

**IN THE COURT OF APPEALS  
OF THE  
STATE OF MISSISSIPPI  
NO. 97-CA-00416 COA**

**ROBERT BURROUGHS AND CONSOLIDATED CONTRACTORS  
CORPORATION**

**APPELLANTS**

**v.**

**JAMES REEVES CONTRACTOR, INC., AND FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND**

**APPELLEES**

DATE OF JUDGMENT: 02/28/97  
TRIAL JUDGE: HON. ROBERT G. EVANS  
COURT FROM WHICH APPEALED: JONES COUNTY CIRCUIT COURT  
ATTORNEYS FOR APPELLANTS: JOHN L. JEFFRIES  
JAMES ROBERT SULLIVAN, JR.  
ATTORNEYS FOR APPELLEES: JOHN C. JOPLING  
WALTER L. NIXON, JR.  
THOMAS Y. PAGE  
JAN F. GADOW  
NATURE OF THE CASE: CIVIL - OTHER  
TRIAL COURT DISPOSITION: THE CIRCUIT COURT OF JONES COUNTY  
OVERRULED THE MOTION TO COMPEL JAMES  
REEVES CONTRACTOR, INC., AND FIDELITY AND  
DEPOSIT COMPANY OF MARYLAND TO SURRENDER  
FUNDS HELD BY THEM TO ROBERT BURROUGHS,  
INDIVIDUALLY, AND CONSOLIDATED  
CONTRACTORS CORPORATION.  
DISPOSITION: DISMISSED - 4/20/99  
MOTION FOR REHEARING FILED:  
CERTIORARI FILED:  
MANDATE ISSUED: 5/11/99

BEFORE BRIDGES, C.J., COLEMAN, AND DIAZ, JJ.

BRIDGES, C.J., FOR THE COURT:

¶1. This is a companion case with H.D. McDaniel a/k/a Henderson D. McDaniel v. Robert Burroughs and Consolidated Contractors Corporation, No. 97-CA-00220-COA, in which this Court set aside a default judgment entered by the Jones County Circuit Court against McDaniel and remanded the case for trial on the merits. In this action, Burroughs and Consolidated Contractors Corporation appeal from the Jones County Circuit Court's denial of their motion to compel James Reeves Contractor, Inc. and Fidelity & Deposit Company of Maryland to surrender funds garnished under the default judgment or for judgment against James Reeves Contractor, Inc. and Fidelity & Deposit Company of Maryland for the full amount of Burroughs and Consolidated's default judgment against H. D. McDaniel.

¶2. Inasmuch as the principal case has been reversed and remanded to the Circuit Court of Jones County for a trial on the merits, this case has become moot. Moot questions will not be adjudicated by this Court. *Bradley v. State*, 355 So. 2d 675 (Miss. 1978); *Stevens Enterprises, Inc. v. McDonnell*, 226 Miss. 826, 85 So. 2d 468 (1956); *Sheldon v. Ladner*, 205 Miss. 264, 38 So. 2d 718 (1949). The case is dismissed as moot.

**¶3. APPEAL FROM THE JUDGMENT OF THE CIRCUIT COURT OF JONES COUNTY IS DISMISSED AS MOOT. COSTS ARE ASSESSED TO THE APPELLANTS.**

**McMILLIN, C.J., KING AND SOUTHWICK, P.JJ., COLEMAN, DIAZ, IRVING, LEE, PAYNE, AND THOMAS, JJ., CONCUR.**