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 Defendants

ROBERT SULLIVANT JR'S RESPONSE TO HALE FREELAND'S MOTION TO STRIKE AND FOR ATTORNEY'S FEES

Defendant and Third-Party plaintiff Robert Sullivant Jr., ("JR"), comes now and submits the following response to Mr. Freeland's remarkably absurd and legally baseless *Motion to Strike and for Attorney's Fees*.

First, there is no requirement that Dr. Perkins alleged private counsel be notified and served of discovery requests, only that each *party* is notified and served, and this is clear from a basic reading of Miss. R.Civ. Proc. 5(a), as cited by Mr. Freeland:

> Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders,

> every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal and similar paper shall be served upon ***each of the parties***.

Dr. Perkins is ***not a party***, and this issue is well-settled and must be put to rest:

> A "party" to an action is a person whose name is designated on record as the ***plaintiff or defendant***. . . ."Party" is a ***technical word having a precise meaning*** in legal parlance; it refers to those by or against whom a legal suit is brought, whether in law or in equity, the party plaintiff or defendant, whether composed of one or more individuals and whether natural or legal persons; ***all others who may be affected by the suit, indirectly or consequently, are person interested but not parties***. *Black's Law Dictionary* 1122 (6th ed. 1990); Quoting *Accu-Fab v. Ladner*, 970 So. 2d 1276, 1279 (Miss. Ct. App. 2000).

Dr. Perkins is a "person interested", not a party; and nothing in Miss. R. Civ. Proc. 5(a) supports Mr. Freeland's position. The definition presented above from the Miss. Ct. App. forecloses on any assertions previously made that Dr. Perkins is a party to this action. It is also extremely odd that Mr. Freeland would assert that "JR is engaging in ***post-trial*** discovery", when a trial date has not even been set in this matter, let alone a trial been conducted. In fact, Mr. Freeland's fitness to even practice law should be questioned upon review of his motion. Given the number of factual inaccuracies and legally baseless arguments that he raises, it is very reasonable to question Mr. Freeland's legal acumen and his ability to effectively represent the best interests of his clients.

For example, Mr. Freeland's reference to a motion to compel in ¶ 4 of his Motion is utterly confusing, as no such motion exists on the docket, nor has one been filed by anybody in this case. Mr. Freeland's reference to JR being pro se in ¶ 5 is lacking any sort of context, other than his typical inappropriate and prejudicial inferences that JR is ignorant because he is pro se. However, this is quite an interesting one from Mr. Freeland, a licensed attorney, who in his Motion applies Miss. R. Civ. Proc. 11(b) as his basis for sanctions. He then quotes the rule, pointing out that "[I]f any party files a motion or pleading which, in the opinion of the court…",

and the remaining portion of the rule is irrelevant, as this Rule quite obviously relates only to the filing of a "***motion*** or ***pleading***." The rule also specifically distinguishes a motion, from a pleading, from discovery requests…

> "…every ***pleading*** subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every ***paper relating to discovery*** required to be served upon a party unless the court otherwise orders, every written ***motion*** other than one which may be heard ex parte…"

This Motion presented by Mr. Freeland could not possibly be more baseless. For Mr. Freeland to continue to infer that JR's pro se status makes him ignorant to the law, is not only insulting and inappropriate, but it is completely hypocritical in light of Mr. Freeland's numerous frivolous Motions relying on either non-existent, or completely misquoted rules. Mr. Freeland does not even seem to understand three very obvious and elementary facts here, (1) Dr. Perkins is not a party to this case, (2), the interrogatories he wishes to "strike", are not a motion or a pleading regardless, and (3), there is nothing to even strike because nothing was filed with the court.

Finally, Mr. Freeland concludes his Motion by again referring to Rule 11(b), which does not provide for sanctions under these conditions whatsoever. Mr. Freeland has no grounds for sanctions, and his entire Motion is nothing more than eight meaningless paragraphs that say nothing of any relevance. All Mr. Freeland's Motion states, and incorrectly is that; his "client" is a party to this case, that somehow trial has already commenced, that there is a motion to compel he is fighting, that JR *filed* interrogatories, that interrogatories are the equivalent of a motion or pleading, that JR must follow the same rules that actually Mr. Freeland can't seem to comprehend, and that somehow sanctions are available under Miss. R. Civ. Proc. 11(b) for JR serving discovery on Dr. Perkins, which they obviously are not.

What Mr. Freeland never did, was object to the discovery or confer with JR to discuss his concerns. Instead, he, on his own accord and without any necessity or compulsion, files a Motion to Strike a record that does not exist, to deny a motion that nobody filed, and to make JR pay for his Motion on the basis of a Rule that provides no such authority to the court.

Mr. Freeland's Motion is without any merit whatsoever and quite frankly, it is appalling that a member of the Mississippi Bar and a judicial officer would voluntarily incur legal fees on his own accord, on behalf of a non-party, by filing a Motion that had no business being filed, and then demand that JR pay for that Motion. This type of malicious attack on JR cannot be allowed to stand. It is incomprehensible how Mr. Freeland's Motion could be so devoid of any factual and legal basis, while simultaneously completely missing the definition of basic terms like "motion", "pleading", and "party".

For the record, it is not unclear whatsoever what it is going on here, and it seems as though hiding it is of little concern. It does not take an attorney to see that Your Honor, Mr. Alford, and Mr. Freeland, all know that Dr. Perkins is being illicitly protected from testifying in this matter, as all parties know exactly what his testimony would reveal. Dr. Perkins did not reach out to Mr. Freeland for legal assistance, Mr. Alford did. Not one party to this action can stand up and say that the procedural course this case has taken is anything close to normal, or within the bounds of the law. This latest Motion filed by Mr. Freeland is the perfect example of where this case has gone, which is into complete, uncontrolled, and unmitigated chaos, with very little reference or compliance with the civil rules of procedure, and basic Mississippi law.

What Mr. Freeland fails to understand (or care about), is that he is putting his client's career at risk. JR truly prays that Dr. Perkins understands what exactly Mr. Freeland is doing when he makes these frivolous arguments and demands, *on Dr. Perkins behalf*. Everything Mr.

Freeland has said and done in this matter, has been on behalf of Dr. Perkins, meaning it is Dr. Perkins who is responsible for every motion, argument, or word that comes out of Mr. Freeland, as being his own position as well. There is absolutely no doubt that the AMA ethics and standards surrounding medical experts, as well as Mississippi Law of the same, have been completely ignored in arrogant fashion by Dr. Perkins. This is obvious, and JR is confident that the Medical Board will agree.

Not one party to this action could possibly explain how an ***independent*** medical examiner, appointed per agreement of the parties, can be hidden away by a single party throughout the entirety of the conservatorship proceedings and willfully ignore the other party. For this court to allow Mr. Alford to hijack an independent witness who was statutorily appointed to this case and required under the conservatorship laws, turn him into his own, and then for Mr. Alford to employ outside counsel to fight the deposition and questioning of this independent examiner, cannot be coherently explained by any party.

Ever since Mr. Freeland entered this case as a favor to Mr. Alford (and without any formal appearance), all he has done is insult JR on the record and asked JR to pay his legal bills in accordance with non-existent laws and on the basis of actions that have never even taken place. To be clear, Mr. Freeland's choice to file uncompelled motions is between him and his client, and Dr. Perkins' can pay his own attorney's fees. Mr. Freeland cannot just file a motion that is not responding to any previous filing, is not brought under any controlling law, and is completely unnecessary, and then ask JR to pay for it. There is nothing normal, ethical, or legal about such a course of action.

Mr. Freeland has demanded thousands of dollars on behalf of his client, a fee that was not charged to Mr. Alford. Mr. Freeland has threatened JR via email, and in court filings, without

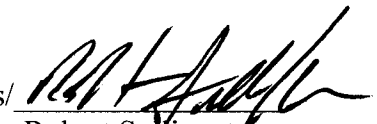
any cause or justification. What Mr. Freeland is doing, as all parties know, is the definition of abusing the legal process. In fact, it is the height of abuse of process for Mr. Freeland to continuously try to weaponize his bar license to collect legal fees from JR that he is not entitled to under any authority, while using this court as his facilitator.

What has been allowed to take place by these attorneys right before the court's very eyes, is nothing short of appalling. Now, Mr. Freeland has actually filed a motion with the court demanding that the court fine JR and pay Mr. Freeland the money, despite there being **ABSOLUTELY NO FACTUAL OR LEGAL BASIS TO ANY OF THE CLAIMS IN THE MOTION, OR TO THE MOTION ITSELF.** Mr. Freeland's Motion is frivolous from the caption, and only gets more absurd as one continues to read it. If this court does not act, then it is simply offering its blessing for Mr. Freeland to continue to engage in this highly illicit behavior.

JR is therefore requesting that Mr. Freeland be admonished against filing such frivolous motions in the future acutely crafted to harass JR and waste the time of all parties to this matter, which do not even include his client; and stop demanding that the court order JR to pay the legal fees he is voluntarily incurring by filing Motions with no basis in any law, legal theory, or Mississippi Rule. This is targeted harassment by Mr. Freeland, using the court as a facilitator, and it needs to be put to a stop.

Wherefore, Mr. Freeland's Motion is an embarrassment to the judiciary and should be stricken, or in the alternative and at the very least, **DENIED**.

Dated: October 3, 2023

/s/ 

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CERTIFICATION

I, Robert Sullivant Jr, hereby certify that on October 4, 2023, I served a copy of the foregoing Motion and all attachments referenced therein to the below counsel of record:

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/s/

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