

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

VS.

NO.

, , , AND

, AND 'S MOTION TO WITHDRAW ORDER

(" ") Moves the Court to withdraw its order, dated , 20 , denying 's motion to compel arbitration. Counsel for the has agreed to this motion. In support of this motion, further states as follows:

1.

Counsel for cross-plaintiffs and noticed 's motion for a hearing to be held on , 20 . The certificate of service indicates that the notice of hearing was mailed on . The notice was received in an envelope postmarked , which was a indicating the pleading was placed in the mail late .

2.

The undersigned counsel for was out of town through , through . Personnel in the offices of 's counsel reviewed incoming mail , and . The notice of hearing had not been received as of late morning on , .

3.

The first notice that or its counsel received that any hearing had been scheduled was received via voice mail from Mr./Ms. at approximately : a.m./p.m. on , . The message was delivered at : a.m./p.m. on .

4.

The mailed notice of hearing was received either the afternoon of , , or on , .

5.

Since neither nor its counsel knew that the motion had been scheduled for hearing, was unrepresented at the hearing. The motion involves substantive rights of , and interests of justice require a full hearing on these matters.

Respectfully submitted,

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Attorney for

Of counsel:

Telephone:  
MSB #  
Attorney for