

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI  
PLAINTIFF

VS.

NO.

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

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

Plaintiff, , through counsel, responds to the Motion to Reconsider Ruling on Defendant's Motion for Summary Judgment or in the Alternative to Certify Questions for Interlocutory Appeal ("the Motion"), as follows:

1. Plaintiff admits the allegations in paragraph 1 of the Motion.
2. Plaintiff admits the allegations in paragraph 2 of the Motion.
3. Plaintiff denies the allegations in paragraph 3 of the Motion. Plaintiff would affirmatively show that he/she filed a Response to Motion for Summary Judgment to which was attached excerpts of relevant deposition testimony from Dr. , Dr. , Dr. and . The evidence contained in these excerpts was more than sufficient to withstand the Motion for Summary Judgment filed by Dr. . Plaintiff incorporates herein by reference the Response to Motion for Summary Judgment.
4. Plaintiff denies the allegations of the unnumbered paragraph following paragraph 3 d) of the Motion. Plaintiff also denies subparagraphs 1 and 2 of the unnumbered paragraph following paragraph 3 d) of the Motion. Plaintiff would affirmatively show that Dr. has failed to meet the burden imposed upon him/her by Supreme Court Rule S (a), i.e., he/she has failed to demonstrate how the granting of an interlocutory appeal will materially advance the determination of the litigation, protect him/her from substantial or irreparable injury, or resolve an issue of general importance and administration of justice. Dr. 's motion is silent as to each of these prerequisites except the alleged resolution of an issue of general importance. As to this factor, Dr. is simply incorrect and his/her motion is nothing more than an attempt to relitigate his/her Motion for summary Judgment.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, , respectfully submits that the Court should deny the Motion to Reconsider Ruling on Defendant's Motion for Summary Judgment or in the Alternative to Certify Questions for Interlocutory Appeal.

Respectfully submitted,

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Attorney for

Of Counsel:

Telephone:  
MSB #  
Attorney for

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that I have this day sent via facsimile and United States mail, postage fully prepaid, a true and correct copy of the above and foregoing Response to Motion for Summary Judgment to:

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

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