

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI.

ROBERT SULLIVANT SR.,
PLAINTIFF

v.

ROBERT SULLIVANT JR.,
DEFENDANT.

CASE NO. 2021-612(W)

ROBERT SULLIVANT JR.,
THIRD-PARTY PLAINTIFF

v.

ROBERT SULLIVANT SR., and
EVELYN STEVENS,
THIRD-PARTY CO-DEFENDANTS

DEPOSITION SUBPOENA (CIVIL ACTION)

To: DR. FRANK PERKINS
Precise Forensic Services, PLLC.
3531 Lakeland Dr., Ste. 1060
Flowood, MS 39232

✓ Testimony: **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at a deposition. If you are an entity, you must designate one or more person to testify on the entity's behalf about the following matters:

The above captioned case number, your medical examinations of Plaintiff Robert Sullivant Sr., and your conclusions, your court testimony on this matter, and any other matters relevant to the claims of any of the parties in this action.

The deposition will be taken at:

LAFAYETTE COUNTY CHANCERY COURTHOUSE
300 N. Lamar Blvd

Oxford, MS 38655
Courtroom #1

On: June 22nd, 2023 at 1:00PM EST

The deposition will be transcribed by an authorized court reporting agency.

✓ Production: You must also bring with you the following books, papers, documents, electronically stored information or tangible things, and must permit inspection, copying, testing or sampling of the materials:

1. Any notes pertaining to your conclusion that Robert Sullivant Sr. needs an “independent” conservator.
2. Any notes pertaining to procedures and conclusion that on January 27th, 2023 regarding testamentary capacity.
3. Any notes regarding the examination of Robert Sullivant Sr done by you, on the morning on May 9th.
4. Please also produce your written office policy that you do not respond to anybody but the attorney that hires you as it relates to scheduling depositions.

YOU SHALL NOT PRODUCE DOCUMENTS OR THINGS OR PERMIT INSPECTION UNTIL TEN DAYS AFTER YOU WERE SERVED WITH THIS SUBPOENA.

CLERK OF COURT

Sherry Wall
By Annie Baker, DC



The name, email address, and telephone number of the Plaintiff, acting pro se, is Robert Sullivant Jr., 1002 Crawford Cir. Oxford, MS 38655. robert@steelandbarn.com. (512) 739-9915

The following provisions of rule of M.R.C.P. 45 are attached - Rule 45(d), related to your protection u a person subject to a subpoena.; and Rule 45(e) related to your duty to respond to the subpoena.

Date: _____

PROOF OF SERVICE

(This section shall be promptly filed with the court as required by M.R.C.P. 45(c)(2).)

I received this subpoena for *(name of individual and title, if any)* _____
_____ on *(date)* _____.

I served the subpoena by delivering a copy on the named person as follows: _____

_____ on *(date)* _____.

Unless the subpoena was issued on behalf of the State of Mississippi or an officer or agency thereof, or unless excused by the court upon a showing of indigence, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

I returned the subpoena unexecuted because: _____

_____.

I declare under penalty of perjury under the laws of the State of Mississippi that the foregoing information contained in the Proof of Service is true and correct.

Date: _____

Server's Signature

Printed Name and Title

Address of Server

Additional information regarding attempted services, etc.:

NOTICE TO PERSONS SUBJECTED TO SUBPOENAS

Mississippi Rule of Civil Procedure 45 (d) and (e)

(d) Protection of Persons Subject to Subpoenas.

(1) In General.

(A) On timely motion, the court from which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, (iii) designates an improper place for examination, or (iv) subjects a person to undue burden or expense.

(B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may order appearance or production only upon specified conditions.

(2) Subpoenas for Production or Inspection.

(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents, electronically stored information, or tangible things, or to permit inspection of premises need not appear in person at the place of production or inspection unless commanded by the subpoena to appear for deposition, hearing or trial. Unless for good cause shown the court shortens the time, a subpoena for production or inspection shall allow not less than ten days for the person upon whom it is served to comply with the subpoena. Absent order of the court, production or inspection shall not be made until the tenth day after the date of service of the subpoena on the recipient and this shall be conspicuously noted on the face of the subpoena. A subpoena commanding production or inspection will be subject to the provisions of Rule 26(d).

(B) The person to whom the subpoena is directed may, within ten days after the service thereof or on or before the time specified in the subpoena for compliance, if such time is less than ten days after service, serve upon the party serving the subpoena written objection to inspection or copying of any or all of the designated materials, or to inspection of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the material except pursuant to an order of the court from which the subpoena was issued. The party serving the subpoena may, if objection has been made, move at any time upon notice to the person served for an order to compel the production or inspection.

(C) The court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (i) quash or modify the subpoena if it is unreasonable or oppressive, or (ii) condition the denial of the motion upon the advance by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, electronically stored information, or tangible things.

(e) Duties in Responding to Subpoena.

(1) Producing Documents or Electronically Stored Information.

(A) Documents. A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified.

If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form.

The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information.

The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery, motion for a protective order, or motion to quash, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(5). The court may specify conditions for the discovery, including those listed in Rule 26(b)(5).

(2) Claiming Privilege or Protection.

(A) Information Withheld. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this subpoena has been served on:

Name of Counsel or Unrepresented Party

Address

If serving counsel, name of represented party

Method of Service

So certified, this the _____ day of _____.

Signature

Counsel for _____