID ZACHARY SCRUGGS,
SIDNEY A. BACKSTROM, AND
STEVEN A. PATTERSON

ORDER SETTING HEARING ON DEFENDANTS' MOTION TO CONTINUE

Came on to be considered this day the defendants' motion to seal and motion for continuance. Upon due consideration, the court finds as follows:

On the afternoon of Friday, January 11, 2008, the defendants Richard F. "Dickie" Scruggs, David Zachary Scruggs, and Sidney A. Backstrom, caused to be hand-delivered to the chambers of this court a motion requesting a continuance of the date for filing pretrial motions and a continuance of the trial date of February 25, 2008, as well as a motion asking that the motion to continue be kept under seal. When the judge before whom the motion is filed is not in chambers when the motion is presented, as was the case last Friday afternoon, the policy of the court is that the clerk shall not docket the motion until the judge rules on the request to seal. This procedure has been followed in this instance.

The judge in this case seals pleadings in criminal cases only when (1) not to do so would impede an ongoing criminal investigation, or (2) not to do so would endanger the safety of a witness or persons participating in the investigation.

The court will hear arguments from the defendants and the government on Wednesday, January 16, 2008, at 10:00 a.m. on (1) whether the motion to continue should remain under seal,

and (2) the merits of the motion to continue, along with the previous motion for additional discovery already set for hearing the same date and time.

The defendants have also requested, *ore tenus*, to offer an explanation on whether the representation of attorney Kenneth Coghlan on behalf of defendant Richard Scruggs would constitute a conflict of interest even though Mr. Coghlan has previously represented defendant Steven Patterson in this cause. That matter will also be taken up on Wednesday.

SO ORDERED AND ADJUDGED this, the 14th day of January, 2008.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE