

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

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 4:05CV33LN

IKE BROWN, Individually and in his official capacities as Chairman of Noxubee County Democratic Executive Committee and Superintendent of Democratic Primary Elections; NOXUBEE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE; CARL MICKENS, Individually and in his official capacities as Circuit Clerk of Noxubee County, Superintendent of Elections, Administrator of Absentee Ballots, and Registrar of Voters; NOXUBEE COUNTY ELECTION COMMISSION and NOXUBEE COUNTY, MISSISSIPPI

DEFENDANTS

ORDER

This matter came before the court on the Motion for Sanctions for Defendants' Ike Brown and the Noxubee County Democratic Executive Committee Failure to Comply with Rule 26 and Make Initial Disclosures, which was filed on August 16, 2005, and to which the Defendants have submitted no opposition. The court has reviewed the Motion and is of the opinion that it has merit and should be granted, insofar as the Defendants will be required to pay the Defendant the sum of \$500.00 for failure to comply. This matter also came before the court on the Plaintiff's *ore tenus* Motion for Additional Depositions, which was heard by the court in a telephonic conference on Monday, January 23, 2006. As stated during that conference, the Motion is granted to the extent that the Government may take up to thirty-five depositions in this matter.

IT IS, THEREFORE, ORDERED that the Motion for Sanctions for Defendants' Ike Brown and the Noxubee County Democratic Executive Committee Failure to Comply with Rule 26 and

Make Initial Disclosures and the Government's *ore tenus* Motion to Take Additional Depositions are hereby **granted** in part and **denied** in part, as follows. The Defendants shall reimburse the Plaintiff the sum of \$500.00 for failure to submit disclosures, and the money and appropriate disclosures shall be delivered on or before February 14, 2006. In all other respects, the Motion for Sanctions is denied. The Government shall be entitled to take thirty-five depositions.

IT IS SO ORDERED, this the 25th day of January, 2006.

S/Alfred G. Nicols, Jr.

UNITED STATES MAGISTRATE JUDGE