

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT SR.

PLAINTIFF

v.

ROBERT SULLIVANT JR.

DEFENDANT

CAUSE NO. 2021-CV-612 (W)

ROBERT SULLIVANT JR.

THIRD-PARTY PLAINTIFF

v.

**ROBERT SULLIVANT SR. &
EVELYN STEVENS**

THIRD-PARTY CO-DEFENDANTS

**RESPONSE TO MOTION TO STRIKE ALL TESTIMONY AND REPORTS OF
DR. FRANK PERKINS' REPORTS AND MOTION TO STRIKE THAT MOTION
FOR ITS SCANDALOUS, UNSUBSTANTIATED ASSERTIONS**

COMES NOW Dr. Frank Perkins, Forensic Psychiatrist, by and through his attorney, and files this response to the motion to strike the opinion and report of Dr. Perkins and moves pursuant to Miss. R. Civ. P. 12(f) to strike the pleading filed on June 30, 2023, by Robert Sullivant Jr. containing "immaterial, impertinent, or scandalous matter" consisting of unsubstantiated allegations. In support thereof, Dr. Frank Perkins through his attorney would show:

1. The motion without any more than the assertions of Robert Sullivant Jr. accused Dr. Perkins of lying and other unethical conduct, and leveled ad hominem attacks. It is not even in the proper format having number paragraphs as required by Miss. R. Civ. P. 10.(b). "All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and the paragraph may be referred to by number in all succeeding pleadings." Miss. R. Civ. P. 10 "Form of Pleadings" (Mississippi Rules of Civil Procedure (2023 Edition)).

2. 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.
3. 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 attack upon Dr. Perkins.

4. According to Rule 11:

If any party files a motion or pleading which, in the opinion of the court, is frivolous or is filed for the purpose of harassment or delay, the court may order such a party ... to pay to the opposing party or parties the reasonable expenses incurred by such other parties and by their attorneys, including reasonable attorneys' fees.

See Oliver v. Oliver (In re Estate of Oliver) (Miss. App. 2019) (in which a pro se party was sanctioned \$1,650.00 for scandalous and untrue statements made in pleadings).

5. The movant asks Dr. Perkins to be held in contempt, notwithstanding the movant's failure to properly follow the rules of civil procedure in order to depose Dr. Perkins.
6. Dr. Perkins asks that the movant be sanctioned so that the movant be required to pay the attorney's fees for a party having to incur legal fees to respond to the unsubstantiated, libelous accusation made to a party, attorney, or litigant, and that no additional pleading will be filed until those fees are paid into the Chancery Court. This is in order to end such tactics and have the movant bear the cost thereof. Without this procedure, the abusive tactics and harassment will continue, and other parties will incur the cost to respond. The movant should not be allowed

to file pleadings which do not comport with the court rules or the decorum this court should expect of counsel.

7. Except to the extent indicated, Robert Sullivant Jr.'s *Motion to Strike All Testimony and Reports of Dr. Frank Perkins, or, in the Alternative, to Compel His Deposition by Court Order* should be denied.

WHEREFORE, PREMISES CONSIDERED, Dr. Perkins prays the court will deny the *Motion to Strike All Testimony and Reports of Dr. Frank Perkins, or, in the Alternative, to Compel His Deposition by Court Order* and will strike that pleading from the record.

/s/ J. Hale Freeland

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CERTIFICATE OF SERVICE

I, J. Hale Freeland, attorney for Dr. Frank Perkins, hereby certify that I have on this date filed the above and foregoing *Response* via MEC, which provides copies to all counsel of record. In addition, I have caused the document to be sent by electronic mail to Robert Sullivant Jr. at robert@steelandbarn.com.

This, the 19th day of July, 2023.

/s/ J. Hale Freeland

J. HALE FREELAND