IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

ETHAN HOGGATT, ET AL. **PLAINTIFFS**

V. **NO: 1:19CV14-MPM-DAS**

ALLSTATE INSURANCE, ET AL. **DEFENDANTS**

ORDER

This cause comes before the Court on Plaintiffs' *Rule 60 Motion for Relief from a Judgment or Order* [85], Defendants' ("Allstate") *Motion for Contempt* [90], and Plaintiffs' *Motion for Stay of Sanctions* [95]. The Court has reviewed the briefs and submissions and is prepared to rule.

Procedural History

The facts that give rise to this case are set forth in the Court's July 23, 2020 Order [83]. Only the following procedural history is relevant here.

On August 19, 2020, a Magistrate Judge granted Allstate's motion for sanctions [59]. Allstate had moved for sanctions and a protective order because of a discovery dispute [38]. In short, Plaintiffs had requested documents directly from Allstate in response to an FCRA notice. Allstate's attorneys responded that the documents were related to ongoing litigation and needed to be requested through formal discovery. Plaintiffs then submitted a criminal affidavit accusing Allstate's counsel of obstruction of justice. Plaintiffs also filed a motion for leave to amend and an amended complaint to add Allstate's counsel as defendants for obstructing justice and related conspiracy by refusing to produce the documents outside of formal discovery. Plaintiffs later filed

a second motion for leave to amend their complaint for the same reason. Based on these facts, the Magistrate Judge found that Plaintiffs had unreasonably multiplied the proceedings and thus the Magistrate Judge awarded Allstate reasonable attorneys' fees incurred (1) in moving for a protective order and sanctions and (2) in responding to Plaintiffs' two motions to amend.

The Plaintiffs next filed two motions in this Court challenging the Magistrate Judge's Order: a motion for a certificate of appealability [66] and a motion to appeal the Magistrate Judge's decision [69]. On July 23, 2020, this Court denied both motions, concluding that there were no erroneous findings in the Magistrate Judge's Order [82]. In addition, this Court agreed that the discovery dispute and related filings unnecessarily protracted the proceedings; thus, this Court awarded Allstate reasonable attorneys' fees incurred in responding to (1) the motion for a certificate of appealability and (2) the motion to appeal the Magistrate Judge's decision.

In a separate July 23, 2020 Order, this Court dismissed Plaintiffs' complaint for the failure to state a claim upon which relief could be granted [83]. Fed. R. Civ. P. 12(b)(6). In response, Plaintiffs filed a motion under Fed. R. Civ. P. 60 [85], which is currently before the Court, wherein they seek relief from this Court's Order dismissing their complaint and from both sanctions orders. Plaintiffs also filed a notice to appeal the dismissal of their complaint [86].

On September 4, 2020, Allstate filed a motion for contempt, which is currently before the Court, stating that Plaintiffs have failed to pay any of the $8085 in outstanding sanctions. Allstate included with its motion an August 25, 2020 letter that Allstate sent to Plaintiffs in which Allstate requested the sanctions owed. Allstate also included Plaintiffs' response to the letter, an August 26, 2020 email stating that Plaintiffs cannot pay the sanctions because they are unable to earn money during the COVID-19 pandemic.

Plaintiffs filed a reply to Allstate's motion for contempt, in which Plaintiffs rehash the substantive legal arguments related to their dismissed claims; seek an opportunity to "add [Allstate's counsel] as a RICO defendant"; and assert that they are unable to pay the sanctions at this time for the reasons stated in their August 26, 2020 email.

On September 17, 2020, Plaintiffs filed a motion to stay the payment of sanctions pending appeal, which is currenty before this Court, contending, once again, that they lack the resources to pay the $8085 in sanctions and cannot currently earn money due to the COVID-19 pandemic [95].

Discussion

I. Rule 60 Motion for Relief from a Judgment or Order

Plaintiffs seek relief from the Magistrate Judge's Order awarding sanctions, this Court's Order awarding sanctions (collectively "sanctions orders"), and this Court's Order dismissing Plaintiffs' complaint. Plaintiffs rely on Fed. R. Civ. P. 60, which "regulates the procedures by which a party may obtain relief from a final judgment." 11 C. Wright, A. Miller & M. Kane, Federal Practice and Procedure § 2851 (3d ed.).

An order granting relief under Rule 60 must be based upon (1) clerical mistakes; (2) mistake, inadvertence, surprise, or excusable neglect; (3) newly discovered evidence; (4) fraud or other misconduct of an adverse party; (5) a void judgment; or (6) any other reason justifying relief from the operation of the order. Fed. R. Civ. P. 60. Plaintiffs request relief on five separate grounds; the Court discusses each in turn.

A. Rule 60(a)

First, Plaintiffs seek relief under Rule 60(a), which provides: "The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record." Fed. R. Civ. P. 60(a). Rule 60(a) is limited in scope.

"Clerical mistakes, inaccuracies of transcription, inadvertent omissions, and errors in mathematical calculation are within Rule 60(a)'s scope; missteps involving substantive legal reasoning are not." *Rivera v. PNS Stores, Inc.*, 647 F.3d 188, 194 (5th Cir. 2011) (footnote omitted).

Plaintiffs assert that the sanctions orders and this Court's Order dismissing their complaint were each wrong on the merits and therefore must have each involved an oversight or omission of some kind. Plaintiffs do not direct the Court to any specific oversight or omission, but instead rehash the substantive arguments related to their claims, arguments that Plaintiffs have already raised before this Court and the Magistrate Judge, and that this Court and the Magistrate Judge have already rejected. Because a Rule 60(a) motion is not a vehicle for raising—or reraising—substantive arguments, Plaintiffs' motion is beyond the scope of Rule 60(a).

B. Rule 60(b)(2)

Second, Plaintiffs seek relief under Rule 60(b)(2), which provides: "[T]he court may relieve a party . . . from a final judgment, order, or proceeding [because of] . . . newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)." Fed. R. Civ. P. 60(b)(2). To prevail under Rule 60(b)(2), "the movant must demonstrate among other things that it exercised due diligence in obtaining the [proffered newly discovered evidence]." *Halicki v. La. Casino Cruises, Inc.*, 151 F.3d 465, 470 (5th Cir. 1998) (quoting *Williams v. Chater*, 87 F.3d 702, 705 n.2 (5th Cir. 1996)).

Here, Plaintiffs' proffered newly discovered evidence is "a recording . . . taken of Allstate Agent Dyson" on September 25, 2018 that Plaintiffs' counsel uncovered "[a]fter many frantic days of search[ing] . . . her IPads and phone for videos and voicemail[s]." [85]. Plaintiffs' are not entitled to relief under Rule 60(b)(2) because the recording is not newly discovered evidence

within the meaning of the Rule. Not only have Plaintiffs failed to show that their proffered newly discovered evidence was unobtainable with due diligence, Plaintiffs have proven the opposite by admitting that their counsel already possessed the evidence and had merely misplaced it among her files. In other words, for the purposes of Rule 60, the proffered evidence was not only *discoverable*, it had already been *discovered*.

C. Rule 60(b)(3)

Third, Plaintiffs seek relief under Rule 60(b)(3), which provides: "[T]he court may relieve a party . . . from a final judgment, order, or proceeding for . . . fraud . . . misrepresentation, or misconduct by an opposing party." Fed. R. Civ. P. 60(b)(3). The party seeking relief has the burden to prove fraud, misrepresentation, or misconduct by clear and convincing evidence. *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1339 (5th Cir. 1978).

Here, Plaintiffs have failed to meet their burden because, although they claim Allstate engaged in fraud, Plaintiffs present nothing more than a bare allegation. Plaintiffs do not make any specific allegations as to what Allstate did that constitutes fraud and do not point to a single piece of evidence.

D. Rule 60(b)(5)

Fourth, Plaintiffs seek relief under the "equitability clause" of Rule 60(b)(5), which provides: "[T]he court may relieve a party . . . from a final judgment, order, or proceeding [because] . . . applying [the judgment] prospectively is no longer equitable." Fed. R. Civ. P. 60(b)(5).

As its plain language suggests, the equitability clause of Rule 60(b)(5) only applies to judgments that have prospective effect. 11 C. Wright, A. Miller & M. Kane, Federal Practice and Procedure § 2863 (3d ed.). The clause does not apply to "judgments that offer a present remedy

for a past wrong." *Id.* Or, as the Fifth Circuit has explained, it provides relief from tentative, provisional judgments, not final, permanent judgments. *Cook v. Birmingham News*, 618 F.2d 1149, 1152 (5th Cir. 1980). Rule 60(b)(5) is thus inapposite here because the dismissal of Plaintiffs' complaint and the sanctions orders were not prospective within the meaning of 60(b)(5); they were final and permanent judgments, not tentative or provisional judgments.

E. Rule 60(d)(3)

Finally, Plaintiffs seek relief under Rule 60(d)(3), which affords a party relief when he can prove, by clear and convincing evidence, "fraud on the court." Fed. R. Civ. P. 60(d)(3); *Haskett v. W. Land Servs., Inc.*, 761 F. App'x 293, 296–97 (5th Cir. 2019) (citing *Kinnear-Weed Corp. v. Humble Oil & Ref. Co.*, 441 F.2d 631, 636 (5th Cir. 1971)). "Only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated" constitutes fraud on the court. *Jackson v. Thaler*, 348 F. App'x 29, 34 (5th Cir. 2009) (quoting *Rozier*, 573 F.2d at 1338).

Here, again, Plaintiffs merely rehash the substantive arguments related to their claims. Plaintiffs make no specific allegations as to what Allstate did that constitutes fraud on the court and Plaintiffs point to no evidence. Therefore, Plaintiffs have not met their burden.

Accordingly, Plaintiffs have not proven any of the specific justifications for relief from an order permitted under Rule 60. In addition, Plaintiffs have not presented any other reason justifying relief from the operation of the judgment. Plaintiffs' Rule 60 motion is denied.

II. Motion to Stay Enforcement of Sanctions Pending Judicial Review

Plaintiffs seek a stay of the sanctions orders pending their appeal. Plaintiffs state that they do not have the funds to comply with the sanctions orders and are currently unable to earn money due to the COVID-19 pandemic. Plaintiffs do not refer to any legal authority in their motion and

do not provide any evidence to prove their lack of funds; instead, Plaintiffs rehash the merits of their dismissed claims and dispute the imposition of sanctions. Plaintiffs also claim Allstate's counsel, not Plaintiffs' counsel, has exhibited dilatory and harassing litigation tactics.

Whether to issue a stay pending judicial review is up to the discretion of the court. *Nken v. Holder*, 556 U.S. 419, 433, 129 S. Ct. 1749, 173 L.Ed.2d 550 (2009). In deciding whether to grant a stay pending judicial review, a court shall consider "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Chafin v. Chafin*, 568 U.S. 165, 179, 133 S. Ct. 1017, 185 L.Ed.2d 1 (2013) (quoting *Nken*, 556 U.S. at 434, 129 S. Ct. 1749, 173 L.Ed.2d 550). Of these four considerations, the first two "are the most critical." *Nken*, 556 U.S. at 434.

Here, the four considerations weigh resoundingly against a stay. Regarding the first consideration, Plaintiffs have failed to make a showing that they will succeed on appeal. Plaintiffs' motion fails to address this Court's and the Magistrate Judge's reasoning for imposing sanctions and fails to present any legal argument for how this Court or the Magistrate Judge erred. More importantly, Plaintiffs did not mention either of the two sanctions orders in their Notice of Appeal, so if Plaintiffs do contest the sanctions orders on appeal, the Fifth Circuit will likely conclude that it lacks jurisdiction to consider Plaintiffs' challenge. *Skidmore Energy Inc. v. Maghred Petroleum Expl. SA*, 251 F. App'x 280, 281 (5th Cir. 2007) (holding that the Fifth Circuit lacked jurisdiction to consider a challenge to a sanctions order where the appellant's notice of appeal mentioned the district court's contempt order but not the district court's sanctions order because "[a] timely filed notice of appeal is a prerequisite to [the Court of Appeals] obtaining jurisdiction" (citing *Moody*

Nat'l Bank v. GE Life & Annuity Assurance Co., 383 F.3d 249, 250 (5th Cir. 2004)); *see also Olson v. Wallace Comput. Servs., Inc.*,95 F.3d 54, 54 (5th Cir. 1996) (finding that dismissal order not properly before the Fifth Circuit where appellant's notice to appeal only mentioned the court's post-judgment order denying his motion to amend his complaint and not the order dismissing his case).

Regarding the second consideration, Plaintiffs claim they lack the funds to comply with the sanctions orders, but because they have failed to prove insolvency, the Court has no basis to find that they will be irreparably harmed absent a stay. Regarding the third consideration, the Court has no basis to conclude that the issuance of a stay would substantially injure any of the parties involved in the litigation.

Regarding the fourth consideration, the public interest lies in the prompt enforcement of the sanctions orders. The purpose of imposing the sanctions was, at least in part, to deter Plaintiffs from continuing to unnecessarily protract this litigation. It is axiomatic that preventing unnecessarily protracted litigation advances the public interest. As the three motions currently before the Court demonstrate, as well as the multiplicity of sanctions orders already imposed against Plaintiffs, the sanctions have not yet served their intended purpose, a purpose that will most likely be achieved if the Plaintiffs are required to pay the sanctions forthwith. Plaintiffs' motion for a stay is denied.

III. Motion for Contempt

In its motion for contempt, Allstate seeks three things: (1) an order imposing additional sanctions against Plaintiffs, (2) an order striking any future pleadings from the Plaintiffs in these proceedings until they comply with the sanctions orders, and (3) an order holding Plaintiffs in civil contempt for their failure to comply with the sanctions orders.

"Federal courts possess certain 'inherent powers,' not conferred by rule or statute, 'to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.'" *Goodyear Tire & Rubber Co. v. Haeger*, 137 S. Ct. 1178, 1186, 197 L.Ed.2d 585 (2017) (quoting *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31, 82 S. Ct. 1386, 8 L.Ed.2d 734 (1962)). As part of this authority, courts may "fashion an appropriate sanction for conduct which abuses the judicial process." *Id.* (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–45, 111 S. Ct. 2123, 115 L.Ed.2d 27 (1991)). A court always retains jurisdiction to impose sanctions meant to enforce its own orders even after the case is no longer pending before it. *Fleming & Assocs. v. Newby & Tittle*, 529 F.3d 631, 637 (5th Cir. 2008).

A. Additional Monetary Sanctions

First, Allstate contends that Plaintiffs continue to defy this Court and continue to unnecessarily protract these proceedings by failing to pay the sanctions orders and by continuing to rehash rejected arguments related to dismissed claims. Allstate asks the Court to order Plaintiffs to pay Allstate's reasonable attorneys' fees incurred in bringing its *Motion for Contempt* [90] and in responding to Plaintiffs' *Rule 60 Motion for Relief from a Judgment or Order* [85].

The Court agrees that Plaintiffs have unnecessarily protracted these proceedings by failing to comply with the sanctions orders. Even if Plaintiffs can prove insolvency, Plaintiffs unnecessarily protracted these proceedings by ignoring the sanctions orders for more than thirty days after the orders were entered. Under Fed. R. Civ. P. 62, the enforcement of the sanctions orders were automatically stayed for thirty days after the orders were entered. *See Herbert v. Exxon Corp.*, 953 F.2d 936, 937 (5th Cir. 1992) (explaining that the applicability of Rule 62 turns not on the form of the judgment—in that case a declaratory judgment, in this case sanctions—but strictly on "whether the judgment involved is monetary or nonmonetary"). Plaintiffs did nothing to comply

with the orders within those thirty days or to address their inability to comply. Instead, Plaintiffs waited until Allstate filed a motion for contempt to acknowledge the sanctions orders by moving for a stay. Failure to address the orders, either by complying or by moving for a stay pending judicial review, until after the expiration of the thirty-day automatic stay unnecessarily protracted these proceedings.

Additionally, the Court agrees that Plaintiffs' *Rule 60 Motion for Relief from a Judgment or Order* was frivolous. As the Court's discussion above demonstrates, Plaintiffs' arguments under Rule 60(a) and Rule 60(d)(3) were merely a rehashing of dismissed arguments, which are not appropriately raised in a Rule 60 motion. Plaintiffs' argument under Rule 60(b)(3) was a one-paragraph accusation without any evidentiary or legal support. And Plaintiffs made arguments under Rule 60(b)(2) and 60(b)(5) even though those provisions of Rule 60 are plainly inapposite; Plaintiffs would have discovered as much had they conducted even the most cursory legal research, which they seemingly did not, as Plaintiffs' motion cites nary a case. Therefore, this Court will award Allstate its reasonable attorneys' fees incurred in filing its *Motion for Contempt* [90], its *Memorandum in Support of its Motion for Contempt* [91], and in responding to Plaintiffs' *Rule 60 Motion for Relief from a Judgment or Order* [85]. Allstate shall submit their itemization of fees and supporting affidavits within seven days of this order.

B. Bar on Future Filings

Second, Allstate asks the Court to enter an order precluding Plaintiffs from filing any further pleadings in this case until Plaintiffs comply with the sanctions orders. When a party fails to obey a court's order, the court may sanction the party by barring it from filing further pleadings until it complies. *In re United Mkts. Int'l, Inc.*, 24 F.3d 650, 656 (5th Cir. 1994). The authority comes from the court's inherent power to control its docket. The court's discretion to impose

sanctions under its inherent power is limited to instances where a party acts in bad faith or willfully abuses the judicial process. *Pressey v. Patterson*, 898 F.2d 1018, 1021 (5th Cir. 1990). A party shows bad faith by "delaying or disrupting the litigation or hampering enforcement of a court order." *Ocean-Oil Expert Witness, Inc. v. O'Dwyer*, 451 F. App'x 324, 332 (5th Cir. 2011) (quoting *Primus Auto. Fin. Servs. v. Batarse*, 115 F.3d 644, 649 (9th Cir. 1997)).

Allstate relies in part on *In re United Markets*, in which the Fifth Circuit upheld an order precluding the appellant from filing any pleadings until the appellant complied with previously imposed sanctions orders. The Fifth Circuit upheld the order because the appellant had continued to pursue claims even after the court told him they were meritless, after being sanctioned, after his claims were adjudged against him, and after some of the judgments against him were upheld on appeal. *In re United Mkts.*, 24 F.3d at 654. Parenthetically, the Fifth Circuit noted that the appellant, in its appellate brief, attempted to drudge up and relitigate the merits of its claims on appeal—claims that had already been disposed of and were not properly before the court. *Id.*

The court's bar on future filings in *In re United Markets* was not the harshest sanction against the appellant. The Fifth Circuit also affirmed the district court's order involuntarily dismissing the appellant's counterclaim and crossclaim. *Id.* Imposing a sanction that halts a party's claim, sometime called the "death penalty" sanction, is not unheard of. For instance, in *Holden v. Simpson Paper Co.*, the Fifth Circuit upheld an order involuntarily dismissing the plaintiff's case because he had failed to comply with multiple sanctions orders. 48 F. App'x 917 (5th Cir. 2002). Likewise, in *Price v. McGlathery*, the Fifth Circuit upheld an order involuntarily dismissing a plaintiff's case because the plaintiff had established "a history of disobedience to [the] court's orders." 792 F.2d 472, 475 (5th Cir. 1986).

The Fifth Circuit upheld the order in *In re United Markets* even though the appellant claimed that he lacked the funds to comply with the sanctions orders. *Id.* at 655. The Fifth Circuit reasoned that, if the appellant was in fact insolvent, monetary sanctions would be ineffective and the appellant would have no incentive to refrain from continuing in its proclivity to protract litigation, costing his opponents mounting legal fees. *Id.* at 656.

The Plaintiffs' litigation tactics here are similar to the appellant's litigation tactics in *In re United Markets*. Despite the two sanctions orders already imposed against Plaintiffs, Plaintiffs continue to file frivolous motions. Plaintiffs continue to drudge up the same dismissed merits arguments in inappropriate motions and at inappropriate stages of the litigation. Plaintiffs' efforts continue even though the Court has already adjudged Plaintiffs' claims meritless and dismissed them. Moreover, unlike the appellant in *In re United Markets*, or the plaintiffs in *Holden* and *Price*, Plaintiffs here have no live claims—Allstate has not and could not request the "death penalty" sanction because Plaintiffs' claims have already been dismissed—which means a bar on future filings does not hinder or halt Plaintiffs' ability to pursue its claims.

In *In re United Markets*, the Fifth Circuit said: "Like any litigant, [the appellant] was entitled to his day in court. But he was not entitled to use his special skills and his knowledge as an attorney to maneuver this suit to his advantage, and to defy the orders of the court designed to advance its resolution." *Id.* The same is true here. Plaintiffs were entitled to be heard, and they were. But Plaintiffs are not entitled to defy the Court's resolution of their claims and to misuse the rules of procedure to continue to argue their claims long after the Court has dismissed them. Plaintiffs are therefore precluded from any future filing in this matter until they comply with the sanctions orders.

C. Motion for Contempt

Third, Allstate asks the Court to hold Plaintiffs in civil contempt for their failure to comply with the sanctions orders. When a court holds a party in civil contempt, the court has many options, including but not limited to coercive incarceration, coercive daily fines payable to the court, and compensatory fines payable to the victims. *See generally Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 114 S. Ct. 2552, 129 L.Ed.2d 642 (1994).

A civil contempt order must be designed to coerce compliance with the court's underlying order. 3A C. Wright, A. Miller & M. Kane, Federal Practice and Procedure § 703 (4th ed.). In that vein, an order will only be characterized as civil contempt, as opposed to criminal contempt, if the object of the order has the ability to comply with the underlying court order and if complying with the underlying court order will completely purge the contempt order. *Id.* n.17. In other words, the object of the contempt order must hold the "keys to his prison." *Id.* n.14.

Here, Plaintiffs have claimed an inability to pay sanctions on multiple occasions. They have offered nothing to prove their inability to pay, and Allstate is skeptical, stating that Plaintiffs promptly paid the $500 fee required to file an appeal. Because a civil contempt order must be designed to coerce compliance, a purpose it cannot serve if compliance is impossible, Plaintiffs' inability to pay, if true, is a complete defense against contempt. *United States v. Rylander*, 460 U.S. 752, 757, 103 S. Ct. 1548, 75 L.Ed.2d 521 (1983). The party raising the defense of inability to comply has the burden of proof. *Id.*

Plaintiffs have ten days to show cause in writing why they should not be held in civil contempt. This Court's bar on future filings by the Plaintiffs, discussed above, does not prohibit them from filing this single motion along with relevant evidentiary support. To be clear, the Court is only making the narrow request that Plaintiffs file a show cause motion in which Plaintiffs

attempt to prove that they are insolvent. If, in fact, Plaintiffs are insolvent, then civil contempt is not appropriate here because it would serve no purpose, Plaintiffs would *not* have the key to their own prison. If, on the other hand, Plaintiffs fail to prove that they are insolvent, the Court will hold them in civil contempt.

It bears noting, even if Plaintiffs prove they are insolvent and this Court deems civil contempt inappropriate, they will not be relieved of their obligation to comply with the sanctions orders. In accordance with Mississippi law, Allstate may execute the judgment by pursuing a garnishment action. Miss. R. Civ. P. 69; *First Miss. Nat'l Bank v. KLH Indus., Inc.*, 457 So. 2d 1333 (Miss. 1984).

Conclusion

Plaintiffs' *Rule 60 Motion for Relief from a Judgment or Order* [85] is hereby **DENIED**.

Plaintiffs' *Motion for Stay of Sanctions* [95] is hereby **DENIED**.

Allstate's *Motion for Contempt* [90] is **GRANTED**. Plaintiffs are **ORDERED** to pay Allstate its reasonable attorneys' fees incurred in filing its *Motion for Contempt* [90], its *Memorandum in Support of its Motion for Contempt* [91], and in responding to Plaintiffs' *Rule 60 Motion for Relief from a Judgment or Order* [85]. Allstate is **ORDERED** to submit their itemization of fees and supporting affidavits within seven (7) days of this order. Furthermore, until Plaintiffs comply with all sanctions orders, any further pleadings in this matter filed by the Plaintiffs—except for their motion to show cause why they should not be held in civil contempt and related evidence—will be stricken from the record and will not be considered by this Court.

Finally, Plaintiffs are **ORDERED** to show cause in writing within ten (10) days as to why they should not be held in civil contempt for their failure to comply with the August 19, 2019

Order [59] and the July 23, 2020 Order [82] imposing sanctions. Alternatively, Plaintiffs are **ORDERED** to pay Allstate all sanctions owed within ten (10) days.

SO ORDERED, this the 7th day of October, 2020.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI