

CERTIFICATE OF INTERESTED PERSONS

IRVIN MORGAN, JR.,
Appellant

v.

NUMBER 2007-CA-00872

HARRY STEVENS, JR. and
GAYLE J. STEVENS
Appellees

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal:

1. Honorable Lee Howard
Circuit Court Judge
Lowndes County
2. Honorable William P. Starks, II
Attorney for Plaintiff-Appellant
Columbus, Mississippi
3. Honorable Ron Woodruff
Attorney for Defendant-Appellee, Gayle Stevens
Tupelo, Mississippi
4. Honorable Michael Malski
Trial Counsel for Defendant-Appellee, Harry Stevens, Jr.
5. Honorable Luanne Thompson
Attorney for Defendant-Appellee, Harry Stevens, Jr.

6. Irvin Morgan
Plaintiff-Appellant
7. Gayle Stevens
Defendant-Appellee
8. Defendant-Appellee

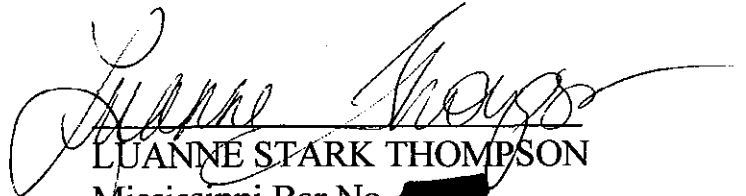

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TABLE OF CITATIONS

Mississippi Supreme Court

Aetna Casualty & Surety Co., v. Berry 669 So.2d 56, 70 (Miss, 1996) 2

Dawkins v. Redd Pest Control Co. 607 So.2d 1232, 1235 (Miss. 1992) 2

SUMMARY

Issue No. 1:

Whether the Statute of Limitations barred Plaintiff's Claims.

Harry Stevens, Jr., joins in the Brief of Gayle Stevens on Issue Number 1.

Issue No. 2:

Whether the Trial Court abused its discretion in Denying Plaintiff's Motion to Compel.

This issue is moot since the cause of action giving rise to discovery is barred by the statute of limitations.

ARGUMENT

Issue No. 1:

Whether the Statute of Limitations barred Plaintiff's Claims.

Harry Stevens, Jr., joins in the brief of Gayle Stevens on Issue Number One and adopts her argument in its entirety. Because the three year statute of limitations applies, the claim of Irvin Morgan is barred given that his latest cause of action should have been filed in January of 2001. Additionally, no genuine issue of material fact exists as to the fraud claim of Irvin Morgan and therefore, summary judgment was properly granted.

Aetna Casualty & Surety Co., v. Berry 669 So.2d 56, 70 (Miss, 1996).

Issue No. 2:

Whether the Trial Court abused its discretion in Denying Plaintiff's Motion to Compel.

Issue Number two is moot given that the discovery sought was based upon a claim barred by the Statute of Limitations. Furthermore, trial courts have considerable discretion in discovery matters and decisions will not be overturned unless there is an abuse of discretion. *Dawkins v. Redd Pest Control Co.* 607 So.2d 1232, 1235 (Miss. 1992)

CONCLUSION

This claim of Irvin Morgan is barred by the Statute of Limitations and any complaint with regard to discovery violations is moot on the barred claim.

This Court should affirm the summary judgment ruling of Judge Howard and deny the relief sought for by Irvin Morgan.

RESPECTFULLY SUBMITTED this, the 14th day of January, 2008.

HARRY STEVENS, JR.

By: 
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CERTIFICATE OF SERVICE

I, Luanne Thompson, hereby certify that I have on this date mailed by United States Mail, a true and correct copy of the above and foregoing Brief of Appellee to the following:

Honorable Lee Howard
Circuit Court Judge, Sixteenth Judicial District
Post Office Box 1344
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Honorable William P. Starks, II
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Honorable Michael Malski
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So certified, this the 14th day of January, 2008.



LUANNE STARK THOMPSON

CERTIFICATE OF FILING

IRVIN MORGAN, JR.,
Appellant

v.

NUMBER 2007-CA-00872

HARRY STEVENS, JR. and
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Appellees

I, Dean Lindsey, hereby certify that I have on this date mailed by overnight mail one (1) original and three (3) copies of the Brief of Appellee, Harry Stevens, Jr., in the above styled case as well as an electronic version of the Brief to:

Betty Sephton, Clerk
Mississippi Supreme Court
450 High Street
Jackson, MS 39201

So certified this, the 14th day of January, 2008.


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