

IN THE SUPREME COURT OF MISSISSIPPI
NO. 2008-CA-00529

ROBIN HARPER, INDIVIDUALLY AND
ON BEHALF OF REIJAH HARPER, A MINOR

APPELLANT

VS.

CAL-MAINE FARMS, INC. AND JOHN DOES 1-2

APPELLEES

APPEAL FROM THE CIRCUIT COURT OF THE
SECOND JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

BRIEF OF APPELLANT

ORAL ARGUMENT NOT REQUESTED

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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies the following listed persons have an interest in the outcome of this case. These representations are made in order that the Judges of this Court may evaluate possible disqualifications or recusal.

1. ROBIN HARPER, INDIVIDUALLY AND ON BEHALF OF REIJAH, A MINOR, APPELLANT
2. MICHAEL M. WILLIAMS, COUNSEL FOR APPELLANT
3. CAL-MAINE FARMS, INC., APPELLEE
4. ROBERT P. THOMPSON, COUNSEL FOR APPELLEE
5. HONORABLE BOBBY BURT DELAUGHTER, CIRCUIT COURT JUDGE



MICHAEL M. WILLIAMS
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STATEMENT OF THE ISSUES

**WHETHER THE TRIAL COURT ERRED WHEN IT DETERMINED THAT HARPER'S
BAD FAITH CLAIMS WERE BARRED BY THE APPLICABLE STATUTE OF
LIMITATIONS.**

I. STATEMENT OF THE CASE

A. NATURE OF THE CASE, COURSE OF PROCEEDINGS AND DISPOSITION IN THE COURT BELOW

On August 4, 2006, plaintiff, Robin Harper, hereinafter "*Harper*", individually and on behalf of Reijah Harper, a minor, brought this civil action in the Second Judicial District of Hinds County, Mississippi seeking monetary damages from Cal-Maine Foods, Inc., hereinafter "*Cal-Maine*," for bad faith refusal to pay workers' compensation benefits. (CP, p.3-11) Cal-Maine answered the complaint and on September 21, 2007, motioned for summary judgment alleging that Harper's claims were barred by the applicable statute of limitations. (CP, p. 12-22)

This matter was heard before the Honorable Bobby Burt DeLaughter and on or about February 28, 2008, the trial court issued an order granting Cal-Maine's motion for summary judgment. (CP, p. 78-81) Specifically, the court held that the order of the Mississippi Workers' Compensation Commission, hereinafter "*MWCC*", became final on July 9, 2003, the date it was entered, which set the statute of limitation on any related bad faith claims as July 9, 2006. (*Id.*) The trial court determined that the case was barred by the statute of limitations since the complaint was not filed until August 4, 2006. (*Id.*)

Feeling aggrieved by the decision of the circuit court, Harper perfected this appeal which raises the issue of when does a decision from MWCC become final for purposes of determining when the statute of limitations begins to run on a bad faith claim arising from the mishandling of the compensation claim.

B. STATEMENT OF THE FACTS

On or about December 1, 2000, Ricky Harper, was killed while in the course and scope of his employment with Cal-Maine Foods, Inc. as a supervisor at one of its chicken breeding farms. (CP, p. 3-11) Cal-Maine was self-insured under the Mississippi Workers' Compensation Act, and

in violation of said Act, failed to tender workers' compensation death benefits to Ricky's widow, Robin Harper, and minor child, Reijah Harper. . Id. Accordingly, Harper filed a petition to controvert with the Mississippi Workers' Compensation Commission on October 22, 2001. (R.E. 4)¹ A hearing on the merits of the claim was held on September 13, 2002, before Administrative Judge Mark Henry, and in a January 14, 2003, order, Judge Henry awarded benefits to Harper. (R.E. 4)

Cal-Maine appealed to the Full Commission and on July 9, 2003, the Commission entered an order affirming the award of benefits to Harper. (R.E. 4) No further appeal was taken. Id.

Despite the July 9, 2003, order of the Commission awarding benefits, Cal-Maine failed to tender benefits to Harper until August 26, 2003. (R.E. 4) On August 4, 2006, Harper filed a bad faith complaint against Cal-Maine for failure to pay funeral expenses and death benefits in violation of the laws of the State of Mississippi. (CP, p. 3-11)

¹The parties entered into an agreed order allowing their memorandum briefs to be made a part of the Clerk's Papers. A copy of the agreed order is attached to Appellant's Record Excerpts. *See* R.E. 3. Inadvertently, Harper's memorandum brief in opposition to the motion for summary judgment was not filed in the Clerk's Papers. A copy of the memorandum brief is attached to Appellant's Record Excerpts. *See* R.E. 4.

II. SUMMARY OF ARGUMENT

The trial court erred when it determined that Harper's bad faith claims were barred by the applicable statute of limitations. It, erroneously, held that the order of the MWCC became final on July 9, 2003, the date it was entered, which set the statute of limitation on any related bad faith claims as July 9, 2006. Using this flawed reasoning, the court determined that the case was barred by the statute of limitations since the complaint was not filed until August 4, 2006.

A bad faith claim arising out of the mishandling of a compensation claim becomes actionable *only after* the workers' compensation administrative process has been exhausted. A decision from MWCC becomes final and the administrative process is exhausted, thirty days after the order is entered, *i.e.* the appeal period lapses, and no appeal is taken. Applying this reasoning, the statute of limitations for Harper's bad faith claim began to run only after the decision of the MWCC became final which was on or about August 9, 2003, after the thirty day appeal period lapsed. The MWCC order was entered on July 9, 2003. Therefore, Harper's claims were timely filed on August 4, 2006. The statute of limitations on Harper's bad faith claim did not start to run until the MWCC's order was entered and the thirty day appeal period ran.

This Honorable Court should reverse the February 28, 2008, order of the trial court granting summary judgment to Cal-Maine and remand this matter for further proceedings since Harper timely filed her bad faith claims.

III. ARGUMENT

A. STANDARD OF REVIEW

The Mississippi Supreme Court applies a *de novo* standard of review when deciding issues of law. ABC Mfg. Corp. v. Doyle, 749 So.2d 43, 45 (Miss. 1999). The application of a statute of limitations is a question of law. Sarris v. Smith, 782 So.2d 721, 723 (Miss. 2001).

The appellate standard for reviewing the grant or denial of summary judgment is the same standard as that of the trial court under Rule 56(c) of the Mississippi Rules of Civil Procedure. Heigle v. Heigle, 771 So.2d 341, 345 (Miss. 2000). The Court employs a *de novo* standard of review to a lower court's grant or denial of summary judgment and the evidence must be viewed in the light most favorable to the party against whom the motion has been made. Miss. Dept. of Wildlife, Fisheries & Parks v. Miss. Wildlife Enforcement Officers' Ass'n, Inc., 740 So.2d 925, 929 (Miss. 1999); Williamson v. Keith, 786 So.2d 390, 393 (Miss. 2001).

Rule 56 states, in relevant part, that summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to summary judgment as a matter of law." Miss. R. Civ.P. 56(c). The moving party has the burden of persuading this Court that no genuine issue of material fact exists and the non-movant should be given the benefit of every reasonable doubt. Tucker v. Hinds County, 558 So.2d 869, 872 (Miss.1990). All evidentiary matters should be viewed in the light most favorable to the non-moving party. City of Jackson v. Sutton, 797 So.2d 977, 979 (Miss. 2001); Pearl River County Board v. South East Collection, 459 So.2d 783, 785 (Miss.1984); Brown v. Credit Center, Inc., 444 So.2d 358, 362 (Miss.1983).

B. THE TRIAL COURT ERRED WHEN IT DETERMINED THAT HARPER'S BAD FAITH CLAIMS WERE BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS.

1. HARPER'S CLAIMS ARE TIMELY.

The application of a statute of limitations is a question of law. Sarris v. Smith, 782 So.2d 721, 723 (Miss. 2001).

- (a) *Mississippi's general three year statute of limitation governs this lawsuit.*

Mississippi employs a general three (3) year statute of limitations on actions without any other statutorily prescribed period of limitation. Miss. Code Ann. §15-1-49 (1995). Other than §15-1-49, there is no statutorily prescribed period of limitation for bad faith claims arising out of the mishandling of workers' compensation claims. Therefore, it is clear that the general three year statute of limitations is applicable to the bad faith claims set forth in case *sub judice*. American Bankers' Ins. Co. of Fla. v. Wells, 819 So.2d 1196 (Miss. 2001); Levens v. Campbell, 733 So.2d 753, 758; Trammell v. State, 622 So.2d 1257, 1261 (1993) (tort actions arising from contractual obligations have a three year statute of limitations); Bullock v. AIU Insurance Company, 2008 WL 1970978 (Miss. 2008) (bad faith claim for failure or refusal to pay workers' compensation benefits is governed by the general three year statute of limitations).

- (b) *An order by the Commission awarding benefits becomes final only after the time allowed for an appeal has lapsed.*

Miss. Code Ann. § 71-3-51 (1972) reads, in pertinent part,

The final award of the commission shall be conclusive and binding unless either party to the controversy shall within thirty (30) days from the date of its filing in the office of the commission and notification to the parties appeal therefrom to the circuit court of the county in which the injury occurred.

The section further reads,

An appeal from the commission to the circuit court shall not act as a supersedeas unless the court to which such appeal is directed shall so direct, and then upon such terms as such court shall direct.

In T.C. Fuller Plywood Company v. Moffett, 95 So.2d 475(Miss. 1957), the Mississippi Supreme Court held that the legislative intent behind Miss. Code Ann. § 71-3-51² was to postpone the conclusiveness and finality of the order of the Commission until the expiration of the thirty days allowed for appeal. The Court reasoned that it was absurd and a fallacy to treat an order of the Commission as final on the date it was entered since such an interpretation would require an employer to pay an award within fourteen (14) days of the date of the Commission's order even though they had thirty days in accordance with the plain language reading of Miss. Code Ann. § 71-3-51 to determine whether they would appeal and apply for supersedeas.

Miss. Code Ann. §71-3-37(6)³ provides that a penalty of twenty percent of the unpaid benefits is due where benefits awarded by the Commission are not paid within 14 days after they becomes due. Reading and construing the statutes together, the Court determined that

² In Moffett, the Mississippi Supreme Court, deciding when an order of the Commission becomes final, analyzed Mississippi Code § 6998-26 (1942) which read in relevant part, "*The final award of the Commission shall be conclusive and binding unless either party to the controversy shall within thirty (30) days from the date of its filing in the office of the Commission and notification to the parties appeal therefrom to the circuit court of the county in which the injury occurred.*" The relevant language of § 6998-26 is identical to the language of Miss. Code Ann. § 71-3-51 (1972).

³In Moffett, the Mississippi Supreme Court, deciding when an order of the Commission becomes final, analyzed Mississippi Code § 6998-19(f)(1942), which provided that "*if any installment payable under the terms of an award is not paid within 14 days after it becomes due, then there shall be added to such unpaid installment and amount equal to twenty percent thereof which shall be paid at the same time as, but in addition to, such compensation unless review of the compensation order making such award is had.*" The relevant language of § 6998-19 is identical to the language of Miss. Code Ann. § 71-3-37(6) (1972).

it would be absurd to mandate that an order of the Commission becomes final on the date it is entered: employer would be required to pay an award within 14 days of the date of the order, denying the employer the right to appeal an award and seek a supersedeas. Such an interpretation would render § 71-3-51 and §71-3-37(6) in conflict with one another and it can not be presumed that the Mississippi legislature intended to enact conflicting provisions in the Workers' Compensation Act.

Mississippi law has long held that when interpreting a statute the proper way to determine the real intent of the legislature is to study the words used by it in context. Kerr-McGee Chemical Corp. v. Buelow, 670 So.2d 12,17 (Miss. 1995). If the statute is not ambiguous, the Court should simply apply the statute according to its plain meaning and should not use principles of statutory construction. However, if the statute is unclear or ambiguous, this Court must look to the rules of statutory construction to interpret the statute. Claypool v. Mladineo, 724 So.2d 373, 382 (Miss. 1998).

The Court, in construing a statute, must seek the intent of the Legislature and knowing it, must adopt that interpretation which will meet the real meaning of the Legislature. Evans v. Boyle Flying Service, Inc., 680 So.2d 821, 825 (Miss. 1996). When construing a statute, the object is to get at its spirit and meaning – its design and scope. Claypool, 724 So. 2d at 382. The chief desire of the courts is to reach the real intent of the legislature, and knowing this to adopt an interpretation which will meet the real meaning, though such interpretation may be beyond or within, wider or narrower, than the mere letter of the statute. Evans, 680 So.2d at 821.

Unthought of results must be avoided if possible, especially if injustice follows, and unwise purpose will not be imputed to the Legislature when a reasonable construction is

possible. Id. Words or phrases may be supplied by the courts and inserted in the statute, where necessary to obviate repugnancy and inconsistency in the statute, complete the sense thereof, and give effect to intent of legislature manifested therein. Claypool, 724 So. 2d at 382. This rule is especially applicable where such application is necessary to prevent the law from becoming a nullity. Id. In short, a court must construe statutes to avoid unreasonable or absurd results. 73 Am. Jur. 2d Statutes § 172. A court should not give a statute a literal interpretation if it leads to absurd consequences that are contrary to legislative intent. Id.

Applying the rules of statutory construction, the Mississippi Supreme Court in Moffett reasoned that it was absurd to treat an order of the Commission as final on the date it was entered because such an interpretation would completely disregard the plain language of §71-3-51 allowing the aggrieved party thirty (30) days in which to appeal and apply for a supersedeas. The Court, harmonizing the statutes, held that an order of the Commission was not final until thirty days allowed for appeal expired. Moffett, 95 So.2d at 278. Applying Moffett to the case *sub judice*, the July 9, 2003, order of the Commission awarding benefits to Harper would have become final on or about August 9, 2003, the date the thirty days allowed for appeal expired.

(c) *Exhaustion of the administrative process is a mandatory condition precedent to maintaining a bad faith lawsuit for failure to pay workers' compensation benefits.*

Under Mississippi law, an employee may bring a tortious breach of contract action against the compensation carrier for bad faith refusal to provide benefits. McCain v. Northwestern National Insurance Company, 484 So.2d 1001 (Miss. 1986). A prerequisite to the award of punitive damages in such an action is based on a determination that plaintiff

is entitled to contractual damages. McCain, 484 So.2d at 242(Miss. 1985)

An action against a workers compensation insurer for bad faith refusal to provide benefits may not be commenced prior to the conclusion of the administrative proceeding which determined whether claimant is entitled to benefits. Butler v. Nationwide Mut. Ins. Co., 712 F. Supp. 528 (S.D. Miss. 1989).

In Walls v. Franklin Corp. And Employers Ins. Of Wasusau, 797 So.2d 973 (Miss. 2001), the Mississippi Supreme Court held that a workers' compensation claimant would first have to establish his entitlement to benefits through the administrative process before pursuing a bad faith suit. *See also* Billingsley v. United Technologies Motor Systems, 895 F.Supp. 119, 121 (S.D. Miss. 1995)(finding for plaintiff on bad faith claim would presume plaintiff's entitlement to all benefits claimed and if made prior to the exhaustion of administrative remedies, could prove inconsistent with the workers compensation determination); Shepard v. Boston Old Colony Ins. Co., 811 F.Supp. 225, 232 (S.D. Miss. 1992)(holding that the opportunity to recover damages for a bad faith determination or denial of workers' compensation benefits exists only after a determination of entitlement to workers' compensation benefits).

Considering the applicable principles of Mississippi law and federal court precedent, it is clear Mississippi law requires a claimant exhaust their administrative remedy prior to instituting a bad faith action for failure to pay workers compensation benefits.

(d) *The administrative process is exhausted
when an order awarding benefits becomes final.*

A claim of entitlement to workers compensation benefits is a matter within the exclusive original jurisdiction of the MWCC. Miss. Code Ann. §71-3-47(1972); Day-Brite Lighting Division, Emerson Electric Co. v. Cummings, 419 So.2d 211, 213 (Miss. 1982).

The Mississippi legislature placed the question of entitlement to benefits before the Commission, a specialized administrative body with expertise in the field of compensation law. Dial v. Hartford Accident and Indemnity Co., 863 F.2d 15, 17 (5th Cir. 1989) As such, a determination of entitlement to benefits becomes conclusive and binding when an order of the Commission awarding benefits becomes final.

If federal and state courts independently determine entitlement in bad faith cases, inconsistent and unjust verdicts could result. Id.; Billingsley, 895 F.Supp. at 121. To rule on the issue of bad faith prior to an order of the Commission becoming final, would presume that a plaintiff was entitled to all benefits claimed and this could lead to results inconsistent with either the Commission's findings or the findings of the reviewing state courts. Id. See also Powers v. Travelers Ins. Co., 664 F.Supp. 252 (S.D. Miss. 1987), holding that because of the exclusive jurisdiction of the Commission to determine the right to compensation and because the Mississippi Supreme Court in McCain v. Northwestern National Ins. Co., 484 So.2d 1001, 1002 (Miss. 1986) stated that the establishment of the right to compensation is a prerequisite to a claim for punitive damages, it was not the intent of the Mississippi court that bad faith actions become a device to deprive the Commission of its jurisdiction over these matters. Accordingly, the Powers Court held that the bad faith action could not proceed until the administrative remedies were exhausted.

In Billingsley, 895 F.Supp. at 120, the administrative judge found claimant's injury was compensable and ordered employer and carrier to pay permanent partial disability benefits to claimant. The employer and carrier appealed to the Full Commission and while the appeal was pending, claimant brought an action against defendants for bad faith refusal to pay workers' compensation benefits. The employer and carrier motioned to dismiss the bad faith action and the Court, advised by the parties that a decision was imminent from the

Commission, reserved its ruling on the motion and held the matter in abeyance until the Commission ruled on the appeal.

The Commission upheld the Administrative Judge's, hereinafter "*AJ*" ruling and the employer and carrier appealed the Full Commission order to the state circuit court. The Billingsley Court held that so long as the possibility for an appeal from an award of benefits exists, there has been no final adjudication of the entitlement to benefits as to satisfy the prerequisite to filing a bad faith claim – the exhaustion of the administrative process.

The logical reasoning and premise of Billingsley centers on the fact that a claimant would have no way of knowing conclusively he was entitled to benefits until such the time for appeal has lapsed or the insurer has exhausted its appeal rights. Therefore, it is clear workers compensation procedure is exhausted where a claimant received an award of benefits and the time for appeal lapsed or the insurer exhausted its appeal rights. *See also* Liberty Mutual Ins. Co. v. McKneely, 862 So.2d 530 (Miss. 2003)(workers' compensation procedures are exhausted where a claimant received a favorable decision from the Commission which the insurer and the employer chose not to appeal); Amdahl v. Stonewall Ins. Co., 484 N.W.2d 811, 813-814 (Minn. App. 1992)(in a third-party action for bad faith denial of liability insurance benefits, the insured's cause of action did not accrue until the third party's judgment became final).

Applying the logic and reasoning of Billingsley and Dial, cases that hold that the administrative process is only exhausted as to establish grounds for bad faith when the order of the Commission becomes final, i.e. the time for appeal has lapsed, it is clear in the case *sub judice* that the July 9, 2003, order of the Commission awarding benefits to Harper

became final on or about August 9, 2003, after the thirty day appeal period expired. As such, the statute of limitations on her bad faith claim began to run on or about August 9, 2003, and expired on August 9, 2006. Harper filed her bad faith claim on August 4, 2006, which makes her claims timely since they were filed before the statute of limitations expired on August 9, 2006.

B. BULLOCK V. AIU INSURANCE COMPANY, 2008 WL 1970978 (MISS. 2008), CLEARLY INDICATES THAT HARPER'S BAD FAITH CLAIMS WERE FILED TIMELY.

In Bullock v. AIU Insurance Company, 2008 WL 1970978 (Miss. 2008), the Mississippi Supreme Court was asked "*to determine when a decision from an administrative law judge of the Workers' Compensation Commission becomes final for purposes of determining when the statute of limitations begins to run for bringing a tortious breach-of-contact action against an employer, a workers' compensation insurance carrier, and a third-party claims administrator.*"

In Bullock, plaintiff filed a petition to controvert before the Mississippi Workers' Compensation Commission and on or about October 12, 1999, the AJ, determined only one issue and that was whether the employer and carrier were liable for payment of benefits to the claimant. Bullock v. AIU Insurance Company, 2006 WL 1195465 (S.D. 2006). The AJ issued an order finding that claimant was entitled to workers' compensation benefits. The employer and carrier did not appeal the ruling. The case was closed on May 25, 2004, when an order approving a commuted lump sum settlement was entered by the Commission.

On or about August 26, 2004, Bullock filed a bad faith action against AIU Insurance Company, et al. for their refusal to provide workers' compensation benefits and the case was

removed to federal court. The AIU Insurance Company filed for summary judgment alleging that the statute of limitation had expired on the claim. The trial court determined that the AJ's determination that Bullock was eligible for benefits became a final order on October 12, 1999, since the employer and carrier did not appeal the determination, making the statute of limitation October 12, 2002, therefore barring claimant's bad faith claims. Aggrieved by the decision of the trial court, claimant appealed the case to the Fifth Circuit Court of Appeals.

On or about October 4, 2007, the Fifth Circuit, after reviewing the appellate briefs in Bullock, certified the question to the Mississippi Supreme Court of whether under Mississippi law,

an unappealed order of the AJ finding compensability but clearly not addressing and instead leaving open the amount and duration of compensation to which the employee is entitled, sufficiently exhausts the employee's administrative remedies, after expiration of the time to appeal the referenced AJ order, the employee may then prosecute a suit for bad faith failure to pay compensation or whether (or to what extent) that depends on whether the bad faith suit alleges bad faith action (or in action) occurring after expiration of the time to appeal the mentioned AJ compensability order.

The Mississippi Supreme Court, when deciding when the AJ's order became final, determined that the order became final only after the twenty day appeal period ended and no appeal was taken by the parties. Bullock v. AIU Insurance Company, 2008 WL 1970978 (Miss. 2008) Following this rationale, the Court held that "*until that order was final, the administrative remedies were not exhausted, and therefore, no bad-faith action could be filed.*" The Court concluded that Bullock's bad faith claim was timely filed since the final order of the AJ was entered in 2003, not 1999.

Applying the rationale of Bullock to the case *sub judice*, it is clear that Harper's claims were timely filed since the order of the Commission was not final until the thirty day appeal period lapsed and the administrative remedies would only be exhausted after the appeal period lapses. The MWCC order was entered on July 9, 2003, and it became final on or about August 9, 2003, when the time for appeal lapsed and no appeal was filed. As such, the statute of limitations for the any related bad faith claims began to run on August 9, 2003, and lapsed on August 9, 2006. Harper's claims were timely filed on August 4, 2006.

Furthermore, the actions of Cal-Maine suggest they did not believe the order became final until the time for appeal expired: Cal-Maine failed to tender benefits to Harper until August 26, 2003, despite the August 9, 2003, order of the Commission awarding benefits. The August 26, 2003, payment proves that Cal-Maine, pursuant to § 71-3-51 and §71-3-37(6) , believed that the order did not become final until the time for appeal expired on or about August 9, 2003, and payment was due within fourteen (14) days after the order became final.

The trial court erred when it held that the order of the MWCC became final on July 9, 2003, the date it was entered, which set the statute of limitation on any related bad faith claims as July 9, 2006. Bullock makes it clear that the statute of limitations on a bad faith claim does not start to run until all administrative remedies have been exhausted, i.e. a final order entered and the time for appeal has lapsed. As such, the trial court was wrong when it determined that Harper's claims were barred by the statute of limitations. The order of the MWCC was entered on July 9, 2003, and became final on August 9, 2003, after the thirty day appeal period lapsed. Harper timely filed her complaint on August 4, 2006. As such, Harper

requests that this Court overturn the February 28, 2008, order of the trial court granting summary judgment in favor of Cal-Maine and remand the matter for further proceedings.

CONCLUSION

The trial court, erred when it granted summary judgment in favor of Cal-Maine, since Harper's claims were timely filed. Therefore, the order granting summary judgment in favor of Cal-Maine should be reversed and the case should be remanded for further proceedings.

SO BRIEFED, the 23rd day of July, 2008.

Respectfully Submitted,
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Behalf of REIJAH HARPER, a Minor

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CERTIFICATE OF SERVICE

I, MICHAEL M. WILLIAMS, attorney for appellant, ROBIN HARPER, ET. AL,
certify that I have this day mailed, postage prepaid, a true and correct copy of
APPELLANT'S BRIEF to:

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1062 Highland Colony Parkway
Ridgeland, Mississippi 39158

Honorable Bobby Burt DeLaughter
CIRCUIT COURT JUDGE
Post Office Box 27
Raymond, Mississippi 39154

THIS, the 23rd day of July, 2008.



MICHAEL M. WILLIAMS