

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI, DELTA DIVISION**

**CHARLES C. JACOBS, JR., and
ROSEMARY W. JACOBS**

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:09cv132-B-S

**CONSECO, INC., CDOC INC., WASHINGTON
NATIONAL INSURANCE COMPANY, CONSECO
SERVICES, LLC, AND CONSECO LIFE
INSURANCE COMPANY**

DEFENDANTS

ORDER

This matter is before the court on motion of the plaintiff to compel responses to interrogatories and requests for production (#98). After considering the motion, the response, and oral argument, the court finds, pursuant to rulings made from the bench during the hearing held on November 5, 2010, the following¹:

1. Request for Admission No. 2: Defendants admit the authenticity of the letter from Policy Holder Service Department of Conseco dated February 20, 2009, addressed to Rose M. Jacobs, as photocopied excluding additional notations and markings.
2. Request for Admission No. 5: Defendants admit the authenticity of the letter from Carmen Taflin of Conseco Services, L.L.C. dated April 10, 2009, addressed to Deborah D. Ivory, as photocopied excluding additional notations and markings.
3. Request for Admission No. 7: Defendants admit the authenticity of the letter from Angela Callahan of customer relations, Conseco Services, L.L.C., dated May 14, 2009, mailed to Mississippi Insurance Department, attention Deborah Ivory, as photocopied excluding additional notations and markings.

¹The following is intended to clarify, not supplant, rulings made from the bench.

4. Defendants have reasonably responded to Requests for Production and Interrogatories Numbers 3, 4, 5, 6(d) and 6(e).
5. Interrogatory No. 10: Defendants have provided both the Pate and Jacobs policies, the remaining portion of this interrogatory requires defendants to provide legal positions and conclusions and is therefore DENIED.
6. Interrogatories 20(c) and 25: Defendants are to produce the documents discussed at the hearing as soon as they become available.

IT IS, THEREFORE, ORDERED that the plaintiff's motion to compel is granted in part and denied in part. Each party will bear its own cost.

SO ORDERED this 8th day of November 2010.

/s/David A. Sanders
U.S. MAGISTRATE JUDGE