

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI**

**WM. ROBERTS WILSON, JR. AND
WM. ROBERTS WILSON, JR., P.A.**

PLAINTIFFS

VS.

NO. 251-94-582

**RICHARD F. SCRUGGS, RICHARD F. SCRUGGS, P.A.,
ASBESTOS GROUP, P.A. AND SCRUGGS LEGAL, P.A.**

DEFENDANTS

PLAINTIFFS' MOTION FOR SANCTIONS

Come Now the Plaintiffs Wm. Roberts Wilson, Jr. and Wm. Roberts Wilson, Jr., P.A. ("the Wilson Plaintiffs"), by and through counsel, and respectfully move this Honorable Court to enter sanctions against Defendants Richard F. Scruggs, Richard F. Scruggs, P.A., Asbestos Group, P.A. and Scruggs Legal, P.A. ("the Scruggs Defendants"), and to strike the Scruggs Defendants' answers and all pleadings herein, to vacate and set aside the prior orders in this action entered by Judge Bobby B. DeLaughter, and for such other and further relief as the Court deems proper. In support of this motion, the Wilson Plaintiffs state as follows:

1. Joseph C. Langston, former counsel for the Scruggs Defendants, has admitted to conspiring with the Scruggs Defendants and others in an attempt to bribe and influence corruptly this Honorable Circuit Court, specifically Judge Bobby B. DeLaughter. On or about January 7, 2008, Langston pled guilty to attempting to influence corruptly this Court, to-wit: Judge DeLaughter. *U.S. v. Langston*, No. 1:08cr003 in the United States District Court for the Northern District of Mississippi, Western Division. A true and correct copy of the information, his plea agreement, and the Transcript of the Plea are attached hereto as Exhibits 1, 2, and 3, respectively.

2. According to Langston's plea, in furtherance of the illicit scheme, the conspirators

approached the judicial officer previously presiding over this case, Bobby B. DeLaughter, in an effort to influence him corruptly to rule in favor of the Scruggs Defendants herein. The factual basis for Langston's plea, the facts of which he agreed with, are in part as follows:

.... Langston, working with [Tim] Balducci and Steven A. Patterson, contacted and retained the services of Ed Peters, a close personal friend of Judge DeLaughter. For his services, Langston agreed to pay Peters \$50,000 in cash. After paying the \$50,000, the parties agreed that they would also divide any money over and above what Scruggs was willing to pay in the Wilson matter.

In the end, based on this reverse contingency fee, Peters received an additional \$950,000 for his services. After hiring Peters, Langston and Timothy R. Balducci and Steven A. Patterson were in regular contact either by phone or by facsimile concerning the case; and the three traveled regularly from the Northern District of Mississippi to Jackson, Mississippi to meet with Peters in person to discuss issues concerning the Wilson litigation.

While Peters was not fully cognizant of the issues surrounding the litigation, he would relay whatever information he received from Langston, Balducci, and Patterson to Judge DeLaughter before any of this information was filed with the Court. In at least one instance, Judge DeLaughter e-mailed a rough draft of an opinion he planned to enter to Peters. And Langston and Balducci and Patterson would be able to see it before any filed -- final version was filed.

During the course of the litigation, Langston and Scruggs were also aware that Judge DeLaughter was interested in a position as a federal judge. Based on this knowledge, Scruggs told Langston to let the Judge know that if he ruled in his favor he would pass his name along for consideration regarding the federal judgeship. Langston then informed Peters, who, in turn, passed the information along to Judge DeLaughter. The Government would further show that, in fact, DeLaughter's name was submitted for consideration for a federal judgeship, and DeLaughter was so notified.

Exhibit 3 hereto, at pages 16-18.

3. Timothy R. Balducci, former counsel for the Scruggs Defendants, also admitted to conspiring with the Scruggs Defendants, Joseph C. Langston and others to bribe and influence corruptly this Honorable Circuit Court by approaching the judicial officer previously presiding

over this case, to-wit: Judge Bobby B. DeLaughter. See Exhibit 4, Transcript Excerpt of the Testimony of Timothy R. Balducci, February 20, 2008 in *U. S. vs. Richard F. "Dickie" Scruggs, David Zachary Scruggs and Sidney Backstrom*, Cause No. 3:07 CR 192 in the United States District Court for the Northern District of Mississippi, Western Division.

4. Mr. Balducci likewise confirmed the bribe in his testimony at a motions hearing in the *U.S. v. Scruggs* case. He first testified that "I had been privy previously to another matter in which Mr. Scruggs bribed another judge for a favorable outcome in a case and I was aware of that." Transcript, Exhibit 4, p. 83 at lines 14-16. When cross-examined by Mr. Scruggs' attorney, he further explained that this "other matter" was this case, *Wilson v. Scruggs*:

Q.[Mr. Kecker] You said you were privy to another matter where Dick Scruggs bribed a judge. What matter are you referring to?

A.[Tim Balducci] A case involving an attorney named Bob Wilson who had sued Mr. Scruggs for asbestos and possibly tobacco fees.

Q. Was that case pending in Hinds County before Judge Bobby DeLaughter?

A. It was.

Q. Was Judge Bobby DeLaughter bribed in that case?

A. He was.

Q. By whom?

A. By Dick Scruggs.

Q. And was the bribe a money bribe?

A. No, sir.

Q. What was the bribe that you're referring to?

A. He was offered a federal judgeship or he was offered the influence of Mr. Scruggs' brother-in-law, who was Senator Trent Lott, to put him on the list for consideration of an open federal district judgeship.

Q. So we can get it, what do you understand – Mr. Scruggs called Mr. DeLaughter and said something?

A. No, sir. Mr. Lott called Mr. DeLaughter.

Q. What are you saying?

A. I'm saying that Mr. Lott called Judge DeLaughter, at Mr. Scruggs' request, and told him that he was being considered to be put under – or put on the list for consideration for an open judgeship in that district; and that was during the pendency of the case involving Mr. Wilson that was before Judge DeLaughter.

...

Q. How do you know that that happened?

A. Because I was directly involved in the conversation between Mr. Scruggs and Mr. Langston where they were discussing it, where they discussed that the call would be made; and then I was privy to conversations after the call was made.

Transcript Balducci testimony, Exhibit 4 at pages 86-88.

5. Mr. Balducci testified that the bribe was successful and completed: Judge Bobby B. DeLaughter allowed the Scruggs Defendants to review and edit the orders of this Court *before* the orders were entered. Mr. Balducci testified that the favorable outcome for the Scruggs

Defendants was due to the corruption and bribery scheme of the Scruggs Defendants and their co-conspirators. Judge DeLaughter was supposed to rule favorably for the Scruggs Defendants, and Judge DeLaughter did in fact do so, first passing draft copies of orders by the Scruggs Defendants for their review.

Q.[Mr.Keker] And what was Judge DeLaughter supposed to do?

What was he going to do? You said it was a bribe:

what was he going to do?

A.[Tim Balducci] Rule favorably for Mr. Scruggs.

Q. On what, some particular motion or just anything that came along?

A. There were several, yes, sir; and it was for a favorable outcome.

Q. And you know that because you heard Mr. Langston and Mr. Scruggs talking about it?

A. I know it for a lot more reasons than just that, but, yes.

Q. What are the rest of the reasons?

A. I was privy to several meetings with Ed Peters where we discussed strategies about the case, *where we previewed filings in the case, where we were provided with draft copies of orders that Judge DeLaughter was going to enter in the case.* There was a lot of stuff.

Q. What did that have to do with this call from Senator Lott?

A. I'm not sure I understand your question.

Q. I'm not sure I understand your answer. What did it have to do with what you just said: these meetings, what did that have to do –

A. That was part of implementing the favorable outcome in the *Wilson* case.

Transcript, Tim Balducci testimony, at 86-88, Exhibit 4 hereto.

6. Judge Bobby B. DeLaughter has admitted that he was corruptly approached by the Scruggs Defendants, Mr. Langston, Mr. Balducci and others who illicitly sought a favorable outcome for the Scruggs Defendants in this case. He admitted that he was aware that efforts were being made to influence him corruptly.

7. Not only is there ample evidence that the Scruggs Defendants offered a bribe in the form of consideration for a federal judgeship to Judge Bobby B. DeLaughter, but the proof as stated by the United States at Langston's plea was that Judge DeLaughter's name was in fact submitted for consideration for a judgeship:

Langston and Scruggs were also aware that Judge DeLaughter was interested in a position as a federal judge. Based on this knowledge, Scruggs told Langston to let the Judge know that if he ruled in his favor, he would pass his name along for consideration regarding the federal judgeship. Langston then informed Peters, who, in turn, passed the information along to Judge DeLaughter. The Government would further show that, in fact, DeLaughter's name was submitted for consideration for a federal judgeship, and DeLaughter was so notified.

Langston plea transcript, Exhibit 3, at 17-18.

8. The following openings on the federal bench in the Southern District of Mississippi were filled in 2006 by the following nominees on the following dates:

<u>JUDGE TAKING RETIRED STATUS</u>	<u>NOMINEE</u>	<u>DATE NOMINATED</u>
United States District Judge Tom S. Lee	Dan Jordan	4/24/2006
United States District Judge William Barbour	Leslie Southwick ¹	6/5/2006
United States District Judge David Bramlette	Sul Ozerden	9/5/2006

¹Judge Southwick was ultimately appointed to the United States Court of Appeals for the Fifth Circuit rather than for Judge Barbour's seat.

Throughout the date of the “trial” in this case, there was an open vacancy on the federal bench in the Southern District of Mississippi. See composite Exhibit 5, 2005-2006 Nominations received by the Judiciary Committee of the United States Senate.

9. The Scruggs Defendants and their co-conspirators advised Circuit Court Judge Bobby B. DeLaughter, *via* Ed Peters, that Judge DeLaughter’s name would be forwarded to then United States Senator Trent Lott as a possible nominee for the federal judgeships open that year in exchange for favorable rulings and a favorable outcome for the Scruggs Defendants in the instant case. See Exhibits 1, 3, and 4. Ed Peters, under whom Judge DeLaughter had worked in the Hinds County District Attorney’s office, was, according to the testimony of Joey Langston, paid \$1,000,000 to influence Judge DeLaughter, \$50,000 in cash and the remaining \$950,000 later. Exhibit 1, Information against Langston, at pages 2-3. Ed Peters never entered an appearance in this case, but Judge DeLaughter nevertheless forwarded him drafts of orders, which Peters then provided to the Scruggs Defendants’ attorneys for review and editing. See Exhibits 1, 3, and 4.

10. The Scruggs Defendants and their co-conspirators used their influence to cause then-Senator Trent Lott to telephone Judge Bobby B. DeLaughter on March 29, 2006. Then Senator Trent Lott inquired about Judge Bobby B. DeLaughter’s interest in obtaining an appointment to the federal bench. See Exhibits 1, 2, 3, and 4. See Exhibit 6 statement of facts by counsel for Richard F. “Dickie” Scruggs at the February 21, 2008 hearing at p. 29, lines 18-23 in *U. S. vs. Richard F. “Dickie” Scruggs, David Zachary Scruggs and Sidney Backstrom*, Cause No. 3:07 CR 192 in the United States District Court for the Northern District of Mississippi, Western Division.

11. During the telephone call between then Senator Trent Lott and Judge Bobby B. DeLaughter on March 29, 2006, Trent Lott requested a resume from Judge Bobby B. DeLaughter

in order to initiate the process toward a nomination for a federal judgeship. See Exhibit 6 at p. 29, lines 18-23.

12. On March 30, 2006, Judge Bobby B. DeLaughter did forward a resume to then Senator Trent Lott. Due to then Senator Lott's efforts, at the behest of the Scruggs Defendants and in furtherance of their scheme to influence corruptly and bribe a judicial officer of this Honorable Circuit Court, Judge Bobby B. DeLaughter, the name of Judge Bobby B. DeLaughter did appear on the list of nominees for a federal judgeship in the State of Mississippi. See Exhibits 1, 2, and 6. See also interview of Senator Trent Lott in the *Sun Herald* newspaper, Exhibit 7 hereto.

13. The communications from then Senator Lott, the discussions with Judge DeLaughter in the process toward becoming a federal judge, and the eventual placement of Judge DeLaughter's name on a list of nominees² were all designed to influence corruptly and unfairly the outcome of the proceedings in the instant case in favor of the Scruggs Defendants. *Wilson* case. Exhibit "3," Transcript of the Testimony of Timothy R. Balducci, p. 89, lines 9 - 24.

14. The criminal conspiracy to bribe and influence corruptly Judge DeLaughter began, according to the proof developed thus far in the criminal proceedings, in December 2005. According to the Information, Langston and Steven Patterson traveled to Jackson in December to meet Ed Peters and to pay him \$50,000 cash to influence Judge DeLaughter. In January 2006,

²As far as the Wilson Plaintiffs currently know, Judge DeLaughter's name was *at least* put on a list of nominees. The Wilson Plaintiffs do not know whether Judge DeLaughter was actually nominated or not. However, according to the sworn statements of counsel for Scruggs Defendants, Judge DeLaughter sought to initiate the process toward becoming a federal judge. At the least, Judge DeLaughter was contacted and participated in the process toward becoming nominated.

Langston and Balducci entered a formal appearance as attorneys for the Scruggs Defendants in this action, although they had previously been representing the Scruggs Defendants in the federal action. See Information against Langston, Exhibit 1.

15. During the course of the conspiracy, Langston, Balducci, and Patterson, met on numerous occasions with Ed Peters. Many of these meetings were timed immediately before Peters was scheduled to have lunch with Judge DeLaughter, and information was passed to Peters to pass on to Judge DeLaughter. Peters, after meeting with Judge DeLaughter, would provide the Scruggs Defendants, through Langston, and/or Balducci, and Patterson with advice and information from Judge DeLaughter. In this manner, the Judge and the Scruggs Defendants conversed with one another through Ed Peters.

16. The Scruggs Defendants, through Langston, and/or Balducci, and Patterson, provided Judge DeLaughter with drafts of pleadings that they intended to file and received back advice from him regarding their eventual filings.

17. Judge DeLaughter further on occasion provided research to the Scruggs Defendants regarding the *Wilson* case, offering case citations and which he thought helped the Scruggs Defendants' arguments or opposed the Wilson Plaintiffs' arguments.

18. Judge DeLaughter in January 2006 entered a scheduling order which he professed to have created without the input of any of the attorneys, while in fact his scheduling order contained precisely the deadlines requested of him by the Scruggs Defendants in a proposed scheduling order secretly delivered to Peters to deliver to DeLaughter without the knowledge of the Wilson Plaintiffs. When the Wilson Plaintiffs objected to the entry of the scheduling order, their objections were overruled.

19. The Scruggs Defendants engaged in a conspiracy through late summer 2006 corruptly to influence the judge to whittle the damages in this case down to where nothing would be left unpaid by the time of trial. Judge DeLaughter joined in this conspiracy and fully participated in it. The Scruggs Defendants previewed their own motions through Peters with Judge DeLaughter, and, before filing a responsive pleading, the Scruggs Defendants likewise previewed it through Peters with Judge DeLaughter. The end result was that each issue in the case was worked out ahead of any filings, such that the Scruggs Defendants knew what the Court's rulings would be on the pleadings prior to filing their pleadings.

20. A settlement conference was originally scheduled in the case to be held on July 7, 2006. In conspiracy with the Scruggs Defendants, Judge DeLaughter called late in the day on July 6, 2006 and cancelled the next morning's settlement conference. Instead of a settlement conference on July 7, 2006, Judge DeLaughter faxed the following Orders (previewed first by the Scruggs Defendants and/or their counsel) to counsel for the Wilson Plaintiffs:

- a) July 7, 2006 Order Quantifying Monies Due Plaintiffs from Defendants, Exhibit 8 hereto
- b) July 7, 2006, Order on Defendants' Motion for Partial Summary Judgment on Plaintiffs' Claims for Pre-judgment Interest and Punitive Damages, Exhibit 9 hereto
- c) July 7, 2006 Order on Motion and Cross-Motion to Strike Experts' Reports, Exhibit 10 hereto
- d) July 7, 2006 Guidance Order, Exhibit 11 hereto
- e) July 7, 2006 Order Regarding Defendants' "Mega-Motion" for Partial Summary Judgment, Exhibit 12 hereto

During the pendency of the conspiracy corruptly to influence the Court, Judge DeLaughter

entered these orders and various other orders, including Memorandum Opinion and Order Adopting in Part and Rejecting in Part Special Master's Report and Recommendation of January 9, 2006, Exhibit 13, and Order Regarding Plaintiffs' Alternative Rule 60 Motion, August 1, 2006, Exhibit 14 hereto.

21. In the July 7, 2006 Order Quantifying Monies Due Plaintiffs from Defendants, Exhibit 8, Judge DeLaughter claimed to have resolved disputed facts by conducting a bench trial when in fact no such trial was held. Furthermore, Judge DeLaughter ignored evidence submitted by the Wilson Plaintiffs in the form of affidavits from accountants and spreadsheets of data compiled by the Court's own auditor and ruled in favor of the Scruggs Defendants even though no counteraffidavits, nor spreadsheets nor any evidence whatsoever were even offered by the Scruggs Defendants in opposition to the Wilson Plaintiffs' dispositive motion to quantify monies due from Defendants. In this one motion alone, Judge DeLaughter eliminated in excess of \$15,000,000.00 due to the Wilson Plaintiffs by resolving disputed facts in favor of the Scruggs Defendants on the basis of no evidence.

22. The settlement conference that was supposed to occur on July 7, 2006 was re-set for July 23, 2006. Prior to the conference, the Court asked for the parties' confidential settlement positions. Judge DeLaughter conveyed the Wilson Plaintiffs' position, submitted in camera with the promise of confidentiality, to the Scruggs Defendants prior to the Settlement Conference.

23. By the time of the trial in August 2006, Judge DeLaughter had been convinced by the Scruggs Defendants that the next federal judgeship nomination was his (the federal judgeship that was eventually filled by nomination of United States District Judge Sul Ozerden, after nomination on September 5, 2006, a mere 14 days after the trial in this case ended) .

24. Originally, at the trial of this matter set for August 21, 2006, Judge DeLaughter

accepted a sealed report purportedly from the Scruggs Defendants' expert accountants as true and correct, without ever opening that report. Judge DeLaughter also rejected the report of the Court's own expert, CPA Chad Chambliss, and, based on those actions, held that no further funds were owed to Wilson over and above the monies already belatedly paid to him by the Scruggs Defendants, some 12 years after the lawsuit was filed. See Exhibit 15, Excerpt of August 21, 2006 "trial" transcript, p. 20, lines 19 - 25.

25. Judge DeLaughter further ruled that there was nothing left to try before the jury except "bragging rights." Judge DeLaughter ruled that since there could be no jury verdict on compensatory damages, the jury would not be allowed to consider punitive damages. He went on to explain his ruling:

So I'm granting that request on each of those, which leaves us with a trial by jury to determine bragging rights.

See transcript, p. 20, lines 19-25, Exhibit 15.

26. Thereafter, the Wilson Plaintiffs eventually settled their separate claims which had been pending in federal court, awaiting a verdict for the asbestos fees due to Wilson, all based on the Scruggs Defendants' corrupt influence over Judge DeLaughter. This case was not settled, as Judge DeLaughter had already ruled that there were no damages that could be claimed by the Wilson Plaintiffs thereby effectively disposing by Court fiat of plaintiff's claims for additional asbestos fees, interest thereon, punitive damages and court costs and attorney fees.

27. The Scruggs Defendants' actions in conspiring to influence corruptly Judge DeLaughter are well-documented and are egregious. The Scruggs Defendants should be sanctioned.

28. This case was initiated in 1994. For twelve years the Wilson Plaintiffs waited and

requested countless times a trial by jury; justice was always denied by delay. Throughout the spring and summer of 2006 as the long-awaited trial date of August 21 approached, justice was not only further delayed and denied, it was corrupted, twisted and perverted by the conspiracy of the Scruggs Defendants, Mr. Langston, Mr. Balducci and others to corrupt and bribe this Honorable Circuit Court.³

29. Judge Bobby B. DeLaughter's admission that he had been corruptly approached, his concealment of the corrupt approach and his false statements to the public denying the corrupt approach, his failure to notify authorities of the attempt to influence corruptly and his failure to recuse himself immediately thereafter are unlawful acts and omissions in furtherance of the conspiracy of the Scruggs Defendants, Mr. Langston, Mr. Balducci and others to corrupt and bribe this Honorable Circuit Court; and such acts of malpractice in violation of the Code of Judicial Conduct are direct evidence that DeLaughter was corruptly influenced without reference to the nature of his rulings or orders.

30. The wrongful acts committed against the Wilson Plaintiffs by the Scruggs Defendants entitle the Wilson Plaintiffs to complete, just, swift and extraordinary relief.

WHEREFORE, PREMISES CONSIDERED, the Wilson Plaintiffs respectfully move this

³Although Judge DeLaughter has denied being "influenced" just as he originally denied ever being approached, in recent statements to federal authorities, Judge DeLaughter cannot say if he was influenced or not. The Wilson Plaintiffs submit that the definition of "influence" is "to have an effect on" or to be "affected by." A Court only speaks through its Orders. Mr. Balducci and Mr. Langston contend that Judge DeLaughter allowed the Scruggs Defendants to review and edit the rulings of this Court *before* they were entered, the Wilson Plaintiffs contend therefore that the Court *was* in fact "influenced." However, whether or not the Court was actually influenced is not an issue in these proceedings. As Judge William Coleman recently stated in the case of *Jones v. Scruggs*, Cause No. L07-135, Lafayette County Circuit Court, the Defendants' "attempt" alone to influence corruptly or bribe a Court is sufficiently heinous behavior on the part of the Scruggs Defendants to merit default judgment in this case.

Court to order and adjudge the following relief:

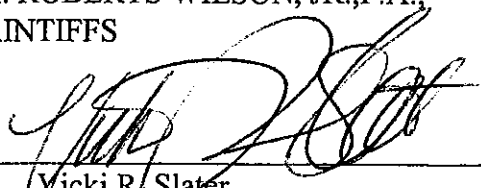
- a. To strike the answer and all pleadings of the Scruggs Defendants;
- b. To strike all of the expert reports of the Scruggs Defendants;
- c. To deem all motions filed by the Scruggs Defendants denied *nunc pro tunc*;
- d. To declare all Orders of Circuit Court Judge Bobby B. DeLaughter as they favor the Scruggs Defendants beginning in January 2006 null and void;
- e. Enter a default against the Scruggs Defendants pursuant to M.R.C.P. 55(a);
- f. Enter a default judgment against the Scruggs Defendants pursuant to M.R.C.P. 55(b);
- g. Determine the amount of damages to the Plaintiff as calculated according to the Special Master's Report and Recommendation of Robert W. Sneed dated January 9, 2006;
- h. Determine the amount of attorney's fees, interest, and costs of litigation due Wilson as provided by the parties in the Agreement dated August 7, 1992.
- i. Determine the amount of punitive damages due the Wilson Plaintiffs under their original action, preserving the Wilson Plaintiffs' claims for punitive damages against the Scruggs Defendants and others for their actions described above in attempting to influence corruptly this Court;
and
- j. Such other and further relief as the Court deems proper.

The Wilson Plaintiffs specifically reserve all rights to file a separate action against all former counsel for the Scruggs Defendants, whether or not such counsel entered appearance in this case and against any others, including but not limited to those individuals or entities who have engaged in the wrongful acts cited herein, whether as innocent joint venturers or actively contributing to the wrongful acts of the Scruggs Defendants either by financial contribution to the legal fees and costs of this litigation, or by obstructing justice by false testimony in this case or by any other unlawful or wrongful conduct. This reservation of rights also includes all causes of action, state or federal which might lie against Richard F. Scruggs, Steve Bozeman, Sam Millette, Delmas Capital, the Scruggs Law Firm or any other entity or person, whether jointly or severally liable for the damages caused by the actions described above, including but not limited to a claim for RICO and a claim under 42 U.S.C. §1983, the United States Constitution, the United States Tort Claims Act for whatsoever relief, legal, equitable or otherwise to which the Wilson Plaintiffs may be entitled in the premises in whatever jurisdiction or venue to which they may be entitled to relief.

Further, the Wilson Plaintiffs avail themselves of any and all reservations of rights to file their federal constitutional claims in federal court against any and all persons according to *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411, 84 S. Ct. 461 11 L.Ed.2d 440 (1964).

Respectfully submitted, this the  day of April, 2008.

WM. ROBERTS WILSON, JR. and
WM. ROBERTS WILSON, JR., P.A.,
PLAINTIFFS

BY: 
Vicki R. Slater,
For the Plaintiffs

OF COUNSEL:

VICKI R. SLATER, MSB#9759
VICKI R. SLATER, ATTORNEY AT LAW, P.A.
1554 LAKESIDE DRIVE
POST OFFICE BOX 23981
JACKSON, MISSISSIPPI 39225-3981
TELEPHONE: (601)987-8184
FACSIMILE: (601)987-8188


WILLIAM B. KIRKSEY, MSB#4183
KIRKSEY & ASSOCIATES
POST OFFICE BOX 33
JACKSON, MISSISSIPPI 39205-0033
TELEPHONE: (601)354-4662
FACSIMILE: (601)354-2433

CHARLES M. MERKEL, JR., MSB#2884
CYNTHIA I. MITCHELL, MSB#3356
MERKEL & COCKE, P.A.
30 DELTA DRIVE
POST OFFICE BOX 1388
CLARKSDALE, MISSISSIPPI 38614-1388
TELEPHONE: (662)-627-9641
FACSIMILE (662)627-3592

NOTICE OF MOTION

Please take notice that the foregoing Motion for Sanctions will be brought on for hearing before the Honorable Billy Bridges, sitting as Special Circuit Court Judge for the Circuit Court of Hinds County, Mississippi at the Hinds County Courthouse in Jackson, Mississippi as soon as counsel can be heard.

So noticed, this the 22 day of April, 2008.




Vicki R. Slater,
For the Plaintiffs

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document was this day forwarded to opposing counsel, Gerald H. Jacks, Esquire at his usual business mailing address of Jacks, Adams & Norquist, Post Office Box 1209, Cleveland, Mississippi 38732-1209 by depositing said true copy in the United States Mail, postage prepaid.

So certified this the 22 day of April, 2008.



Vicki R. Slater