

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

DEFENDANT

MOTION FOR SUMMARY JUDGMENT

The defendant, , by and through counsel, files its Motion for Summary Judgment and, in support thereof, would show unto the court the following:

1. The plaintiff's complaint alleges that Dr. (" "), a former employee of , was negligent in failing to diagnose plaintiff's medical condition and render treatment consistent with that diagnosis when the plaintiff was a patient at between , and , .

2. During that time period, the plaintiff was seen by Dr. with complaints of abdominal and epigastric pain.

3. Based upon the plaintiff's complaints, performed the requisite laboratory tests, diagnosis of plaintiff's condition and treatment. Consequently, through its employee, did not breach any medical standard of care of the plaintiff while he/she was a patient at this health care center.

4. There is no genuine issue of material fact as to whether Dr. breached the standard of care of a minimally competent physician in his/her field of practice when he/she treated the plaintiff during this time period. The Plaintiff has come forward with no expert to support his/her positions, which is required in a medical negligence case. See Walker v. Skiwski, 529 So.2d 184 (Miss. 1988).

5. In support of 's motion for summary judgment, it incorporates the affidavit of , M.D. attached as Exhibit "A," and the Defendant's Itemization of Undisputed Facts attached as Exhibit "B."

6. Based on the foregoing, respectfully requests the court to enter an order pursuant to Mississippi Rule of Civil Procedure 56 and dismiss it with prejudice from this matter.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

CERTIFICATE OF SERVICE

I certify that I have this day mailed, via United States Mail, postage prepaid, a true and correct copy of the above and foregoing instrument to:

Dated this the day of , 20 .
