

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

**THOMAS C. McINTOSH and  
PAMELA McINTOSH**

**PLAINTIFFS**

**VERSUS**

**CIVIL ACTION NO. 1:06cv1080-LTS-RHW**

**STATE FARM FIRE AND CASUALTY  
INSURANCE COMPANY, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court are [1232] the motion for protective order filed by non-parties Richard and Zachary Scruggs, and [1233] State Farm's motion for leave to file under seal motions to compel the Scruggses to answer questions they refused to answer during their recent depositions. The Scruggses request that the Court enter a protective order sealing their depositions because both invoked their Fifth Amendment privileges during their respective depositions. State Farm requests, in the interim, that it be allowed to file its motions to compel under seal as State Farm is attempting to conclude the depositions with all dispatch since both Richard and Zachary Scruggs are scheduled to soon report to federal correctional institutions to begin serving their sentences for the crimes to which each has pled guilty.

Local Rule 83.6(A) states, "Except as otherwise provided by statute, rule or order, all pleadings and other materials filed with the court ('court records') shall become a part of the public record of the court. Subsection (B) of this rule allows the Court to seal documents "for good cause shown." Richard Scruggs has pled guilty to conspiracy to bribe a state court judge, and Zachary Scruggs has pled guilty to misprision of that felony for failure to report it. As counsel for the Scruggses states, "Frequent media reports in and out of Mississippi have provided public details of this civil litigation, and the allegations of criminal conduct that have been

directed at the Scruggses.” In fact, the media has already reported the details of the present motion – that the Scruggses invoked Fifth Amendment privileges during their depositions and want the depositions sealed. The Court’s declining to seal the Scruggses’ depositions in this action in no way precludes them from asserting their Fifth Amendment privileges as to future criminal prosecutions, should any arise. The Court finds the conclusory allegations of the motion insufficient to constitute good cause for sealing the Scruggses’ depositions. This finding effectively renders moot State Farm’s motion to file its motions to compel under seal. It is therefore,

**ORDERED:**

1. That [1232] the motion for protective order sealing depositions is denied;
2. That [1233] the motion to file under seal is held moot.

SO ORDERED, this the 29<sup>th</sup> day of July, 2008.

*/s/ Robert H. Walker*  
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ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE