89-R-99025

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June 10, 2025

VIA U.S. FIRST-CLASS MAIL, POSTAGE PREPAID
Clerk of the Appellate Courts
P.O. Box 249
Jackson, MS 39205

Re: ***Comment to Proposed Amendments to UCCCR 4.02***

Dear Sir or Madam:

Please consider this letter as my formal comment on the proposed Amendments to Rule 4.02 of the Uniform Circuit and County Court Rules, which were published for comment on the Court's website on June 6, 2025.

I think the proposed Amendments are necessary and effective, except for two small issues. First, the proposed amendment retains the requirement to submit to the court separate copies of non-Mississippi (state and federal) and non-Supreme-Court legal authorities. This requirement is unnecessary. Most, if not all, state courts have access to one or more online legal databases, such as Westlaw and/or Lexis. Therefore, if the out-of-state case or other legal authority is correctly cited in the pleading, there should be no need to submit copies of any authorities with the pleading.

Second, the deadlines for Responses to Motions and Replies/Rebuttals should be amended. Currently, the Rule requires Responses to be filed within ten (10) days after service of the Motion, and it requires Replies/Rebuttals to be filed within five (5) days after service of the Response. This should be changed to fourteen (14) days and seven (7) days, respectively.

Ten (10) days is a short time to be able to respond to a dispositive Motion, especially a motion for summary judgment. These types of motions often require reviewing, compiling, and excerpting multiple deposition transcripts and interrogatory answers. They sometimes require securing and compiling new affidavits from one or more other witnesses. Ten (10) days is usually not enough time to do so. Making the response deadline fourteen (14) days would help negate the need for the courts to hear and/or rule upon motions for extensions.

Further, the five (5) days is effectively a seven-day deadline, anyway, pursuant to Rule 6 of the Mississippi Rules of Civil Procedure. *See* Miss. R. Civ. P. 6(a) (excluding weekends and holidays from computation of time periods less than seven days). So the five-day reply deadline should be changed, explicitly, to seven (7) days.

Finally, the local federal rule allows fourteen (14) days for motion Responses and seven (7) days for Replies/Rebuttals. *See* U.S. Dist. Ct. for S.D. and N.D. of Miss, L.U. Civ. R. 7(b)(4). Therefore, changing the state rule will bring state-court motion practice in line with the filing deadlines in federal district court, which will also make it more familiar and easier for practitioners.

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Therefore, I request that the Court adopt the proposed amendments to Rule 4.02 but make two additional amendments. First, remove the requirement to submit copies of out-of-state legal authorities to the court. And second, change the Response and Reply/Rebuttal deadlines from five (5) and ten (10) days to seven (7) and fourteen (14) days, respectively.

Thank you for your time and attention to this matter.

With kindest regards, I remain . . .

Sincerely,

NICHOLAS K. THOMPSON

NKT/mmm

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