



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

WADE TUCKER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.: CV-02-5212
	)	
RICHARD M. SCRUSHY, et al.,	)	
	)	
Defendants.	)	

CONSOLIDATED WITH

WADE TUCKER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.: CV-09-902145
	)	
RICHARD M. SCRUSHY, et al.,	)	
	)	
Defendants.	)	

**REPORT AND ORDER OF THE SPECIAL MASTER REGARDING  
OBJECTIONS TO ISSUANCE OF SUBPOENAS FOR FINANCIAL INFORMATION**

These matters are before the undersigned Special Master to resolve (i) the *Motion to Limit Discovery to the Defendant and His Personal Assets and Income and Cease the Harassment and Interference with Defendants' Family Members and their Private Businesses* [Document No. 10448 in Case No. 02-5212] filed by Richard Scrushy (the "Motion to Limit Discovery"), (ii) the *Plaintiffs' Motion to Compel Issuance of Subpoenas for Financial Records and Response to Richard Scrushy's Motion to Limit Discovery* [Document No. 10525 in Case No. 02-5212] (the "Motion to Compel Issuance"), (iii) the *Defendant's Response to Plaintiffs' Motion to Compel Issuance of Subpoenas for Financial Records and Response to Richard Scrushy's Motion to Limit Discovery* [Docket No. 10552 in Case No. 02-5212] (the "Scrushy Objection"), (iv) *Motion*

*Objecting to the Notice of Intent and Request to Issue out of State Subpoenas for Discovery on the Bank Accounts and Business Accounts of Richard Scrusby's Children, Wife, and Brother and Motion Objecting to the Plaintiffs' Motion to Compel Issuance of Subpoenas for Financial Records and Response to Richard's Motion to Limit Discovery* [Docket No. 10548 in Case No. 02-5212] (the "Scrusby Family Objection"); (v) *Motion for Reconsideration of the Special Masters Order Denying the Defendant's Motion to Deny the Plaintiffs Request to Issuance Subpoenas for Financial Information from Certain Family Members Financial Institutions* [Docket No. 4259 in Case No. 09-902145] (the "Scrusby Family Motion for Reconsideration"); (vi) *Plaintiff's Opposition to Motion for Reconsideration and Request for Denial of Motion Without Hearing* [Docket No. 10560 in Case No. 02-5212]; and (vii) *Defendant's Response to the Plaintiff's Opposition to Motion for Reconsideration and Request for Denial of Motion Without Hearing* [Docket No. 10564] in Case No. 02-5212] (the "Scrusby Response for Reconsideration"). The Special Master having reviewed the submissions of the parties and after considering the submissions and arguments of the parties at the meetings on February 13, 2023 and May 23, 2023,

**FINDS AND ORDERS** that:

1. The relief requested in the Motion to Limit Discovery, Motion to Compel Issuance, the Scrusby Objection, Scrusby Family Objection, Scrusby Family Motion for Reconsideration, and Scrusby Response for Reconsideration is hereby **DENIED**, in part, and **GRANTED**, in part, as set forth herein.
2. The Plaintiffs are authorized to request issuance, and the Clerk shall issue, subpoenas substantially in the form attached to the *Notice of Intent* filed on November 29, 2022 [Document No. 10448 in Case No. 02-5212]; *provided*,

*however*, such subpoenas shall not include any requests for documents related to financial accounts in the name of Leslie Scrushy.

3. A separate Commission for Out-of-State Subpoenas will be entered authorizing a Commission for Out-of-State Subpoenas in substantially the form attached to the *Request to Issue Commission for Out-of-State Subpoenas* filed on November 29, 2022 [Document No. 10445 in Case No. 02-5212]; *provided, however*, such subpoenas shall not include any requests for documents related to financial accounts in the name of Leslie Scrushy.
4. Except as set forth herein, all other relief requested in the filings referenced in this Report and Order is **DENIED**, without prejudice.
5. There will be a meeting of the parties with the Special Master regarding Zoner's Restaurant Group, and any other matters, on August 22, 2023 at 1:30 pm in the Jury Room of Judge French's courtroom at the Jefferson County Courthouse .

DONE this 23<sup>rd</sup> day of May, 2023.

  
HONORABLE JOHN H. ENGLAND, JR.  
SPECIAL MASTER