

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.  
PLAINTIFF

STATE OF MISSISSIPPI  
LAFAYETTE COUNTY

2022 SEP 27 A 11:49

V.

ROBERT SULLIVANT, JR.  
DEFENDANT

CHANCERY CLERK

CIVIL ACTION NO. 2021-612 (W)

BY DO:

PA

**MOTION FOR ORDER OF THE AGREED ORDER GRANTING MOTION TO  
EXCLUDE TESTIMONY AND MOTION TO COMPEL**

COMES NOW Robert Sullivan, Jr., defendant *pro se* herein, and files his *Motion for Order of the Agreed Order Granting Motion to Exclude Testimony and Motion to Compel*, and would show unto the court as follows:

1. Mr. Sullivan, Jr will be *pro se* until the disposition of this motion, then engage counsel to continue the Sullivan, Sr v Sullivan, Jr matter.
2. Mr. Sullivan, Jr filed the *Motion to Strike or Exclude Opinion of Dr. Milton Hobbs* on June 20<sup>th</sup>, 2022. Mr. Driskell was counsel.
3. On July 21<sup>st</sup>, 2022 the *Motion to Strike or Exclude Opinion of Dr. Milton Hobbs* was set for August 29<sup>th</sup>, 2022.
4. Mr. Sullivan, Jr. filed a discovery request on April 22<sup>nd</sup>, 2022 to request the sales documents relating to the purchase of new pick-up truck by Mr. Sullivan, Sr. in early 2022. Brad Golman was counsel.
5. On July 6<sup>th</sup>, Mr. Driskell sent a letter to Mr. Alford requesting the discovery, and that Mr. Sullivan, Jr. would file a motion in 10 days if the request was not satisfied.

SCANNED

6. On Sunday August 28<sup>th</sup> at 6:67pm, Mr. Driskell communicated to Mr. Sullivant, Jr. by text message that Mr. Alford had agreed to the *Motion to Strike or Exclude Opinion of Dr. Milton Hobbs* and to produce the April 25<sup>th</sup>, 2022 requested discovery. See Exhibit A.
7. On August 30<sup>th</sup> Mr. Driskell sent Mr. Alford an *Agreed Order Granting Motion to Exclude Testimony and Motion to Compel* by email. See Exhibit B
8. As of September 27<sup>th</sup>, 2022, Mr. Alford has not executed the agreed to order, and it remains unfiled.
9. As a term of the August 28<sup>th</sup> verbal agreement between Mr. Alford and Mr. Driskell, the sales documents were to be provided in 14 days, and was in the drafted *Agreed Order Granting Motion to Exclude Testimony and Motion to Compel* (Exhibit B).
10. As of September 27<sup>th</sup>, 2022, Mr. Alford has not provided the April 22<sup>nd</sup> requested discovery documents as he verbally agreed to on August 28<sup>th</sup>, 2022.
11. As verbally agreed, to between Mr. Alford and Mr. Driskell on August 28<sup>th</sup>, 2022 the independent medical Exam conducted by Dr. Hobbs is not compliant with the Miss. Code Ann. 93-20-401(2), and subsequently has caused a delay in this matter.
12. Mr. Sullivant, Jr filed his counter claim against Mr. Sullivant, Sr. to be his conservator on December 9<sup>th</sup>, 2021. The *Agreed Order for Independent Medical Exams* was filed on February 8<sup>th</sup>, 2022. This matter is still lacking one of the two required Independent Medical Exams.
13. The intent of the Mississippi Guardianship and Protection Act is to protect the respondent. Any unnecessary delay in applying the Act only harms and continues to put the respondent's health and property at unnecessary risk of harm.

14. In Support of the *Motion for Order of Motion to Strike Exclude Opinion of Dr. Milton Hobbs* and *Motion to Compel* Mr. Sullivant, Jr. relies on the following exhibits.

Exhibit A – Text message from Mr. Driskell to Mr. Sullivant, Jr. at 6:57pm on August 28<sup>th</sup>, 2022.

Exhibit B – Agreed Order Granting Motion to Exclude Testimony and Motion to Compel, drafted by Mr. Driskell on August 29<sup>th</sup>, 2022.

WHEREFORE, Robert Sullivant, Jr., defendant *pro se* herein, respectfully moves the Court to order Mr. Alford to execute the *Agreed Order Granting Motion to Exclude Testimony and Motion to Compel*, and for such relief as the Court deems just and proper.

Respectfully submitted,

Robert Sullivant, Jr.

BY:



---

ROBERT SULLIVANT, JR.  
[rsullivantjr@gmail.com](mailto:rsullivantjr@gmail.com)  
1002 CRAWFORD CIRCLE  
OXFORD, MS 38655

**CERTIFICATE OF SERVICE**

I do hereby certify that on September 27, 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.



Mitchell



Sun, Aug 28, 6:57 PM

Robert — [redacted]  
[redacted]  
[redacted] I spoke to Swayze just now about the hearing and he agreed to the motion and to strike Hobbes. So no hearing in the morning. We won, Hobbes is gone. Next is getting another exam done. I'll talk to you in the morning.

Mon, Aug 29, 7:18 AM

Robert — double checking that you got the message that our motion will be granted and the hearing this morning.

Yes. Writing a response email now. Thank you.

[redacted]

Also, the motion to compel discovery was supposed to be heard too.

He said he will get that to us too and we will put a deadline in the Order.

Thanks.

Delivered



iMessage



Exhibit  
A

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.

PLAINTIFF

V.

CIVIL ACTION NO. 2021-612 (W)

ROBERT SULLIVANT, JR.

DEFENDANT

**AGREED ORDER GRANTING MOTION TO EXCLUDE TESTIMONY  
AND MOTION TO COMPEL**

HAVING COME on the Motion to Exclude Testimony of Dr. Milton Hobbs and Motion to Compel, both filed by Robert Sullivant, Jr., and the Court finding that the parties are in agreement on the resolution of those Motions and otherwise being fully advised in the premises, does hereby Order and Adjudge as follows:

That the Motion to Exclude Testimony of Dr. Milton Hobbs is granted on the grounds that the parties agree that neither party will seek to admit into evidence any testing, examination or opinions of Dr. Milton Hobbs and will not elicit any testimony from other witnesses, fact or expert, related to or based on the examination and opinions of Dr. Hobbs.

That Robert Sullivant, Sr. will undergo another personal competency examination that complies with the examination requirements of the Mississippi GAP Act within thirty (30) days of the date of this Order and that the results of that examination will be provided to all counsel within forty-five (45) days of the date of this Order.

That Robert Sullivant, Sr. will respond to the outstanding written discovery propounded to him within fourteen (14) days of the date of this Order.

So Ordered and Adjudged this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Agreed to:

\_\_\_\_\_  
CHANCELLOR

\_\_\_\_\_  
Mitchell O. Driskell, III, Esq. – MSB # 100079  
*Attorney for Defendant Robert Sullivant, Jr.*

\_\_\_\_\_  
Swayze Alford, Esq. – MSB # 8642  
Kayla Ware, Esq. – MSB # 104241  
*Attorneys for Plaintiff Robert Sullivant, Sr.*

Exhibit  
B