

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

and PLAINTIFFS

VS. CIVIL ACTION NO.

DEFENDANT

**ORDER GRANTING PARTIAL SUMMARY JUDGMENT**

This day this cause coming on for hearing on Plaintiffs' Motion For Summary Judgment on the Issue of Liability, and the Court having considered the matter, and now being fully advised in the premises, finds that plaintiffs are entitled to an order declaring that defendant's guilty plea to counts one and nineteen of the indictment against him/her in Criminal Case No. in this Court, for conspiracy to defraud and wire fraud, operates to conclusively establish in the instant civil litigation the duty owed by the defendant, and his breach thereof, or "legal fault", as contemplated by Jordan V. McKenna, 573 So.2d 1371 (Miss. 1990).

The Court further finds that the factual basis for defendant's guilty plea in said criminal case establishing his/her guilt beyond any reasonable doubt therein was the intentional and fraudulent conduct alleged in plaintiff's complaint in the instant case.

No finding is made by the Court herein as to whether the defendant is guilty of any negligence or unintentional conduct as may be alleged in plaintiff's complaint.

WHEREFORE, PREMISES CONSIDERED, IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment on the Issue of Liability be, and it is hereby, granted, and defendant's legal fault based on intentional, fraudulent conduct is hereby established as to plaintiffs.

IT IS FURTHER ORDERED that the questions of causation between the aforesaid legal fault and plaintiffs' alleged emotional distress, and plaintiffs' injuries and damages, if any, as a proximate result thereof, are hereby set for trial as a first setting on the day of , 20 at o'clock in the Circuit Courtroom of the County Courthouse in .

SO ORDERED, on this the day of , 20 .

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Circuit Court Judge