

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

ROBERT SULLIVANT, SR.

PLAINTIFF

VS.

CAUSE NO.: 2021-612(W)

ROBERT SULLIVANT, JR.

DEFENDANT

PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR
ADMISSIONS PROPOUNDED TO PLAINTIFF, ROBERT SULLIVANT, SR.

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

GENERAL OBJECTIONS

Plaintiff objects to Defendant's Interrogatories and 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 her 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:

INTERROGATORIES

INTERROGATORY NO. 1: Please state why you granted a Power of Attorney to Sullivan, Jr. in 2017.

RESPONSE: Many different people told me that I needed to get a Power of Attorney so I

had one drawn up.

INTERROGATORY NO. 2: Please identify, by amount and date, each and every "very large sum of money" that you alleged Sullivant, Jr. has transferred from Sullivant, Sr. 's checking account, as described in Paragraph 6 of your Complaint.

RESPONSE: To Plaintiff's knowledge, there was a \$230,000.00 transfer on May 19, 2021. As discovery is ongoing in this matter, Plaintiff reserves the right to supplement this response.

INTERROGATORY NO. 3: Please identify the date in which you notified Sullivant, Jr. of the revocation of your 2017 Power of Attorney, including the manner in which such notification was delivered.

RESPONSE: I did not personally notify Sullivant, Jr. of the revocation. Upon information and belief, someone at Regions Bank informed Sullivant, Jr. when he tried to access my account.

INTERROGATORY NO. 4: Please identify, by amount and date, each and every time you allege that Sullivant, Jr. has taken Sullivant, Sr.'s money for his own personal use and benefit, as alleged in Paragraph 9 of your Complaint.

RESPONSE: One reason I filed this lawsuit was to stop Sullivant, Jr. from taking and further monies and also to obtain any necessary records and accounting so I could figure out if he had taken any additional funds that belonged to me.

INTERROGATORY NO. 5: With respect to all witnesses whom you will or may call as experts to give fact or opinion testimony in the trial of this matter, or lay witnesses to give opinion testimony in the trial of this matter, please state the name, address and telephone number of each; the name, address and telephone number of his/her employer or the organization -with which he/she is associated in any professional capacity; the field in which he/she is to be offered as an expert; a summary of his/her qualifications within the field in which he/she is expected to testify; the substance of the facts to which he/she is expected to testify; the substance of the opinions to

which he/she is expected to testify and a summary of the grounds of each opinion; the dates of all reports rendered by such experts, for whom prepared and in whose custody at present; and each and every lawsuit to your or your attorney's knowledge wherein said experts have previously testified or given a deposition.

RESPONSE: Plaintiff has not yet made a determination as to what, if any, expert will be called to testify at trial. Therefore, Plaintiff reserves the right to supplement his response to this Interrogatory in a timely manner prior to trial.

INTERROGATORY NO. 6: Identify all Persons who may have knowledge of any discoverable matter related to any of the claims or defenses in this action, briefly describing their knowledge of such claim or defense, dates of that knowledge, their actions regarding the claims or defenses and their duties related to the claims or defenses.

RESPONSE: Please see Response to Interrogatory No. 5.

INTERROGATORY NO. 7: Identify all facts upon which you rely in support of your claims in the Complaint or upon which you rely in defending against any portion of the Counterclaim.

RESPONSE: The Complaint speaks for itself. Also, please see attached Exhibits A -

INTERROGATORY NO. 8: Identify all witnesses, by name, address and phone number that you intend to call or may call at any hearing or trial of this matter.

RESPONSE: Plaintiff further reserves the right to call any witness identified in any pleading, answer, deposition or discovery responses of any party to this matter and reserves the right to supplement the following list:

1. Robert Sullivant, Sr.
2. Robert Sullivant, Jr.
3. Calvin Vick – 662-934-2717

4. Sam Vick
5. Evelyn Stevens – 662-607-0408

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all exhibits which you intend to introduce at any hearing in the cause or the trial of this cause, including but not limited to, the hearing set for January 31, 2022.

RESPONSE: Please see attached General Durable Power of Attorney labeled as Exhibit A; attached Cancellation of Durable Power of Attorney attached as Exhibit B; attached Warranty Deed dated May 5, 2021 labeled as Exhibit C. Plaintiff also reserves the right to use any document produced by the Defendant.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents or other tangible things you or your attorney has obtained through the use of a subpoena duces tecum or have otherwise obtained by request of a third party.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 3: Please produce a copy of each document referred to in your Interrogatory answers.

RESPONSE: Please see Exhibits A - C. Plaintiff also reserves the right to use any document produced by the Defendant.

REQUEST FOR PRODUCTION NO. 4: Produce all documents in any way connected with the allegations in your complaint or any defense to the counterclaim or any of the other pleadings filed herein.

RESPONSE: Please see Exhibits A - C. Plaintiff also reserves the right to use any document produced by the Defendant.

REQUEST FOR PRODUCTION NO. 5: For any request for admission which you deny,

please provide all documents which support your reasons for such denial.

RESPONSE Please see Exhibits A – C.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSIONS NO. 1: Please admit or deny that Sullivan, Sr. asked Sullivan Jr. to come from Texas to Mississippi to care for Willola Vick Sullivan.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 2: Please admit or deny that Sullivan, Jr. came from Texas to Mississippi at the request of Sullivan, Sr.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 3: Please admit or deny that Sullivan, Jr. came from Texas to Mississippi, to take care of his mother.

RESPONSE: Plaintiff objects to this Request as he has no way of knowing Sullivan, Jr.'s intentions and therefore denies the same.

REQUEST FOR ADMISSIONS NO. 4: Please admit or deny that Sullivan, Jr., after he came from Texas to Mississippi, took care of his mother.

RESPONSE: Plaintiff objects to this Request as being ambiguous as to the words "took care of." Without waiving said objection, Plaintiff answers as follows: Denied.

REQUEST FOR ADMISSIONS NO. 5: Please admit or deny that Sullivan Jr, after he came from Texas to Mississippi, served as conservator for his mother.

RESPONSE: Denied as worded. It is admitted that Sullivan, Jr. was appointed as conservator for his mother.

REQUEST FOR ADMISSIONS NO. 6: Please admit or deny that Sullivan, Sr, did not serve as her conservator.

RESPONSE: Admitted.

REQUEST FOR ADMISSIONS NO. 7: Please admit or deny that Sullivant, Sr. claimed to Sullivant Jr. that none of the proceeds of the sale of the "farm house" in Panola County were property of Sullivant, Jr.

RESPONSE:

REQUEST FOR ADMISSIONS NO. 8: Please admit or deny that Sullivan~ Sr. failed to file his 2020 Income Taxes.

RESPONSE: Upon information and belief, it is admitted that Sullivant Jr. filed taxes for Sullivant, Sr. in 2020.

REQUEST FOR ADMISSIONS NO. 9: Please admit or deny that Sullivant, Jr. filed Income Taxes for Sullivant, Sr. in 2020.

RESPONSE: Upon information and belief, it is admitted that Sullivant Jr. filed taxes for Sullivant, Sr. in 2020.

REQUEST FOR ADMISSIONS NO. 10: Please admit or deny that Sullivant, Sr. failed to make his mortgage payments for at least some of the months in 2021.

RESPONSE: Denied as worded. Sullivant, Sr. paid mortgage payments for the months he lived in the home at Crawford Circle prior to moving to Elmcroft Senior Living.

REQUEST FOR ADMISSIONS NO. 11: Please admit or deny that Sullivant, Sr. allowed his auto insurance to lapse.

RESPONSE: Denied as worded. Sullivant, Jr. informed Sullivant, Sr. that he was insured with State Farm agent Will Poole, so Sullivant, Sr. did not renew the old policy.

REQUEST FOR ADMISSIONS NO. 12: Please admit or deny that Sullivant, Sr. gave away two tractors and other related items for no consideration.

RESPONSE: Denied.

REQUEST FOR ADMISSIONS NO. 13: Please admit or deny that Sullivant Sr. closed

his checking account at Regions Bank without making provision for ACH autopays.

RESPONSE:


REQUEST FOR ADMISSIONS NO. 14: Please admit or deny that Sullivant Sr. closed his checking account at Regions Bank without making provision for the checks he had written on that account resulting in overdraft charges.

RESPONSE: Denied as worded. Sullivant, Sr. closed his account after discovering Sullivant, Jr. had transferred \$230,000.00 from his account.

RESPECTFULLY SUBMITTED this 13th day of January, 2022.

ROBERT SULLIVANT, SR., Plaintiff

BY:



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

OF COUNSEL:

SWAYZE ALFORD
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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 First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions Propounded to Plaintiff, Robert Sullivant, Sr.* are believed to be correct and are made in good faith and are not made for purposes of delay.

SO CERTIFIED, the 13th day of January, 2022.



KAYLA WARE (MSB #104241)

CERTIFICATE OF SERVICE

I, Kayla Ware, attorney for Robert Sullivant Sr, 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 *Plaintiff's Responses to Defendant's First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions Propounded to Plaintiff, Robert Sullivant, Sr.* to the following:

Bradley T. Golmon, Esq.
Holocomb, Dunbar, Watts, Best, Masters & Golmon, P.A.
400 Enterprise Drive
Post Office Drawer 707
Oxford, MS 38655

SO CERTIFIED, this the 13th day of January, 2022.



KAYLA WARE (MSB #104241)