

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

, M.D. and , M.D. DEFENDANTS

**MOTION TO RECONSIDER RULING ON  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OR IN THE  
ALTERNATIVE TO CERTIFY QUESTIONS FOR INTERLOCUTORY APPEAL**

COMES NOW , M.D., through counsel, and makes this motion to reconsider its ruling on this defendant's motion for summary judgment, in support whereof he/she would show:

1. Defendant's Motion for Summary Judgment was filed and served , . Copies of Defendant's Motion, Defendant's Memorandum Brief, Plaintiff's Response and Defendant's Rebuttal are attached hereto as combined Exhibit " ."

2. The Motion for Summary Judgment was denied by Order of the Court dated , .

3. Defendant-movant prays that the Court reconsider his/her motion for the these reasons:

- a) Plaintiff's Response contained allegations which were conclusory and not sufficient to generate an issue of fact sufficient to avoid summary judgment;
- b) Plaintiff did not submit affidavits or other significant probative evidence in support of his/her assertions;
- c) Plaintiff admitted the injury occurred prior to the surgical procedure performed by Dr. ;
- d) Nonmovant plaintiff did not meet his/her burden of production, and no medical experts were identified to support the plaintiff's opposition to this defendant's motion or to establish the standard of care or that the standard of care was breached.

In the alternative, and pursuant to the Mississippi Supreme Court Rules, Rule 5, this defendant moves the Court to amend its order of , , Order Overruling Motion for Summary Judgment, to grant certification that a substantial basis exists for a difference of opinion on a question of law as to which appellate resolution may materially advance the termination of the litigation and avoid exceptional expense to the parties; or protect this defendant from substantial or irreparable injury; or resolve an issue of general importance in the

administration of justice concerning summary judgment motions. Those questions of law include:

1. Based on the Rules of Civil Procedure, whether Mississippi law requires affidavits or other significant probative evidence in support of a non-movant's assertions in response to a movant's motion for summary judgment after the movant has met his/her burden of production.

2. Whether Mississippi law allows denial or withdrawal of a previous admission by the non-movant at the time of hearing of a motion for summary judgment when the motion in whole or in part is based on the admission response.

WHEREFORE, PREMISES CONSIDERED, this Defendant requests the Court to reconsider its order on Defendant's Motion for Summary Judgment.

THIS, this            day of            , 20            .

Respectfully submitted,

---

Attorney for

Of Counsel:

Telephone:  
MSB #  
Attorney for

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, one of the counsel of record, do hereby certify that I have this day caused to be served on counsel for the parties a true and correct copy of the above and foregoing Motion to Reconsider and Notice by serving copies of same on them via U.S. Mail, postage prepaid, as follows:

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---