

Serial: **193632**

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99001-SCT

IN RE: THE RULES OF CIVIL PROCEDURE

ORDER

This matter is before the Court en banc on the Motion to Adopt and Amend Certain Rules of Civil Procedure and Associated Comments filed by the Advisory Committee on Rules.

The Advisory Committee proposes amending Rules 42 and 42A of the Mississippi Rules of Civil Procedure and the Comments to those rules.

After due consideration, we find that the amendment to Rule 42 set forth in Exhibit “A” will promote the fair and efficient administration of justice and should be granted. But we find that the proposed amendment to Rule 42A should be denied. And because the Comments to the Mississippi Rules of Civil Procedure have been repealed, we find that the proposed amendments to the Comments to Rules 42 and 42A should be dismissed as moot.

IT IS THEREFORE ORDERED that the Motion to Adopt and Amend Certain Rules of Civil Procedure and Associated Comments filed by the Advisory Committee on Rules is granted in part, denied in part, and dismissed as moot in part:

- Rule 42 is amended as set forth in Exhibit “A.” The amendment is effective upon the entry of this order.
- The proposed amendment to Rule 42A is denied.

- The proposed amendments to the Comments to Rules 42 and 42A are dismissed as moot.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forward a true certified copy to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this the 22nd day of September, 2014.

/s/ Jess H. Dickinson

JESS H. DICKINSON,
PRESIDING JUSTICE
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT “A”

RULE 42. CONSOLIDATION: SEPARATE TRIALS

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(c) Counties Within a Single Circuit or Chancery Court District. When civil actions involving common questions of fact or law are pending in different counties of a single Circuit or Chancery Court district, such actions may be consolidated for coordinated or consolidated pretrial proceedings and, if the actions do not involve trials by jury, may be consolidated for all purposes. All judges presiding over the cases to be consolidated must agree to the consolidation and to the judge who will preside over the cases for the purposes stated herein. For the purposes of this rule, “pretrial proceedings” means all matters presented to the judge prior to trial except dispositive motions.