

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

AND DEFENDANTS

MOTION FOR SUMMARY JUDGMENT, OR, IN THE ALTERNATIVE, SUMMARY JUDGMENT AS TO DAMAGES

COME NOW the Defendants, () and (), and pursuant to Rule 56, Mississippi Rules of Civil Procedure, request that this Court enter summary judgment against the Plaintiff, (), and in support thereof would show the following:

1. The Mississippi Uniform Trade Secrets Act bars 's claim for alleged misappropriation of trade secrets against and because failed to either notify and of the alleged misappropriation or seek injunctive relief. Accordingly, and are entitled to summary judgment as a matter of law dismissing with prejudice the complaint filed herein by , as more specifically set forth in the Memorandum of Authorities in Support of Motion for Summary Judgment, or, in the Alternative, Summary Judgment as to Damages filed herewith.

2. Alternatively, there is no genuine issue of fact that bases its claim for damages on its alleged loss of gross profits a damage measure not cognizable under Mississippi law. and are, therefore, entitled as a matter of law to partial summary judgment in their favor that is not entitled to recover loss of gross profits as damages.

3. The depositions of , through its president, , supports this Motion for Summary Judgment. Pertinent portions of the deposition of are attached hereto as Exhibit " ".

WHEREFORE, PREMISES CONSIDERED, and request that this Court enter summary judgment in their favor, dismissing the complaint filed herein by , or, alternatively, enter partial summary judgment that is not entitled to recover loss of gross profits as damages.

DATED: , .

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

By: _____
 , Its Attorneys

OF COUNSEL:

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed by United States Mail, postage prepaid, a true and correct copy of the above and foregoing Motion for Summary Judgment to _____, _____, Mississippi.

This the _____ of _____, _____.
