

**IN THE CHANCERY COURT OF LAFAYETTE COUNTY MISSISSIPPI**

FILED  
STATE OF MISSISSIPPI  
LAFAYETTE COUNTY

JUL 25 PM 1:03

CHANCERY CLERK

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TJ

Robert Sullivant Sr.,  
Plaintiff

v.

Robert Sullivant Jr.,  
Defendant.

Case No. 2021-612(W)

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Robert Sullivant Jr.,  
Third-Party Plaintiff

v.

Robert Sullivant Sr. and  
Evelyn Stevens,  
Third-Party Defendants

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**DEFENDANT AND THIRD-PARTY PLAINTIFF ROBERT SULLIVANT JR'S  
REBUTTAL TO THE RESPONSE TO HIS MOTION STRIKE SUBMITTED BY J.  
HALE FREELAND, ATTORNEY FOR DR. FRANK PERKINS.**

Defendant and Third-Party Plaintiff Robert Sullivant Jr. ("JR"), comes now and hereby submits the following rebuttal to the improper appearance and filing submitted to this court by Attorney J. Hale Freeland, who was illicitly retained by Dr. Perkins to quash a lawfully issued subpoena from JR. Mr. Freeland's response to JR's motion to strike is wholly inappropriate, has no basis in the law, and this improper filing into this action by a non-party attorney should be stricken and Mr. Freeland should be sanctioned by this court; not only for filing a response to a motion in a case where his client is not a party and he no business doing so, but also for being embarrassingly ignorant, yet again, of the Mississippi Rules of Civil Procedure.

Mr. Freeland had no business filing a motion to quash the subpoena of a court appointed expert witness in a case that he was not involved in, and he has no right whatsoever to randomly interject himself into a case where the client he is allegedly responding on behalf of is not a party

to the matter. Mr. Freeland can read the caption of this case and see that his client's name is not there. JR's motion to strike was not directed at Dr. Perkins whatsoever; it was directed at Your Honor and the parties to this case. The court absolutely cannot allow this procedural madness and these constant and baseless attacks on JR from random attorneys in Oxford who apparently think its professionally appropriate, ethically proper, or even allowable to enter into a case that they are not involved in and begin filing motions and responses.

Again, pointing to the absurdity of this situation, Mr. Alford properly responded to JR's Motion to Strike on July 10<sup>th</sup>, 2023. JR submitted a rebuttal to that pleading on July 15, 2023.

**That closes the proceedings related to the motion to strike.** There is a motion from the moving party, a response from the nonmoving party, and a rebuttal from the moving party. It is entirely unclear under what premise of law Mr. Freeland believes he can just now start filing responses to JR's motions as if he has a party in this case. Of course, he does not state any.

The logical questions now become... Would it now be possible for a third attorney to enter the case and respond to JR's motions? What about a fourth? Should JR have to rebut three or four responses from an assortment of different Oxford attorneys every time he files a request with the court? If Mr. Freeland is allowed to do this, what is to stop anyone else who is NO A PARTY to this case from doing the same thing?

This court has sat back and watched a pro se litigant get taken advantage and have his procedural rights maliciously stripped away by rogue attorneys who are overtly violating civil procedure and committing acts that rise to the level of civil actions against them all in plain view of the court. What Mr. Alford, and now Mr. Freeland, are being allowed to get away with during this matter is nothing short of astonishing.

JR therefore requests that the court strike Mr. Freeland's filing as improper and without any basis, and also on the grounds that he filed a response using frivolous and erroneous citations of law and signed off on them. JR also request that Mr. Freeland, due to these actions, be removed this matter as his presence is not necessary or proper to begin with.

Finally, while Mr. Freeland attempts to argue that JR violated Miss. R. Civ. Proc 11, all he does is actually present an argument as to how *he* violated this rule, and Mr. Freeland's argument against himself is surprisingly convincing for an attorney who struggles to grasp the difference between a "pleading" and a "motion."

## Argument

The first thing Mr. Freeland may note when he reads this rebuttal, is that JR did not number the paragraphs. That is because, contrary to Mr. Freeland's incorrect argument, motions are not governed by Miss. R. Civ. Proc. 10. *Pleadings* are. That is why Rule 10 is titled "Form of *Pleadings*". Motions are governed by Miss. R. Civ. Proc 7(b), titled "*Motions and Other Papers*".

Certainly Mr. Freeland learned in law school that a "Pleading" is, "the formal allegations by the parties of their respective claims and defenses, for the Judgment of the court," (Black's Law, 2<sup>nd</sup> Ed); and that a "Motion" is "a written application for an order addressed to the court or to a judge in vacation by any party to a suit or proceeding." (Id.).

The fact that Mr. Freeland cannot distinguish between a "pleading" and a "motion", and that he asks for sanctions against JR while arguing against himself, is the height of absurdity. Mr. Freeland comically asserts that:

"The tactics of Robert Sullivant Jr. are to threaten, demean, and bully any party in order to control or eliminate their participation and outcome, including this Court, the attorneys involved, and the witnesses without regard to the rule of law, misstating authority". (¶ 2).

"Much of his motions stem from the movant's being unhappy with Dr. Perkins' report and testimony, on which the court relied in its considerations. The motion to strike is simply an attempt to collaterally attack the Court's decision through a personal, unsubstantiated attached upon Dr. Perkins." (¶ 3).

This is pure projection from Mr. Freeland. Mr. Freeland cannot be serious when he accuses JR of "threatening, demeaning, and bullying a party", "without regard to rule of law", and "misstating authority". First, **Dr. Perkins is not a party to this matter**. Second, JR has never even spoken to Dr. Perkins. All he ever did was issue him a subpoena. Mr. Freeland's assertions here are ridiculous. The "misstating authority" allegation is perhaps the most absurd, considering that Mr. Freeland misstates authority while making this point and he can point to no time when this actually occurred. As is true with every word Mr. Freeland wrote in his response, he has ZERO evidence to support it. JR has never acted in such a way and Mr. Freeland is just throwing out legal buzzwords to see what sticks with no supporting evidence.

What the court really should pay attention to, is precisely what Mr. Freeland is doing here. He files a response to a Motion he has no business, legal right, or justification for filing,

and then he *asks the court to make JR pay the legal fees* for his own illicit and unwarranted response that the court did not ask for and was not only not required but was filed with absolutely no basis in the law for doing so. In sum, Mr. Freeland enters this case out of nowhere, files a response to a motion that he is not entitled to respond to, and then tells the court that JR should have to pay for it. Mr. Freeland's extortive tactics are now playing out right before the court's very eyes in the form of actual requests to the court and it must absolutely be addressed.

Unbelievably, Mr. Freeland continues his absurd argument. He states that JR is unjustifiably making "ad hominem attacks" against Dr. Perkins in accusing him of lying during his testimony. However, this is not an ad hominem attack, it is an established fact, and it would be refreshing if Mr. Freeland could provide a shred of evidence or a single authority to justify his positions, ever.

Mr. Freeland than accuses JR of not following proper procedure when he subpoenaed Dr. Perkins. What Mr. Freeland fails to realize, is that the motion to strike has nothing to do with the procedure for subpoenaing Dr. Perkins. That issue is addressed in his other illicit and unwarranted Motion to Quash and has no place here. Further, Mr. Freeland does not state "how" JR violated procedure by timely noticing a deposition and serving a properly issued clerk's subpoena. As a matter of fact, none of Mr. Freeland's arguments are in any way, shape or form, related to the substance of the Motion to Strike. There is not a single denial in Mr. Freeland's response to the numerous allegations made by JR.

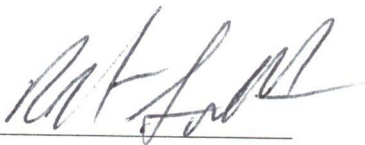
According to Rule 11 and Mr. Freeland himself, it is *him* who should be sanctioned for filing a frivolous motion when he is not even representing a party to this case AND a response had already been filed by the opposing party, AND a rebuttal was filed to that response by JR. Mr. Freeland's response is precisely designed to harass JR and has absolutely no other purpose. Mr. Freeland accusing JR of "abusive tactics, harassment, libel, threats, demeaning statements, and bullying", is patently ridiculous and Mr. Freeland should be cautioned to make such statements **absent a scintilla of evidence to support them.**

The court can no longer sit back and allow this abuse and these attacks on JR to occur. The amount of prejudice suffered by JR is remarkable, and no litigant should have to overcome the obstacles that JR has faced. Mr. Freeland's response in nothing short of an unprofessional and illicit attempt to interject himself and his own interests in these proceedings and it must be stopped. If this type of behavior from members of the Mississippi Bar is allowed to persist, then

when does it end? This behavior must be curbed immediately in order to preserve justice in this matter, or what little amount of it may still be salvageable given the damage already suffered by JR.

Wherefore, the court should strike the response of Mr. Freeland, sanction him, and terminate him from this case.

Respectfully Submitted: June 25, 2023.

/s/   
Robert Sullivan Jr.  
*Defendant/Third-Party Plaintiff*

## CERTIFICATION

I, Robert Sullivant Jr, hereby certify that on July \_\_, 2023, I served a copy of the foregoing Motion and all attachments referenced therein to the below counsel of record:

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Dated: July 25, 2023.

/s/   
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