

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

DEFENDANT

**MEMORANDUM BRIEF IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

 has filed a Motion for Summary Judgment on all claims in this action, pursuant to Mississippi Rule of Civil Procedure 56. Its Motion is based on the fact that there is no genuine issue as to any material fact relevant to this matter. Furthermore, there is no basis in law or fact for the Plaintiff's claim that was negligent in its care and treatment of .

I. UNDISPUTED FACTS

 Between , and , Plaintiff sought treatment at the for abdominal complaints. At the clinic, the Plaintiff was seen by Dr. who performed the requisite laboratory tests, diagnosis of Plaintiff's condition and treatment. The Plaintiff stopped coming to see Dr. before he/she was released.

 Plaintiff later went to see another doctor, who diagnosed and removed Plaintiff's . Plaintiff has made a claim for physical, mental and emotional pain and suffering and unnecessary medical treatment, tests and expense. Plaintiff has come forward with no medical expert testimony to support his/her claim.

II. ARGUMENT AND AUTHORITIES

 The Plaintiff has offered no proof that Dr. or anyone at the failed to use reasonable and ordinary care in treating the Plaintiff. In fact, the Plaintiff has presented no expert medical testimony, as required by Mississippi law that the Defendant failed to use ordinary care. See Walker v Skiwski, 529 So.2d 184 (Miss. 1988) (summary judgment affirmed for defendant doctor where plaintiff did not present the expert testimony that is required by Mississippi law to establish the minimally acceptable standard of medical care required by the defendant physician).

 Further, the Defendant has presented the affidavit testimony of Dr. the care the Plaintiff received met the applicable standard of care. See Affidavit of Dr. attached to Motion for Summary Judgment as Exhibit .

III CONCLUSION

The Plaintiff has failed to present a genuine issue as to any material fact relating to the claim asserted against _____. As is clear from the above cited case law, there is no basis in law or fact for the Plaintiff's claim that Dr. _____, as the treating physician at the _____, was negligent in his/her diagnosis and treatment of _____. Therefore, the Court should enter a judgment for the Defendant, _____, as a matter of law.

Respectfully submitted,

BY: _____

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:

This the day of , 20 .

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for