

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

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 4:05cv33 TSL-AGN

IKE BROWN, et al.

DEFENDANTS

**MOTION TO COMPEL MARY ALLSUP TO
OBEY SUBPOENA AND FOR SANCTIONS**

COMES NOW Defendants Ike Brown and the Noxubee County Democratic Party Executive Committee and files this *Motion to Compel Mary Allsup to Obey Subpoena and for Sanctions*, as in support of this Motion states as follows:

1. On or about June 10, 2006, Mary Allsup was served with a Subpoena to appear for a taking of a deposition and to produce and permit inspection of documents listed in the Subpoena's exhibit "A". (Subpoena and its Exhibit "A" attached hereto as Exhibit "A" and "B")
2. On June 14, 2006 Mary Allsup appeared with her attorney, Mr. David Sanders in accordance with said subpoena and was deposed by Defendants' counsel, Wilbur Colom. During the deposition, Mary Allsup stated that she did have enough time to produce the records demanded and stated that she would provide them at a later time. Specifically:

Mr. Sanders: There are certain records that were requested that do not exist. For instance, there are no membership rolls to the Noxubee County Republican Party. There are no such records, but there are some records that you requested that are in existence. She will search and try to organize those, and she will get them to you at a reasonable time following, and she will provide a copy to the government at the same

time she provides a copy to you, and she would request that you reimburse her for the copying fee.

Mr. Colom: We will agree to that.

Mr. Sanders: And so subject to that, you can have at it. Are you agreeable to sending her the fee?

Mr. Colom: Uh-huh, yes, please.

(Mary Allsup Deposition, Page 5)

3. Mary Allsup has not provided Defendants with any documents as commanded by the Subpoena. *(supporting affidavit from Debra Key attached as Exhibit "C")*

4. Defendants counsel has requested on multiple occasions for Mary Allsup to produce the documents demanded but there has been no response. *(November 8, 2006 letter from Defendant's counsel to Mary Allsup's attorney, David Sanders, attached as Exhibit "D")*

5. Mary Allsup was properly served with a Subpoena commanding her to appear at the deposition and produce the documents listed in its attached *Exhibit A*. Ms. Allsup did not file any Motion to Squash or Motion for Protection from this Court, and as such, has waived any timely objections to the Subpoena.

6. Mary Allsup has blatantly refused to comply with the subpoena and wasted the time and resources of the Defendants, and has thus far failed to provide any acceptable explanation for doing so.

7. The trial of this matter is set for January 16, 2007 and the documents from Mary Allsup are highly important and necessary for Defendants' defense in this case.

WHEREOFRE, Defendants requests the following relief:

- a. That Mary Allsup be ordered to produce the documents requested in the Original Subpoena immediately, within three (3) business days.
- b. That Mary Allsup be found in contempt pursuant to Rule 45(e), *F.R.C.P.* and sanctioned

by this Court and ordered to pay Defendants for all costs incurred on bringing this action, as well as any additional penalties that the Court deem proper.

This the 15th day of December, 2006.

BY: /s/ Edward L. Pleasants, III
EDWARD L. PLEASANTS, III
(MSB # 101857)
**Counsel for Defendants Ike Brown
and The Noxubee County Democratic
Executive Committee**

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Edward L. Pleasants III, hereby certify that a copy of the foregoing document was served upon the following counsel of record by electronic means: Ellis Turnage, Esq., Christopher D. Hemphill, Esq., J. Christian Adams, Esq., Christopher Coates, Esq., Karen L. Ditzler, Esq., and Joshua L. Rogers, Esq.

This document will be delivered by other means to:

Dunn Lampton, U.S. Attorney's Office
188 E. Capitol Street, Suite 500
Jackson, MS 39201.

Mary Allsup
21027 Highway 14
Macon, MS 39341

This the 15th day of December, 2006.

/s/ Edward L. Pleasants III
Edward L. Pleasants III