

Serial: 120619

IN THE SUPREME COURT OF MISSISSIPPI
No. 89-R-99001-SCT

*IN RE: THE MISSISSIPPI RULES OF
CIVIL PROCEDURE*

ORDER

This matter is before the Court en banc on its own motion. The Court's attention has been brought to the fact that in the fifth paragraph of the Comment to M.R.C.P 14, the reference to "Rule 42(a)" should read "Rule 42(b)," and finds that the reference should be corrected.

IT IS THEREFORE ORDERED that the Comment to Rule 14 be amended as set forth in Exhibit "A" hereto.

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

SO ORDERED, this the 24th day of January, 2005.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING
JUSTICE

DIAZ AND GRAVES, JJ., NOT PARTICIPATING

EXHIBIT “A” TO ORDER

MISSISSIPPI RULES OF CIVIL PROCEDURE

RULE 14. THIRD-PARTY PRACTICE

....

Comment

Thus, a valid third-party claim that will avoid circuitous or duplicative actions should ordinarily be permitted, unless it would unduly delay the original action. If the court determines that the third-party claim would unduly complicate the original action, it should not disallow impleader; instead, it should permit the claim and order a separate trial as authorized by the rule and by Rule 42(a)(b).

....

[Amended April 18, 1995; amended effective January 27, 2005.]