



IN THE SUPREME COURT OF MISSISSIPPI  
COURT OF APPEALS OF THE STATE OF MISSISSIPPI

FILED

2010 JAN 22 PM 2:13

No. 2009 -CP-01387

*Donna Sue Johnson*  
CIRCUIT CLERK

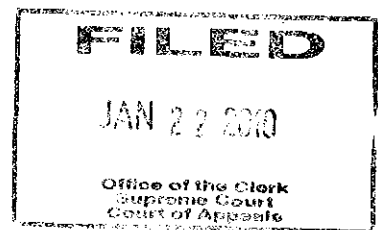
Harrison Lewis , Jr.

Plaintiff and Appellant

Vs.

Azhar Pasha , M.D.

Defendant and Respondent



BRIEF OF APPELLANT

On the appeal from the Circuit Court of the State of Mississippi

in and for the County of Lauderdale

ORAL ARGUMENT REQUESTED

APPEARANCES:

Harrison Lewis , jr.  
2031-15<sup>th</sup> Avenue  
Meridian, MS 39301

Charles W, Wright Jr.  
1208-22<sup>nd</sup> Avenue  
Meridian, MS 39301  
ATTORNEY FOR THE DEFENDANT

### STATEMENT OF THE ISSUES

1. Did the Circuit Court err in dismissing Cause No. 09-CV-056 ?
2. Did the Circuit Court err in dismissing Cause No. 09-CV-056 in belief that proper notice had not been given to the Defendant , Azhar Pasha , M.D. ?

### STATEMENT OF THE FACTS

In March 2009 , the Plaintiff , Harrison Lewis , Jr. prior to entering a scheduled Hearing ordered by the Social Security Administration office located at the Social Security building at 4817 North Park Drive –Meridian, MS 39305 , discovered medical malpractice admissions by the Defendant , Dr. Azhar Pasha , M.D. , via medical records given to the Plaintiff , Harrison Lewis , Jr. , to view by Social Security officials , prior to the Hearing . The Defendant , Azhar Pasha , M.D. , was served proper notice of the lawsuit on May 26, 2009.

### ARGUMENT

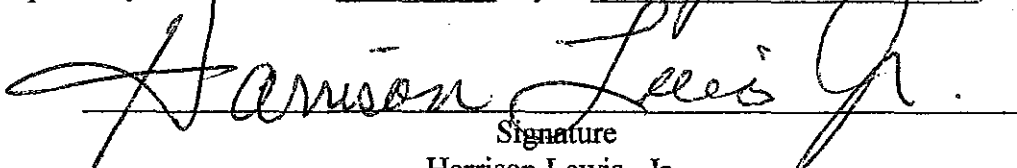
#### THE CIRCUIT COURT ERRED IN DISMISSING CAUSE NO. 09 -CV-056

The Plaintiff , Harrison Lewis , Jr. was not made aware of the damaging nature of the medical malpractice diagnosis until March 2009 at the scheduled Hearing ordered by the Social Security Administration . Federal and State law permits the tolling of the Statute of Limitations in the case of medical malpractice, i.e. , Statute of Limitations does not begin until the discovery of an injury .

### CONCLUSION

For the foregoing reasons, the decision of the Circuit Court should be reversed .

Respectfully submitted this 22<sup>nd</sup> day of Jan, 2010 .



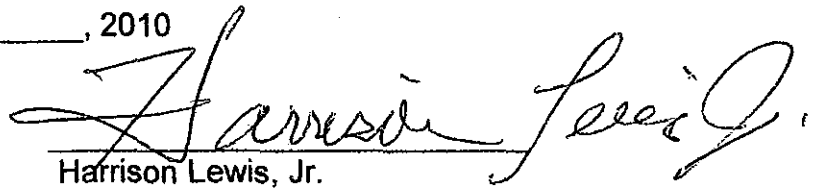
Signature  
Harrison Lewis , Jr.  
Plaintiff  
Meridian, MS

CERTIFICATE OF SERVICE

I, the undersigned plaintiff, do hereby certify that I have mailed, by United States Mail, postage prepaid, a true and correct copy of the above and foregoing instrument to:

Charles W. Wright , Jr. , PLLC  
1208-22<sup>nd</sup> Avenue  
Meridian, MS 39301

This, the 22<sup>nd</sup> of January \_\_\_\_\_, 2010

  
Harrison Lewis, Jr.

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY  
THE STATE OF MISSISSIPPI

FILED

2009 MAY 26 AM 10:43

HARRISON LEWIS, JR.

PLAINTIFF

Vs.

AZHAR PASHA, M.D.

DEFENDANT

*Donna Jill Johnson*  
CIRCUIT CLERK  
09-CV-0568(W)

SUMMONS

TO THE PROCESS SERVER OF LAUDERDALE COUNTY, MISSISSIPPI

You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon Dr. Azhar Pasha, M.D. whom may be served with process to Azhar Pasha, M.D. by locating and handing him a copy of this Summons and Pro Se Petition For Civil Law Suit.

NOTICE TO DEFENDANT

The MOTION which is attached to this Summons is important and you must take immediate actions to protect your rights.

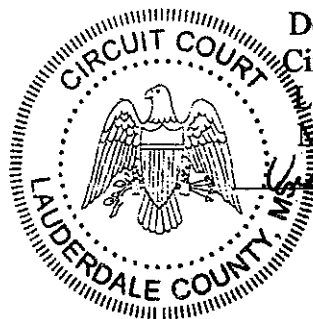
You are required to mail or hand-deliver a copy of a written response to this Motion to Harrison Lewis Junior, Plaintiff, whose address is 2031-15<sup>th</sup> Avenue, Meridian, MS 39301.

You must also file an original of your response with the Clerk of this Court within Thirty (30) days.

ISSUED UNDER MY HAND AND SEALED OF SAID COURT, this 26 day of May 2009.

Harrison Lewis, Jr.  
Pro Se Petitioner  
2031 15<sup>th</sup> Avenue  
Meridian, MS 39301  
(601) 482-6263

*Harrison Lewis Jr.*



Donna Jill Johnson  
Circuit Court Clerk Of  
Lauderdale County  
Mississippi

*Donna Jill Johnson*

I personally served after these papers to the office of Azhar Pasha M.D. on May 26, 2009. Signed: *[Signature]*