IN THE CIRCUIT COURT OF   COUNTY, MISSISSIPPI

PLAINTIFFS

V.   **CIVIL ACTION NO.**

DEFENDANTS

PLAINTIFFS' RESPONSE TO DEFENDANTS'
OFFER OF JUDGMENT

Plaintiffs, through counsel, respond to Defendants' Offer of Judgment dated   ,   and received by counsel for plaintiffs on   ,   , as follows:

1.   Depositions recently taken by the defendants have established the reasonable value of the plaintiff's combined claims to be approximately $ rather than the $ prematurely offered by defendants prior to said depositions.

2.   Plaintiffs give notice of their offer to now settle all claims for the sum total of $, inclusive of the $ previously offered by the defendants prior to taking the deposition of plaintiff   on   ,   .

3.   Rule 68, Mississippi Rules of Civil Procedure, is unconstitutional because it violates these plaintiffs' rights to due process of law and to equal protection of the law under both the U. S. Constitution and the Constitution of the State of Mississippi. Rule 68 precludes any plaintiff the right to either make an offer of settlement in a civil matter or to make a counteroffer to a defendant. To be constitutional, there is inherent in said Rule the implied and co-equal right of all litigants to have the same opportunity under law as any other litigant to equal status in a court of law. As written, Rule 68 denies these plaintiffs this equal standing under law and should be held unconstitutional.

WHEREFORE, PREMISES CONSIDERED, plaintiffs urge the defendants to forthwith accept this offer in full and complete settlement of all claims.

Respectfully submitted this the   day of   , 2   .

By:_____

Attorney for

SUBMITTED BY:

Telephone:
MSB #
ATTORNEYS FOR

CERTIFICATE OF SERVICE

I,   one of the attorneys for plaintiffs, 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 Plaintiffs' Response to Defendants' Offer of Judgment to:

DATED this the   day of   ,   .

_____