

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

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

COMES NOW Mary Allsup, by and through counsel of record, and files this her Response to Motion to Compel Mary Allsup to Obey Subpoena and For Sanctions, and in support of said Response would say as follows:

1. The allegations of Paragraph 1 of Defendant Ike Brown's Motion is admitted.
2. Mary Allsup, by agreement with parties, did not appear on June 14, 2006, but did appear June 15, 2006, voluntarily. At said deposition, by and through counsel, objection was registered to the Subpoena. Mrs. Allsup was not served with an appearance fee nor was she tendered the mileage, as required by Rule 45 of the Federal Rules of Civil Procedure. Mrs. Allsup agreed that she would "try to organize those" records and agreed to "get them to you at a reasonable time following". No date for production was agreed upon. This was agreeable to all parties present.
3. It is admitted that Mrs. Allsup has not provided the documents at the time of the filing of said Motion. Mary Allsup does not have control of the documents. The

documents are in the control of the Secretary-Treasurer of the Noxubee County Republican Party, Mrs. Alice Cooper. Mrs. Alice Cooper's husband passed away on September 27, 2006, after a long bout with cancer. Mrs. Allsup has this day provided the documents subpoenaed to counsel for Ike Brown as well as the Government. A copy of the transmittal letter is attached hereto as Exhibit "A".

4. It is admitted that counsel opposite has requested the documents.

5. It is denied that Mary Allsup was properly served with a Subpoena demanding her to appear at the deposition. The objections were registered at the deposition. It is admitted that Mrs. Allsup did not file a Motion for Protective Order or Motion to Quash, as the agreement with counsel opposite was that Mrs. Allsup would try to find the documents and would produce them at a reasonable time. Under the circumstances mentioned above, she has produced the documents in a reasonable time.

6. Denied.

7. No response required.

WHEREFORE, PREMISES CONSIDERED, Mary Allsup denies that the relief requested be granted and respectfully requests the Motion of Defendant Ike Brown to Compel and For Sanctions be denied.

**Respectfully submitted,**

**MARY ALLSUP**

**BY: s/ David L. Sanders**  
**MSB #6447**

**OF COUNSEL:**

**MITCHELL, McNUTT & SAMS, P.A.**  
**POST OFFICE BOX 1366**  
**COLUMBUS, MS 39703**  
**(662)328-2316**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing **RESPONSE TO MOTION TO COMPEL MARY ALLSUP TO OBEY SUBPOENA AND FOR SANCTIONS** upon all counsel of record in this case via electronic filing and United States Mail, postage prepaid, addressed as follows on December 22, 2006:

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**/s/ David L. Sanders**

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