

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.
PLAINTIFF

V.

ROBERT SULLIVANT, JR.
DEFENDANT

STATE OF MISSISSIPPI
LAFAYETTE COUNTY

2022 NOV -3 P 1:47

CIVIL ACTION NO. 2021-612 (W)

CHANCERY CLERK

BY DE

JS

**MOTION FOR ORDER TO COMPEL THE SECOND EXAM OF THE AGREED
ORDER FOR INDEPENDENT MEDICAL EXAMS**

COMES NOW Robert Sullivant, Jr., defendant *pro se* herein, and files his *Motion for Order to Compel Second Exam of The Agreed Order for Independent Medical Exams* and would show unto the court as follows:

1. Pending before this court is the counter claim of the Defendant that raises the question of the Plaintiff's capacity and need of a conservatorship to "avoid harm to the adult or significant dissipation of the property of the adult" (Section 401(2)(b)(i) of *Mississippi Guardianship and Conservatorship Act*).
2. On February 8th, 2022 the *Agreed Order for Independent Medical Exams* for Mr. Sullivant, Sr. was entered. In the formation of the order, Plaintiff chose one examiner, and the Defendant chose one examiner. Plaintiff chose Dr. Milton Hobbs. Defendant chose Dr. Brian Thomas. Both parties agreed to the other's choice for examiner. Each party was to be responsible for their chosen examiner's fees. The Defendant paid the fee of Dr. Brain Thomas.
3. Plaintiff was examined by both examiners. Each examiner issued a report and an opinion.
4. On June 20, 2022 the *Motion to Strike or Exclude Opinion of Dr. Milton Hobbs* was filed. The motion was set for August 29, 2022.

SCANNED

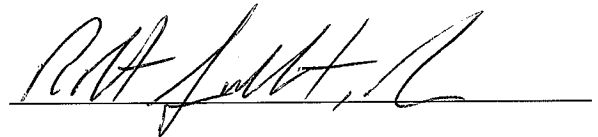
5. On October 31, 2022 the *Agreed Order Granting Motion to Exclude Testimony* was entered. The order excluded the Dr. Milton Hobbs' report and opinion.
6. As of November 3, 2022, the second independent medical examination required of the February 8, 2022 *Agreed Order for Independent Medical Exams* is incomplete.
7. It has been 339 days since the Defendant filed his counter claim for conservatorship. It has been 278 days since the *Agreed Order for Independent Medical Exams* was entered.
8. The Defendant has complied with the *Agreed Order for Independent Medical Exams*. The Plaintiff has not complied with the same order.
9. The Defendant is entitled to a reasonable time frame for the *Agreed Order for Independent Medical Exams* to be completed, so that he may continue, if needed, with the process of conservatorship for the Plaintiff as outlined in the *Mississippi Guardianship and Conservatorship Act*.
10. If a conservatorship is required, then the Plaintiff is entitled to receive the protection provided by the *Mississippi Guardianship and Conservatorship Act* in a reasonable time frame.

WHEREFORE, Robert Sullivant, Jr., defendant *pro se* herein, respectfully moves the Court to order the Defendant to choose an examiner compliant with the *Mississippi Guardianship and Conservatorship Act*. The Defendant to offer Plaintiff opportunity to object to the choice of examiner and propose an alternate. The Defendant to schedule the exam, and the Plaintiff to be examined. For Plaintiff to be liable for examination expense.

Respectfully submitted,

Robert Sullivant, Jr.

BY:

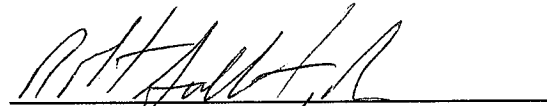


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CERTIFICATE OF SERVICE

I do hereby certify that on November 3, 2022 I have served by hand delivery and/or email
a true and correct copy of the above and foregoing document to:

Swayze Alford
Kayla Ware
1221 Madison Avenue
Oxford, MS 38655
Attorneys for Plaintiff Robert Sullivant, Sr.



Robert Sullivant, Jr.