

**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

**DEFENDANT GOVERNOR TATE REEVES' OBJECTIONS AND RESPONSE
TO PLAINTIFFS' MEMORANDUM BRIEF
IN SUPPORT OF PLAINTIFFS' SECOND AMENDED COMPLAINT
FOR DECLARATORY JUDGMENT**

Pursuant to Paragraph 3(F) of the Court's Amended Order Granting Plaintiffs' Motion for Speedy Hearing and to Advance on the Calendar and Scheduling Order [Dkt. 33] ("Amended Order"), Governor Tate Reeves¹ respectfully submits his objections and response to Plaintiffs' Memorandum Brief in Support of Plaintiffs' Second Amended Complaint [Dkt. 42] ("Memorandum Brief"), as follows:

OBJECTIONS

The Governor objects to Plaintiffs' Memorandum Brief for all the reasons and based on all the authorities cited in his Response in Opposition to Motion for Speedy Hearing and to Advance on the Calendar [Dkt. 10], Governor Reeves' Motion for Clarification, to Reconsider or to Alter or Amend [Dkt. 29], and Governor Reeves' Reply to Plaintiffs' Response to Governor Reeves' Response in Opposition to Motion for Speedy Hearing and to Advance on the Calendar [Dkt. 35], all of which are incorporated herein by reference as though fully set forth herein.

¹ Because this Court lacks subject matter jurisdiction, Governor Reeves submits these Objections and Response subject to his Motion to Dismiss for Lack of Subject Matter Jurisdiction [Dkt. 22] and the accompanying Memorandum of Authorities [Dkt. 23] and Reply [Dkt 30], all of which are incorporated herein by reference.

The Governor further objects to the Memorandum Brief as it is not a proper vehicle to seek relief under the Mississippi Rules of Civil Procedure. Specifically, the Memorandum Brief is neither a motion, nor is it a pleading. To the extent this Court considers the Memorandum Brief, it should be converted to a Motion for Judgment on the Pleadings under Rule 12(c) and consolidated with Plaintiffs' pending Motion for Judgment on the Pleadings [Dkt. 38] filed before this Memorandum Brief. The Memorandum Brief adds nothing to Plaintiffs' pending Rule 12(c) Motion. Rather, it merely incorporates Plaintiffs' Rule 12(c) motion by reference. Pursuant to Paragraph 3(D) of the Amended Order [Dkt. 33], the Governor will file his response to Plaintiffs' Motion for Judgment on the Pleadings under Rule 12(c) on or before September 28, 2020.

RESPONSE

Pursuant to Paragraph 3(F) of the Amended Order, in response to the Memorandum Brief (adopting and reasserting arguments in previously filed documents [Dkt. 25, 27, and 39]), the Governor adopts, reasserts and incorporates by reference the arguments set forth in the following as though fully set forth herein:

1. Motion to Dismiss for Lack of Subject Matter Jurisdiction [Dkt 22] and the Reply in Further Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction [Dkt. 30];
2. Motion for Summary Judgment [Dkt. 40], the Memorandum in Support of the Motion for Summary Judgment [Dkt. 41] and any Reply that may be feasibly be filed in support thereof;²

² Pursuant to Paragraph 3(G) of the Amended Order, any response and/or reply is due on or before Monday, September 28, 2020. Depending on the filing of Plaintiffs' Response to Motion for Summary Judgment [Dkt. 40] on Monday, September 28, Governor Reeves reserves the right to submit a Reply in Support of his Motion for Summary Judgment.

3. Response to be filed³ in Opposition to Plaintiffs Motion for Judgment on the Pleadings [Dkt 38].

Finally, Governor Reeves also requests that the Court deny the relief requested by Plaintiffs' Memorandum Brief for all the reasons set forth in Answer to the Second Amended Complaint [Dkt. 36] and Amended Answer to the Second Amended Complaint [Dkt. 37]. Those documents are also incorporated herein by reference.

CONCLUSION

For all the reasons set forth above, and in all the documents incorporated herein by reference, the Court should disregard Plaintiffs' Memorandum Brief. Alternatively, the Court should convert the Memorandum Brief to a Motion for Judgment on the Pleadings pursuant to Rule 12(c) and consolidate it with Plaintiffs' pending Motion for Judgment on the Pleadings [Dkt. 38]. To the extent the Court considers Plaintiffs' Memorandum Brief, for the reasons set forth in the above referenced documents, the relief sought should be denied, and Governor Reeves respectfully requests that the Court dismiss all claims in this matter against him, with prejudice.

RESPECTFULLY SUBMITTED, this the 23rd day of September, 2020.

GOVERNOR TATE REEVES, Defendant
LYNN FITCH, ATTORNEY GENERAL

s/ J. Michael Coleman

J. Michael Coleman, MSB NO. 99546

Paul E. Barnes, MSB NO. 99107

Wilson Minor, MSB NO. 102663

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³ Pursuant to Paragraph 3(D) of the Amended Order, Governor Reeves' Response to Plaintiffs' Motion for Judgment on the Pleadings will be filed on September 28, 2020.

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CERTIFICATE OF SERVICE

I, Paul E. Barnes, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the MEC system, which sent notification of such filing to all counsel of record.

This the 23rd day of September, 2020.

S/Paul E. Barnes