

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

P. L. BLAKE AND SHIRLEY BLAKE

PLAINTIFF(S)

VS.

CIVIL ACTION NO. 4:04 MC 12 AP

STATE BANK AND TRUST COMPANY  
OF GREENWOOD, MISSISSIPPI

DEFENDANT(S)

ORDER

**THIS DAY** this cause came on to be heard on the Motion for Injunctive Relief filed in this matter by the Plaintiffs, and the Court having heard arguments of the parties finds as follows:

I.

That this Court has jurisdiction of the subject matter and the parties hereto.

II.

That this Court considers this matter not only on the issue of a Rule 65 motion, but a Rule 45 Motion to review the question of the subpoenas heretofore issued in this cause.

III.

In deciding the questions before the Court, the Court finds that there are at least three (3) levels that must be considered when reviewing the subpoena duces tecum, those being 1) Is the matter requested discoverable. There can be no doubt that pursuant to Rule 26(B)(1) books, records, including bank accounts are considered discoverable. 2) That the requested documents are relevant. At this point the question of relevancy is

premature, in that no one knows what the requested bank accounts would reveal, and as a result the question of relevancy is reserved for another day. 3) Whether the bank records are admissible. This as with relevancy is something that would have to be determined at a future date.

At the point in time the only prong of the test that can be addressed is whether or not the bank accounts are discoverable, which they are pursuant to the rules. The question of whether anything in the Bank records are relevant and admissible as stated has to be decided another day.

**THEREFORE** the request for a Temporary Restraining Order pursuant to Rule 65, and Motion to Quash pursuant to Rule 45 be and they are hereby denied.

**FURTHER** the Defendant State Bank and Trust Company of Greenwood, Mississippi is hereby ordered to produce all bank records of P. L. Blake and/or Shirley Blake as more fully described in the subpoena issued and served on said bank. The requesting parties, referred hereto as Luckey and Wilson, collectively, shall be responsible to pay to State Bank and Trust Company, all time and expense in connection with the production of the records, including, but not being limited to reasonable man hours and copy charges prior to State Bank and Trust Company releasing any of the requested documents. State Bank and Trust Company shall be allowed to collect for any other party that desires a copy of the produced documents, the cost of copying the same. At the time of the production of said documents the parties, as well as a CPA for the Blakes may be present.

**FURTHERMORE**, the documents produced shall not be disseminated to any third parties outside of this cause or the litigation presently pending between Wilson, et

al and Scruggs, et al in the Southern District of Mississippi and their expert witnesses, and any prohibited disclosure shall result in contempt by this Court. It being the order of this Court that no individual, corporation or entity shall have any access to any of the above described or subpoenaed documents and that no such document or documents should be released or published by any party to this litigation whatsoever.

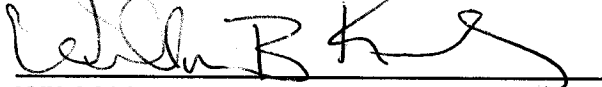
**IT IS FURTHER ORDERED** that following production and inspection of the contemplated records, and prior to their use in any subsequent discovery deposition or any other procedure, discovery or otherwise, the particular document or documents to be used shall be submitted (with notice to all parties hereto) to the proper judicial officer of the United States District Court for the Southern District of Mississippi for a ruling upon the relevancy of such document or documents or any other specific objection as may be raised by the parties hereto (said parties also including P. L. and Shirley Blake) including any issue that be raised by any party concerning privilege, privacy or otherwise.

**IT IS FURTHER ORDERED AND ADJUDGED** that any issue of privilege, privacy, relevancy or admissibility is hereby specifically maintained and reserved until same shall be determined by the proper judicial officer for the United States District Court for the Southern District of Mississippi.

**SO ORDERED** this the 3rd day of <sup>January</sup> ~~December~~, 2004<sup>5</sup>

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:



WILLIAM B. KIRKSEY,  
COUNSEL FOR WM. ROBERTS WILSON, JR.  
AND WM. ROBERTS WILSON, JR., P.A.



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