

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

PLAINTIFF

VS.

CASE NO. 25CI1:22-cv-00286-EFP

MISSISSIPPI COMMUNITY EDUCATION CENTER, INC., et al.

DEFENDANTS

**DEFENDANT AUSTIN GARRETT SMITH'S RESPONSE IN OPPOSITION TO
DEFENDANT JOHN DAVIS' MOTION FOR STAY OF CIVIL ACTION [105]**

Defendant Austin Garrett Smith ("Austin Smith") opposes Defendant John Davis' Motion for Stay of Civil Action. Doc. 105. The grounds for Austin Smith's opposition are as follows:

1. Defendant John Davis has a Fifth Amendment right to refuse to answer questions that might incriminate him. However, Defendant Davis' Fifth Amendment rights can be protected by delaying Defendant Davis' deposition until all other discovery is complete. Staying the entire case is not necessary.

2. A stay in this case is not in the public interest. Austin Smith's Answer, Doc. 59, p. 29, alleges several entities are necessary parties but are not joined as defendants. Further, Defendant Nancy New's Answer has documented the necessity of joining former Governor Dewey Phillip Bryant as a defendant because Defendant Nancy New charges that former Governor Bryant directed payments of money intended for needy families to Defendant Brett Favre. Doc. 72, p. 21.

3. Additionally, text messages indicate Governor Tate Reeves assisted Defendant Paul Victor Lacoste in unlawfully obtaining TANF funds. *See* MISSISSIPPI TODAY Article Dated August

12, 2022, Entitled *Gov. Tate Reeves inspired welfare payment targeted in civil suit, texts show*, attached hereto as Exhibit "A."

4. A stay is not in the public interest since a stay will delay and frustrate discovery so as to cause all necessary defendants not to be joined, including both former Governor Bryant and Governor Reeves. Granting Defendant John Davis' stay is not necessary to protect his Fifth Amendment rights, and will frustrate the public interest by delaying the joinder of necessary party defendants as required by Miss. R. Civ. P. 19.

5. A delay is not in the public interest because there should be an expeditious determination of who are necessary party defendants and a delay will frustrate this determination.

6. Defendant John Davis' Motion for Stay of Civil Action should be denied. The alleged purpose of the motion (to protect Defendant Davis' Fifth Amendment rights) can be served by delaying Davis' deposition until after all of the depositions have been taken and after the disposition of the pending criminal charges.

RESPECTFULLY SUBMITTED, this the 15th day of August, 2022.

AUSTIN GARRETT SMITH, Defendant

By: /s/ JIM WAIDE
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ATTORNEYS FOR DEFENDANT
AUSTIN GARRETT SMITH

CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Defendant Austin Garrett Smith has this day filed the above and foregoing with the Clerk of the Court, utilizing the Mississippi courts electronic case data filing system (MEC), which sent notification to all counsel of record.

DATED, this the 15th day of August, 2022.

/s/ JIM WAIDE

Jim Waide