

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

and DEFENDANTS

MOTION FOR RECUSAL, CHANGE OF VENUE AND SEVERANCE OF CLAIMS

COMES NOW , one of the defendants herein, by and through counsel, pursuant to Sections 9-1-11 and 11-11-51 MCA (1972) and Rule 21 MRCP and files this his/her Motion for Recusal of Judge, for Change of Venue and for Severance of the action against him/her from that brought against , co-defendant herein. In support his/her motion, this defendant would show unto the Court the following:

1. The Complaint filed in this action against this defendant on arose out of treatment and care of the plaintiff by the defendants, including a surgical procedure on for which the plaintiff has alleged injuries as a result of professional negligence and failure to obtain informed consent.

2. On this defendant was arrested and charged with one count of arson related to the fire at his/her office in . On defendant was convicted of arson in a part of the state.

3. Further, this defendant does not believe he/she will receive a fair trial if his/her case is tried concurrently with that of his/her co-defendant, again because of the adverse publicity he/she has received, in the criminal trials.

4. Likewise, this defendant does not believe he/she will receive a fair trial if he/she is tried in the same county, as is the residence of the Circuit Clerk of County due the fact that the plaintiff is .

5. As part of his/her petition, defendant adopts his/her affidavit, attached as Exhibit " " .

WHEREFORE, defendant moves for a recusal of the judge assigned to this civil action, change of venue, and for a severance of the action against him/her to be tried and judgment entered independently.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

STATE OF MISSISSIPPI
COUNTY OF

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named _____, who states that the above and foregoing information and true and correct to the best of his/her knowledge.

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, _____.

NOTARY PUBLIC

(S E A L)

My commission expires:

CERTIFICATE OF SERVICE

I, _____, one of the attorneys for the defendant, _____, do hereby certify that I have this day served via United States Mail, postage prepaid, a true and correct copy of the above and foregoing Notice of Hearing and Motion for Change of Venue, Recusal and Severance of claims on the court and the judge in accordance with Section 11-11-51 MCA (1972) and the following counsel of record:

Dated this the _____ day of _____, _____.
