

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

UNITED STATES OF AMERICA

PLAINTIFF

VS.

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

THE STATE OF MISSISSIPPI

DEFENDANT

THE STATE OF MISSISSIPPI'S MOTION TO STRIKE

The State of Mississippi requests that the Court strike the United States' Response to the State of Mississippi's Objections to Special Master's Request for Extra-Record Interviews (Dkt. 247) as follows:

1. The Court conducted a telephonic hearing in this case on April 27, 2020 (April 27 Hearing).
2. The Court authorized the United States to submit a Response and a Proposed Order regarding the limited issues concerning the Special Master that were discussed during the April 27 Hearing.
3. But the United States' Response (Dkt. 247) and Proposed Order (Dkt. 247-2) go far beyond what the Court authorized.
4. For example, the United States went so far as to completely rewrite this Court's Order Appointing Special Master (Dkt. 241) (Appointment Order). A complete rewrite of the Appointment Order was not discussed nor authorized during the April 27 Hearing.
5. Because the United States' Response and Proposed Order address critical and substantive issues that were not discussed during the April 27 Hearing, they should be stricken.
6. Local Rule 7(b) requires that any written communication that seeks relief from the Court must be presented by a motion. The United States should be required to comply with

Local Rule 7(b) and to file a motion concerning any relief it seeks that was not discussed during the April 27 Hearing.

Relief Requested

For these reasons, the United States' Response (Dkt. 247), including its Proposed Order (Dkt. 247-2), should be stricken.

Dated: May 18, 2020.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ James W. Shelson

Reuben V. Anderson, MB 1587
W. Thomas Siler, MB 6791
James W. Shelson, MB 9693
Nash E. Gilmore, MB 105554
4270 I-55 North
Jackson, Mississippi 39211-6391
Post Office Box 16114
Jackson, Mississippi 39236-6114
Telephone: 601-352-2300
Telecopier: 601-360-9777
Email: andersor@phelps.com
silert@phelps.com
shelsonj@phelps.com
nash.gilmore@phelps.com

Harold Pizzetta, III, MB 99867
Assistant Attorney General
General Civil Division
Walter Sillers Building
550 High Street
Jackson, MS 39201
Telephone: 601-359-3816
Telecopier: 601-359-2003
Email: HPIZZ@ago.state.ms.us

Mary Jo Woods, MB 10468
Special Assistant Attorney General

Mississippi Attorney General's Office
Walter Sillers Building
550 High Street
Jackson, MS 39201
Telephone: 601-359-3020
Telecopier: 601-359-2003
Email: MWOOD@ago.state.ms.us

Attorneys for the State of Mississippi

CERTIFICATE OF SERVICE

I certify that on May18, 2020, 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, and emailed a copy to the Special Master.

/s/ James W. Shelson

JAMES W. SHELSON