

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

and DEFENDANTS

DEFENDANT 'S MOTION FOR CHANGE OF VENUE

The Defendant , by and through counsel, and pursuant to Miss. R. Civ. Pro. 12 (b) (3) and 82 (d, moves this Court to transfer venue of this cause to the Circuit Court of County, Mississippi. In support of this Motion, this Defendant would show to the Court the following:

1. The Plaintiffs alleged cause of action did not occur or accrue in County, Mississippi and neither of the Defendants reside or may be found in County, Mississippi. Therefore, venue is not proper in County and this cause should be transferred to County, Mississippi where venue is proper pursuant to Miss. Code Ann. Sec. 11-11-3.

2. The Complaint incorrectly alleges that is an adult resident citizen of the Judicial District of County, Mississippi. In fact, is an adult resident citizen of County, Mississippi. (See Affidavit of , attached hereto as Exhibit " ").

3, The Complaint does not allege any negligent act or omission of either Defendant which occurred or accrued in County, Mississippi. In fact, the Complaint affirmatively alleges that the alleged negligence of the Defendants occurred at the emergency room of Defendant , which is located in County, Mississippi. (Complaint, paragraph 3).

4. In further support of this Motion, this Defendant relies upon the following:

- a. Plaintiffs Amended Complaint;
- b. Affidavit of

WHEREFORE, PREMISES CONSIDERED, the Defendant , respectfully requests this Court to enter an order-transferring venue of this cause to the Circuit Court of County, Mississippi and that all costs and expenses of the transfer be borne by Plaintiff.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day caused a true and correct copy of the above and foregoing instrument to be served by United States mail, postage prepaid, to the following:

THIS the _____ day of _____, 20____.

ATTORNEY FOR PLAINTIFF