

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO.: 3:16-CV-00622-CWR-FKB

THE STATE OF MISSISSIPPI

DEFENDANT

**THE STATE OF MISSISSIPPI'S MOTION FOR CLARIFICATION
OF SPECIAL MASTER'S ROLE AND OBLIGATIONS**

The State of Mississippi seeks clarification of this Court's Order (ECF 253) regarding the role and obligations of the Special Master as follows:

1. On February 25, 2020, the Court issued its Order Appointing Special Master (ECF 241). The Court appointed Dr. Michael Hogan to serve as Special Master from February 25, 2020, until entry of Final Judgment (ECF 241 at 2). The court ordered that Special Master Hogan's discussions with the parties "will remain confidential under Federal Rule of Evidence 408" (ECF 241 at 2-3).

2. On February 24, 2021, the Court issued its Order (ECF 253) regarding moving this case toward Final Judgment. The State of Mississippi seeks clarification of that Order.

3. In particular, as more fully set forth in the State's supporting Memorandum, the Court should clarify that (i) the Special Master's input regarding any proposed remedial plan must be in the form of a written report, (ii) the Special Master cannot provide information which is outside the record regarding mental health systems, and (iii) the Special Master is prohibited from relying on or disclosing any Rule 408 information in providing his report.

Request for Relief

The State's Motion for Clarification should be granted.

Dated: March 5, 2021.

Respectfully submitted,

PHELPS DUNBAR LLP

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CERTIFICATE OF SERVICE

I certify that on March 5, 2021, I electronically filed this document with the Clerk of the Court using the ECF system, which sent notification of such filing to all ECF counsel of record in this action.

/s/ James W. Shelson
JAMES W. SHELSON