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American Board of Certification

89-R-99001

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ORIGINAL

Re: Motion to Amend Rule 56 of the Mississippi Rules of Civil Procedure.

We oppose the final sentence of paragraph (c) , Paragraph (1) of the proposed amendment of Rule 56.

Replacing the proposed language in that sentence regarding "itemized facts" with 'may be' rather than the mandatory 'shall be' would resolve this objection, so that the final sentence of said Paragraph (1) would read: "... The itemized facts may be numbered and refer with particularity to those portions of the record upon which the movant relies."

As currently proposed by the Rules Committee, the final sentence of Paragraph (1) unduly complicates "simple" motions for summary judgment, which are usually based on only admissions in the Answer or in Requests For Admission. Such "simple" motions for summary judgment rarely have any deposition testimony or other matters of record. To require an additional itemization of facts relied on, when such facts are already numbered and incorporated into the Motion For Summary Judgment via an exhibit, such as admitted Requests For Admission, requires needless duplication of effort, and is contrary to the goal of MRCP 1 which is to secure the just, speedy and *inexpensive* determination of every action.

We speak from the context of the often overlooked yet numerous collection cases that form the vast majority of the civil cases filed in the circuit and county courts.

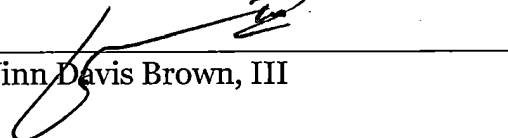
Cordially,

The Winn Brown Law Firm, PLLC

By:


Winn Davis Brown, Jr.

By:


Winn Davis Brown, III

FILED

MAY 20 2020

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SUPREME COURT
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