

**IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**REPRESENTATIVE PHILIP GUNN  
REPRESENTATIVE JASON WHITE**

**PLAINTIFFS**

**vs.**

**CIVIL ACTION NO. G20-943**

**GOVERNOR TATE REEVES**

**DEFENDANT**

**RESPONSE OPPOSING DEFENDANT’S MOTION FOR CLARIFICATION OR TO  
RECONSIDER OR ALTER OR AMEND ORDER**

Plaintiffs State Representatives Philip Gunn and Jason White submit this Response Opposing Defendant’s Motion to for Clarification, to Reconsider or to Alter or Amend [Doc. 29] (the “Motion to Reconsider”):

1.

Once again, the parties are before the Court on a procedural device of counsel opposite designed to do anything but help this Court get to the merits of the dispute between the parties.

2.

The Court’s Order of September 10, 2020 [Doc. 28] is clear to Plaintiffs and their counsel, and does not require clarification. It is well within the Court’s discretion, and does not require reconsideration. It is well within the Rules, and does not require alteration or amendment.

3.

Counsel opposite is simply incorrect when asserting that Rule 7 stands for the proposition that no relief may be granted in this case unless a motion is filed by Plaintiffs. All Rule 7(b) says is that an application for an “order” outside of a hearing or trial should be by written motion. Plaintiffs are not seeking an order but a judgment in this case; judgments are entered every day at the conclusion of hearings in every court in this state without motions prerequisites. In addition,

Rule 7(b) clearly contemplates that applications for an order during a hearing or trial need not be in writing, and counsel for Plaintiffs has made clear in both hearings before this Court the precise relief requested by way of final declaratory judgment.

4.

“[E]very final judgment shall grant the relief to which the party in whose favor it is rendered is entitled by the proof and which is within the jurisdiction of the court to grant, *even if the party has not demanded such relief in his pleadings....*” Miss. R. Civ. P. 54(d) (emphasis added). The declaratory relief sought by Plaintiffs is clearly set out in the pleadings, is justified by the uncontroverted facts of the passage of H.B. 1782 by the Legislature and the purported partial veto of the bill by the Governor, and has been requested directly during oral argument. Plaintiffs might well file a dispositive motion or motions, but they need not in order for this Court to have the authority to enter judgment.

5.

Apparently, the latest motion is an attempt to reduce this case to cross motions for summary judgment, perhaps in the hopes that a shortening of the 10-day response time contemplated by the Rules would comprise reversible error. That effort should not be granted credence.

The Motion for Clarification/to Reconsider/to Alter or Amend should be overruled, as this Court’s scheduling order provides clear direction to the parties.

Respectfully submitted, this the 14<sup>th</sup> day of September, 2020.

**REPRESENTATIVE PHILIP GUNN  
REPRESENTATIVE JASON WHITE  
PLAINTIFFS**

**BY: /s/ R. Andrew Taggart, Jr.  
R. ANDREW TAGGART, JR.  
Their attorney**

**OF COUNSEL:**

R. ANDREW TAGGART, JR. (MSB# 7422)  
ELLEN V. ROYAL (MSB# 105682)  
TAGGART, RIMES & GRAHAM, PLLC  
1022 Highland Colony Parkway  
Suite 101  
Ridgeland, MS 39157  
Ph. 601-898-8400  
Fx. 601-898-8420  
[andy@trglawyers.com](mailto:andy@trglawyers.com)  
[ellen@trglawyers.com](mailto:ellen@trglawyers.com)

**CERTIFICATE OF SERVICE**

I, R. Andrew Taggart, Jr., attorney for Plaintiffs, certify that on this date I have filed the foregoing pleading by MEC, which will then provide electronic transmission and service to all counsel of record.

This, the 14<sup>th</sup> day of September, 2020.

/s/ R. Andrew Taggart, Jr.  
R. ANDREW TAGGART, JR.