

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

UNITED STATES OF AMERICA )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION NO. 4:05-cv-33 (TSL/JMR)  
 )  
 )  
 IKE BROWN, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**UNITED STATES' MOTION TO STRIKE DEFENDANTS IKE BROWN'S AND  
THE NOXUBEE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE'S RE-  
DESIGNATION OF EXPERT WITNESS**

Plaintiff, the United States of America, moves this Court pursuant to Fed. R. Civ. P. 37(a) and Local Rule 26.1(A)(2)(b), to strike the Defendants Ike Brown's and the Noxubee County Democratic Executive Committee's Re-Designation of Expert Witness made on October 2, 2006. The Plaintiff asks this Court to strike the re-designation for the following reasons:

1. The Defendants' re-designation should be stricken because the Defendants filed it approximately five months late.
2. The Defendants' re-designation should be stricken because the Defendants did not seek leave of Court to allow an out-of-time designation.
3. The Defendants' re-designation should be stricken because Defendants sought and received a trial continuance and reopening of Section 11(b) discovery for the surreptitious purpose of re-designating a stricken expert.

4. The Defendants' re-designation should be stricken because of the prejudice to the United States that will otherwise result.

For these reasons, and those which the Plaintiff more fully sets out in the accompanying Memorandum of the United States in Support of Plaintiff's Motion to Strike Defendants Ike Brown's and the Noxubee County Democratic Executive Committee's Re-Designation of Expert Witness, the United States respectfully requests that the Court strike the Defendants' expert re-designation filed on October 2, 2006.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2006, I electronically filed the foregoing Memorandum of the United States in Support of Plaintiff's Second Motion to Strike Defendants' Ike Brown's and the Noxubee County Democratic Executive Committee's Re-Designation Of Expert Witness using the Court's ECF system which sent notification of such filing to Wilbur O. Colom and Edward L. Pleasants, III of the Colom Law Firm, LLC, 200 Sixth Street, North, Suite 102, Columbus, Mississippi, 39701, Ellis Turnage, Post Office Box 216, 108 North Pearman Avenue, Cleveland, Mississippi, 38732, and, Christopher D. Hemphill, Esq., Dunn, Webb and Hemphill, P.A., 214 Fifth Street South, Columbus, Mississippi, 39701.

s/Joshua L. Rogers

Joshua L. Rogers