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October 26, 2023

**FILED**

**OCT 31 2023**

**OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS**

Hon. D. Jeremy Whitmire  
Clerk of Mississippi Appellate Courts  
Post Office Box 249  
Jackson, Mississippi 39205

Re: Proposed amendments to Rule 26 Miss.R.Civ.P.

Dear Mr. Whitmire:

Rule 26 provides a logical sequence for designation of experts, made first by plaintiff and then by defendant. I oppose the amendment to Rule 26 that would automatically provide for a rebuttal expert after the defense designation of expert witnesses. Rather, the Rule should require plaintiff to move for leave to add a rebuttal expert and provide that the motion be granted only upon a showing of "need" and "good cause" for any late designation.

Sincerely,

UPSHAW, WILLIAMS, BIGGERS  
& BECKHAM, LLP

RICHARD C. WILLIAMS, JR. (MB7256)

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