

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.

PLAINTIFF

VS.

CAUSE NO. 2021-612 (W)

ROBERT SULLIVANT, JR.

DEFENDANT

VS.

EVELYN STEVENS

THIRD PARTY DEFENDANT

**PLAINTIFF'S RESPONSES TO DEFENDANT'S SECOND SET OF REQUESTS FOR
ADMISSIONS PROPOUNDED TO PLAINTIFF**

COMES NOW Plaintiff, Robert Sullivant, Sr., by and through undersigned counsel of Swayze Alford Attorney At Law, and files his *Plaintiff's Responses to Defendant's Second Set of Requests for Admissions Propounded to Plaintiff*, and would respectfully show unto the Court as follows:

GENERAL OBJECTIONS

Plaintiff objects to Defendant's Requests to the extent Defendant intends to require Plaintiff to do more than is required by the *Mississippi Rules of Civil Procedure*. Plaintiff further objects to all requests which seek information, documents or things protected by the attorney/client privilege, the work-product doctrine or other privilege or which are otherwise beyond the scope of permissible discovery. In addition, as discovery in this case is still ongoing, Plaintiff specifically reserves the right to supplement and/or modify his responses to these Interrogatories as additional documents become available and as additional information becomes known. Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSIONS NO. NO. 1: Admit that 50% of the subject funds belonged solely to JR, as you testified to in court. (42:27).

RESPONSE: Plaintiff objects to the term “Subject Funds”, as it is not defined and is ambiguous. It is admitted that the farmhouse was sold and that Jr. owned 50% interest in the proceeds of the sale.

REQUEST FOR ADMISSIONS NO. NO. 2: Admit that you were required per the terms of the POA to personally notify JR of the revocation.

RESPONSE: It is admitted that the POA states that that a revocation be delivered to JR.

REQUEST FOR ADMISSIONS NO. NO. 3: Admit that you did not personally notify JR of said revocation, as stated by Judge Whitwell during your testimony. (47:23-25).

RESPONSE: Admitted that I did not deliver the revocation to JR. I deny that was my testimony at the referenced page and line.

REQUEST FOR ADMISSIONS NO. 4: Admit that when you attempted to revoke the POA, you were still living with JR.

RESPONSE: Admitted living in the same house.

REQUEST FOR ADMISSIONS NO. 5: Admit that you and JR were looking to purchase a new house together after the sale of the Farmhouse, as you state in your testimony. (51 :4-5, 16-19).

RESPONSE: Admitted.

REQUEST FOR ADMISSIONS NO. 6: Admit that the Farmhouse property, the sale of which resulted in the subject funds, was jointly owned by you and JR.

RESPONSE: It is admitted that the Farmhouse Property was jointly owned by Sr. and Jr.

REQUEST FOR ADMISSIONS NO. 7: Admit that the idea to create a new Will happened within the past 6 months.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 8: Admit that Evelyn Stevens blocked JR's number from your phone.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 9: Admit that Evelyn Stevens has influence over your decisions.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 10: Admit that Dr. Perkins did not examine you for testamentary capacity at the IME dated January 27, 2023.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 11: Admit that there is no mention of "testamentary capacity" in the same report issued by Dr. Perkins.

RESPONSE: Denied as worded. Dr. Perkins' report states that Sr. has an awareness and ability to voice his wishes and needs. Dr. Perkins also described that Sr. had lucid intervals in his illness that enable to inform those assisting him of his wishes.

REQUEST FOR ADMISSIONS NO. 12: Admit that you deposited the subject funds with the intent of allowing JR access to 50% of said funds, as you stated in your witness testimony (43:16-19, 21-22).

RESPONSE: Denied as worded.

REQUEST FOR ADMISSIONS NO. 13: Admit that you took the subject funds from an account with JR's name on it and placed them in a personal account that only you could access.

RESPONSE: It is admitted that the proceeds from the sale were deposited in a joint account owned by Jr. and Sr. Sr. then withdrew the funds and placed them in an account that only he could access.

REQUEST FOR ADMISSIONS NO. 14: Admit that it was Ms. Stevens idea to purchase the truck.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 15: Admit that Ms. Stevens suggested to you that you revoke the POA.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 16: Admit that Ms. Stevens contacted Attorney Jay Westfaul for you.

RESPONSE: I cannot recall if I contacted him or if Ms. Stevens contacted him.

REQUEST FOR ADMISSIONS NO. 17: Admit that you do not even remember going to Jay Westfaul 's office. (See Transcript, 44- 45:27-2)

RESPONSE: Admitted at the hearing that Sr. did not remember going to Jay Westfaul's office in mid – June 2021. I now remember that I went to Jay Westfaul's office to sign the revocation.

REQUEST FOR ADMISSIONS NO. 18: Admit that Ms. Stevens made the first appointment with Mr. Alford for you.

RESPONSE: Admitted that Ms. Stevens called Mr. Alford's office to make the first appointment.

REQUEST FOR ADMISSIONS NO. 19: Admit that you have short- and long-term memory loss.

RESPONSE: Plaintiff objects to this Request on the grounds that it is improper for a request for admission in that the terms are ambiguous and are not specific enough to admit or deny. Without waiving the objection, Plaintiff admits to forgetting some things and remembering other things quite well both short- and long-term.

REQUEST FOR ADMISSIONS NO. 20: Admit that you have suffered from Dementia for 5 years.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 21: Admit that the check containing the subject funds was deposited into the bank a joint account by JR, and not by you.

RESPONSE: I do not recall who deposited the check.

REQUEST FOR ADMISSIONS NO. 22: Admit that on June 22, 2023, you informed JR that you had won 8 million dollars and a new car from an unknown "organization".

RESPONSE: Admitted.

REQUEST FOR ADMISSIONS NO. 23: Admit that on this same day, you informed JR that to collect the money and the car, you had to provide a \$190 gift card from Walgreens to said "organization".

RESPONSE: Admitted.

REQUEST FOR ADMISSIONS NO. 24: Admit that you asked JR to purchase this gift card with his own funds.

RESPONSE: Admitted.

REQUEST FOR ADMISSIONS NO. 25: Admit that on June 25, 2023, you told JR that you did not recall testifying at the May 9 hearing that you wished to name Independent Presbyterian Church a beneficiary in your will.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 26: Admit that on June 25, 2023, you told JR that He, and not the Independent Presbyterian Church, was the beneficiary of your Will.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 27: Admit that the decision to change your Will was not made solely by you.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 28: Admit that Swayze Alford influenced you to make the Independent Presbyterian Church the primary beneficiary of you will.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 29: Admit that you were not interested in what happened to the proceeds of all real estate transactions JR handled for you prior to the one which resulted in receipt of the subject funds.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 30: Admit that you and JR never had prior conflicts regarding funds from the aforementioned real estate dealings.

RESPONSE: Admitted.

REQUEST FOR ADMISSIONS NO. 31: Admit that you made JR an authorized user on your Cosco Visa card and gave him his own card to use.

RESPONSE: Admitted.

RESPECTFULLY SUBMITTED this 29 day of September, 2023.

ROBERT SULLIVANT, SR., Plaintiff

BY:

Kayla Ware
SWAYZE ALFORD (MSB #8642)
KAYLA WARE (MSB #104241)

OF COUNSEL:
SWAYZE ALFORD
Attorney at Law
1221 Madison Avenue
Post Office Box 1820
Oxford, Mississippi 38655
(662) 234-2025 phone
(662) 234-2198 fax
Counsel for Robert Sullivant, Sr.

CERTIFICATE OF OBJECTION

I, Kayla Ware, do hereby certify that the objections to *Plaintiff's Responses to Defendant's Second Set of Requests for Admissions Propounded to Plaintiff*, are believed to be correct and are made in good faith and are not made for purposes of delay.

SO CERTIFIED, the 29 day of September, 2023.



KAYLA WARE (MSB #104241)

CERTIFICATE OF SERVICE

I, Kayla Ware, attorney for the Plaintiff, do hereby certify that I have this day forwarded, via U.S. Mail, postage prepaid and/or email, a true and correct copy of the above and foregoing discovery responses to:

Robert Sullivant, Jr.
robert@steelandbarn.com

SO CERTIFIED, this the 29 day of September, 2023.



KAYLA WARE (MSB #104241)

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

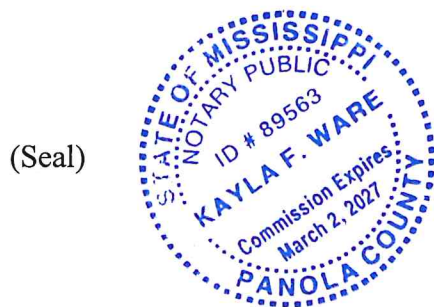
Personally appeared before me, the undersigned authority in and for the county and state aforesaid, this day the within named **ROBERT SULLIVANT, SR.**, having first been duly sworn, stated on oath that the matters and facts set out in the above and foregoing *Plaintiff's Responses to Defendant's Second Set of Requests for Admissions Propounded to Plaintiff* are true and correct to the best of his knowledge and belief.

Witness my signature, this the 29 day of September, 2023.



ROBERT SULLIVANT, SR.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this, the 29 day of September, 2023.



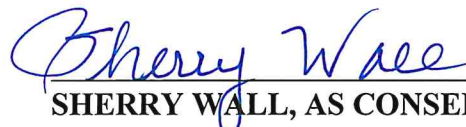


NOTARY PUBLIC

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

Personally appeared before me, the undersigned authority in and for the county and state aforesaid, this day the within named **SHERRY WALL AS CONSERVATOR FOR ROBERT SULLIVANT, SR.**, having first been duly sworn, stated on oath that the matters and facts set out in the above and foregoing *Plaintiff's Responses to Defendant's Second Set of Requests for Admissions Propounded to Plaintiff* are true and correct to the best of her knowledge and belief.

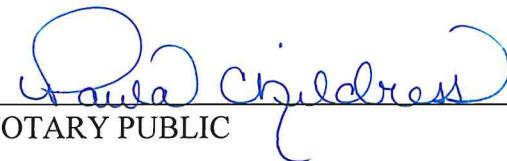
Witness my signature, this the 29 day of September, 2023.



**SHERRY WALL, AS CONSERVATOR
FOR ROBERT SULLIVANT, SR.**

GIVEN UNDER MY HAND AND OFFICIAL SEAL this, the 29th day of September,
2023.





NOTARY PUBLIC