

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO: 4:05cv33TSL-AGN

IKE BROWN, ET. AL.

DEFENDANTS

DEFENDANT NOXUBEE COUNTY ELECTION
COMMISSION'S RESPONSE TO PLAINTIFF'S MOTION IN LIMINE

_____ COMES NOW, defendant, Noxubee County Election Commission (NCEC) by and through counsel and files this its response to plaintiff's motion im limine and states:

1. Defendant, NCEC has listed six witnesses. John Bankhead, Essie Brooks, Percy L. Reece, Willie Matt Smith Miller and Sylvester Tate are parties to this litigation as the present members of the NCEC and each have given an affidavit in this cause previously. The sole remaining witness listed by NCEC is Ike Brown. Mr. Brown has been deposed by the plaintiff.

2. It is admitted that defendant NCEC did not file an initial disclosure under Fed. R. Civ. P. 26 (a) (1).

3. It is admitted that defendant NCEC did not file an initial disclosure under Fed. R. Civ. P. 26 (a) (1).

4. The allegations of paragraph 4 of the plaintiff's motion in limine are not applicable to defendant NCEC.

5. The allegations of paragraph 5 of the plaintiff's motion in limine are not applicable to defendant NCEC.

SO RESPONDED, this the 6th day of December, 2006.

RESPECTFULLY SUBMITTED,

NOXUBEE COUNTY ELECTION COMMISSION,
Defendant

By: s/Ellis Turnage
ELLIS TURNAGE, Attorney for
Defendant, Noxubee County
Election Commission

OF COUNSEL:

ELLIS TURNAGE, MSB #8131
TURNAGE LAW OFFICE
108 North Pearman Avenue
Post Office Box 216
Cleveland, Mississippi 38732
Tel: (662) 843-2811
Fax: (662) 843-6133

CERTIFICATE OF SERVICE

I, Ellis Turnage, Attorney for defendant Noxubee County Election Commission, do hereby certify that I electronically filed this with the Clerk of the Court using the ECF system which sent notification of such filing to the following: Hon. Christopher Coates, and Hon. Wilbur O. Colom. I hereby certify that I have mailed by United States Postal Service this document to the following non-ECF participants.

Hon. Dunn Lampton
U.S. ATTORNEY'S OFFICE
188 E. Capitol Street, Suite 500
Jackson, Mississippi 39201

THIS, the 6th day of December, 2006.

s/Ellis Turnage
ELLIS TURNAGE