

IN THE SUPREME COURT OF MISSISSIPPI

WALTER AKINS d/b/a
AKINS CONSTRUCTION COMPANY

APPELLANT

VS.

NO.2009-CA-00182

GOLDEN TRIANGLE PLANNING AND
DEVELOPMENT DISTRICT, INC.

APPELLEE

APPEAL FROM THE CIRCUIT COURT OF OKTIBBEHA COUNTY

REPLY BRIEF OF APPELLANT

APPELLANT REQUESTS ORAL ARGUMENT

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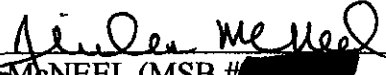
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monies she diverted from Akins; she kept some of the profits herself. But the funds she paid subcontractors that belonged to Akins were used to build houses in which Akins did not participate. Clearly her conduct in setting up a shell corporation (J-Max) to pay subcontractors accomplished the building of homes; she simply skimmed off the top some of the monies for herself that would have gone to Akins.

This case deserves a full and complete trial that will present all the facts how Tate did further her master's purposes. Akins' only relief for the theft of his money, practically speaking, is against the employer who partially benefitted and totally had the right of control over Tate

Respectfully submitted on this the 9th day of September, 2009.



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CERTIFICATE OF SERVICE

This is to certify that I, J. Niles McNeel, attorney for Appellant, have this day mailed by U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing **REPLY BRIEF OF APPELLANT** to the following:

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Honorable Lee J. Howard
Circuit Court Judge
P.O. Box 1344
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This the 9th day of September, 2009.


J. NILES McNEEL