

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

and DEFENDANTS

DEFENDANTS' JOINT MOTION TO DISMISS

COMES NOW, Defendants, (" ") and (" "), by and through counsel, and move this Court to dismiss Plaintiff's action with prejudice for failure to prosecute, pursuant to Rule 41 of the Mississippi Rules of Civil Procedure ("MRCP") and in support thereof would show unto the Court the following to-wit:

1. This case is set for trial on , .
2. On , , moved this Court to allow him/her to withdraw as counsel for the Plaintiff due to the fact that the Plaintiff and were unable to agree on the proper handling of this claim.
3. On , , this Court entered an Order Granting the Motion to Withdraw. This Order instructed the Plaintiff that he/she had () days from the date of that order within which to employ private counsel.
4. The deadline for Plaintiff to employ private counsel was , .
5. To date, the Plaintiff has failed to employ counsel to represent him/her in this matter, nor has the Plaintiff notified the Court that he/she intends to proceed pro Se.
6. The Plaintiff must obtain counsel or notify the Court that he/she is proceeding pro se at trial on , .
7. and have been and continue to be prejudiced by the Plaintiff's failure to make any attempt to prosecute this matter or to otherwise resolve this case. Therefore, pursuant to Rule 41 (b) MRCP (1996), and request that the Plaintiff's case be dismissed with prejudice at the cost of the Plaintiff.

WHEREFORE, PREMISES CONSIDERED, the Defendants, and , respectfully move this Court to dismiss the Plaintiff's action with prejudice for failure to prosecute pursuant to Rule 41 of the Mississippi Rules of Civil Procedure.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day served a true and correct copy of the above and foregoing document to:

Post Office Box
_____, Mississippi
Hand-Delivered and United States Mail, Certified Return Receipt Requested

DATED this the _____ day of _____, _____.
