

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF AMERICA )

v. )

RICHARD M. SCRUSHY, )

Defendant. )

Case No. CR-03-BE-0530-S

ENTERED

JAN 22 2004

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MOOT

*Frank B. ...*  
U.S. DISTRICT JUDGE 1/22/04

**RENEWED MOTION OF THE UNITED STATES  
TO VACATE ORDER SETTING HEARING OR,  
IN THE ALTERNATIVE, TO CONTINUE HEARING DATE**

Comes now the United States of America, by and through its counsel, Alice H. Martin, United States Attorney for the Northern District of Alabama, and renews its motion to vacate the Court's order setting a hearing on the defendant's *Motion to Modify the Court's Restraining Order of November 3, 2003* or, in the alternative, to continue the hearing date. As grounds therefor, the Government states as follows:

1. That on November 26, 2003, the defendant filed his motion seeking to modify the Court's Restraining Order of November 3, 2003. Following submission of briefs by both parties, this Court held a conference with counsel on December 11, 2003, to discuss the defendant's motion.

2. That on December 19, 2003, this Court entered its order setting the defendant's motion to modify for a hearing; that hearing is presently scheduled for Thursday, January 22, 2004, at 1:30 p.m.

3. That as of December 11, 2003, the defendant was fully aware of the Court's expressed desire to be **fully prepared** prior to any hearing in this case and, in that regard, of his obligation to this Court to specifically identify what properties he claims were wrongfully restrained and his support for that claim. The defendant deliberately failed to meet that obligation in a meaningful way.

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