

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

EATON CORPORATION, ET AL

**FILED**

PLAINTIFFS

VS.

NO. 251-04-642 CIV

JEFFREY D. FRISBY, ET AL

BARBARA DUNN, CIRCUIT CLERK

DEFENDANTS

BY \_\_\_\_\_ D.C.

MAY 23 2008

RESPONSE TO SUBPOENA DUCES TECUM

COMES NOW Bobby B. DeLaughter, a judge of this Court (hereinafter referred to as "Respondent"), and files his response to that certain subpoena duces tecum issued in this cause on May 2, 2008, as follows:

1. Request: Any and all documents related to any communications between you and any Eaton-Related Corporations/Persons concerning any actual or possible transfer of any thing of value (including without limitation, payments, compensation, gifts, loans, reimbursements, donations, property sales or purchases, any contingent fee compensation, and/or future compensation or offers of future employment or appointment to any position, or any other transaction involving things of value) since January 1, 2006.

Response: Respondent does not possess any such documents.

2. Request: Any and all documents related to any transfer of any thing of value to you by any Eaton-Related Corporations/Persons since January 1, 2006, including without limitation, payments, compensation, gifts, loans, reimbursements, donations, property sales or purchases, any contingent fee compensation, and/or future compensation or offers of future employment or appointment to any position, or any other transaction involving things of value.

Response: Respondent does not possess any such documents.

3. Request: Any and all documents related to or reflecting any communications between you and Ed Peters concerning, relating to or mentioning any matter relating to this Action or the Criminal Matter or any Eaton-Related Corporations/Persons or any defendant in this matter.

Response: Respondent does not possess any such documents.

4. Request: Any and all documents related to or reflecting any communications between you and any Eaton-Related Corporations/Persons relating to or mentioning any matter relating to this Action or the Criminal Matter or Eaton or any defendant in this matter, other than communications which were directed to or in the presence of attorneys for the Defendants in this case.

Response: Respondent does not possess any such documents.

5. Request: Any and all documents related to, mentioning, or reflecting any communications between you and Ed Peters concerning any case pending before you as Judge in which no representative of the other parties participated, since January 1, 2006.

Response: Respondent does not possess any such documents.

6. Request: All documents relating to the amount, nature and purpose of any compensation or anything of value received by you with respect to or relating to any litigation or dispute involving Dickie Scruggs and Wilson (including Wilson v. Scruggs).

Response: Respondent does not possess any such documents.

7. Request: Any and all documents related to any communications between you and any Eaton-Related Corporations/Persons other than communications which were directed to or in the presence of attorneys for the Defendants in this case.

Response: Respondent does not possess any such documents.

8. Request: Any and all opinions and/or orders and any and all drafts of any opinions and/or orders, or any part thereof, which you (or someone on your behalf or at your direction) furnished to or showed to any Eaton-Related Corporations/Persons (including Ed Peters).

Response: All opinions and/or orders drafted and/or entered in this Action by Respondent are produced herewith as Exhibits "A" (those located on Respondent's office computer)"B", (those located on Respondent's home computer) and Exhibit "E" those located on Respondent's law clerk's computer. The final drafts of such opinions and/or orders would have been furnished to all of the attorneys in this action. Respondent is not aware of any particular opinion or order that may have been furnished to Ed Peters, but any such opinion and/order would not have been any different than that also furnished to all attorneys in the case.

9. Request: Any and all opinions and/or orders and any and all drafts of any opinions and/or orders, or any part thereof, which any Eaton-Related Corporations/Persons (including Ed Peters) furnished to or showed to you (or anyone on your behalf), which related in any manner to this case, other than those documents which all parties to the case received at the same time.

Response: Respondent does not possess any such documents.

10. Request: Any and all opinions and/or orders and any and all drafts of any opinions and/or orders, or any part thereof, which were furnished or shown by you (or by someone on your behalf or at your direction) to Ed Peters or to any other person connected with Dickie Scruggs related to the Wilson v. Scruggs case.

Response: Respondent objects to this request on the grounds that it cannot be relevant to any of the issues raised in this action and, therefore, exceeds the scope of permissible discovery as set forth in MRCP 26(b)(1). Without waiving this objection, Respondent responds that the opinions and orders related to the Wilson v. Scruggs case in the Respondent's possession are no different than those of public record in the court file. Those opinions and/or orders were not only furnished to persons connected with Dickie Scruggs, but to persons connected to Richard Roberts Wilson as well. Respondent is not certain which draft opinion/order may have been furnished to Ed Peters, but it would not have been any different in substance than the final draft entered and furnished to all attorneys in the case.

11. Request: Any and all opinions and/or orders and any and all drafts of any opinions and/or orders, or any part thereof, which Ed Peters or any other person connected with Dickie Scruggs related to the Wilson v. Scruggs case furnished or showed to you (or anyone on your behalf), other than those which all parties to the case received at the same time.

Response: Respondent does not possess any such documents.

12. Request: Any and all documents that relate or refer to the possible or actual removal of Jack Dunbar as Special Master or the possible or actual appointment of Larry Latham as Special Master.

Response: Respondent is not in possession of any such documents other than opinions/orders that may be included in Exhibits "A" and "B" produced herewith.

13. Request: Any and all documents referring to or relating to any of your written or oral communications with Larry Latham, or any attorneys or staff or employees of Latham & Burwell, which concern or relate to this Action or the Criminal Matter, or which relate to actual or possible service as a Special Master, other than communications copied simultaneously to or made in the presence of Defendants.

Response: Respondent does not possess any such documents.

14. Request: Produce documents sufficient to show your home, cell and office telephone numbers and the carriers for each such services. (*sic*)

Response: See documents produced herewith as Exhibit "C." NOTE: For security reasons, Respondent has excised the PIN number on the telephone bill produced. Moreover, Respondent is not aware of the carrier used by Hinds County at the courthouses where Respondent maintains offices.

15. Request: Produce all documents which show the address of any residence of Ed Peters, or any place at which Ed Peters has spent more than seven nights since January 1, 2008, including any fishing camps or similar places.

Response: Respondent does not possess any such documents other than information contained in telephone directories, copies of which are produced herewith as Exhibit "D."

16. Request: All telephone (including cell phone) records reflecting any communication between you and Ed Peters from January 1, 2006 through the present.

Response: Respondent does not possess any such documents.

17. Request: All telephone (including cell phone) records reflecting any communication between you and Mike Allred from January 1, 2006 through the present.

Response: Respondent does not possess any such documents.

18. Request: All telephone (including cell phone) records reflecting any communication between you and any Eaton-Related Corporations/Persons from January 1, 2006 through the present.

Response: Respondent does not possess any such documents.

19. Request: All documents reflecting any communications between you and Mike Allred from January 1, 2006 through the present, other than those communications to which counsel for the Defendants were party.

Response: Respondent does not possess any such documents pertaining to this Action or the Criminal Matter. The only documents in Respondent's possession provided to Respondent by Mike Allred, or by respondent to Mike Allred, are motions and/or opinions/orders filed in other litigation in which Mr. Allred was involved and also contemporaneously furnished to all other attorneys in those cases.

20. Request: All documents reflecting any communications between you and any Eaton-Related Corporations/Persons from January 1, 2006 through the present, other than those communications to which counsel for the Defendant were party.

Response: Respondent does not possess any such documents.

21. Request: Any and all documents, including statements or proffers or any other information, that you or any person acting on your behalf has provided to any governmental agency relating to any investigation concerning or relating to any investigation of possible judicial misconduct, including any matter related to Ed Peters, Wilson v. Scruggs, Kirk v. Pope, or any related investigation.

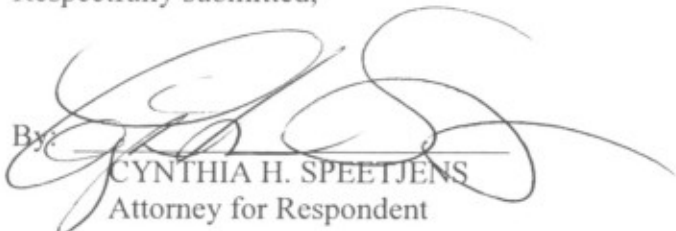
Response: Respondent objects to this request to the extent that it seeks documents regarding any governmental investigating agency concerning "possible judicial misconduct" in any matter not related to this case, and, therefore, not relevant and beyond the scope of discovery permitted by MRCP 26(b)(1). Respondent further objects to this request to the extent the terms "any governmental agency" and "relating to any investigation of possible judicial misconduct" may be construed to pertain to investigations of the Mississippi Judicial Performance Commission. Under Rule 4 of the Commission, adopted by the Mississippi Supreme Court, all matters before the Commission, from the initiation of any inquiry, "shall be confidential." They are thus privileged and beyond the discovery permitted by MRCP 26(b)(1). Without waiving these objections, Respondent responds that he does not possess any such documents.

22. Request: Any and all drafts or final versions of any opinions, orders, or other rulings (or any portion thereof) related to this Action prepared by any person after December 1, 2006, including any such documents which were actually issued by you and also including any such documents which were prepared by any person but which were not issued by you. Such documents are to be provided in two forms: First provide a copy of all such documents in paper format. Second, provide a copy in the computer format used to create, edit, and/or store the document, including all metadata and other information stored in the program that would reveal any details with respect to the source, creation or modification of the document.

Response: See documents produced herewith as Exhibits "A" and "B."

Respectfully submitted, this the BM day of May, 2008.

Respectfully submitted,

By:   
CYNTHIA H. SPEETJENS  
Attorney for Respondent

SUBMITTED BY:

CYNTHIA H. SPEETJENS, P.A. (MSB #2407)  
2088 Main Street, Suite A  
Madison, Mississippi 39110  
Telephone: (601) 856-0515  
Facsimile: (601) 856-0514

CERTIFICATE OF SERVICE

I, the undersigned, CYNTHIA H. SPEETJENS, attorney for Respondent, do hereby certify that I have this day mailed, by United States mail, postage prepaid, a true and correct copy of the above and foregoing to:

Alan W. Perry, Esq.  
Forman Perry Watkins  
Krutz & Tardy LLP  
P. O. Box 22608  
Jackson, MS 39225-2608

DATED, this the 23<sup>rd</sup> day of May, 2008.

  
CYNTHIA H. SPEETJENS