

WILLIAM A. GOWAN, JR.

JUDGE

7TH CIRCUIT COURT DISTRICT

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UNIFORM RULE OF CIRCUIT AND COUNTY COURT PRACTICE 4.03-MOTION PRACTICE

The provisions of this rule shall apply to all written motions in civil actions.

1. The original of each motion, and all affidavits and other supporting evidentiary documents shall be filed with the clerk in the county where the action is docketed. **The moving party at the same time shall mail a copy thereof to the judge presiding in the action at the judge's mailing address.** A proposed order shall accompany the court's copy of any motion which may be heard ex parte or is to be granted by consent. **Responses and supporting evidentiary documents shall be filed in the same manner.**

2. In circuit court a memorandum of authorities in support of any motion to dismiss or for summary judgment shall be mailed to the judge presiding over the action at the time that the motion is filed. Respondent shall reply within ten (10) days after service of movant's memorandum. A rebuttal memorandum may be submitted within five (5) days of service of the reply memorandum. Movants for summary judgment shall file with the clerk as a part of the motion an itemization of the facts relied upon and not genuinely disputed and the respondent shall indicate either agreement or specific reasons for disagreement that such facts are undisputed and material. **Copies of motions to dismiss or for summary judgment sent to the judge shall also be accompanied by copies of the complaint and, if filed, the answer. (If you are relying upon depositions, Judge Gowan requires a complete copy, not partial).**

3. Accompanying memoranda or briefs in support of other motions are encouraged but not required. Where movant has served a memorandum or brief, respondent may serve a reply within ten (10) days after service of movant's memorandum or brief. A rebuttal memorandum or brief may be served within five (5) days of service of the reply memorandum.

4. No memorandum or brief required or permitted by this rule shall be filed with the clerk. Memoranda or briefs shall not exceed 25 pages in length. If any memorandum, brief or other paper submitted in support of a legal argument in any case cites or relies upon any authority other than a Mississippi or federal statute, Mississippi or federal Rule of Court, United States Supreme Court case, or a case reported in the Southern or Federal Reporter series, a copy of such authority must accompany the brief or other paper citing it.

5. All dispositive motions shall be deemed abandoned unless heard at least ten days prior to trial.

In compliance with Rule 4.03, for a motion to be set Judge Gowan requests: (1) a notice of hearing listing each motion, (2) the complaint, (3) the motion(s) and (4) the response(s), if filed. **Notices of hearing received without accompanying information will not be set.**

See also Seventh Circuit Court District **Local Rule 2(d): "Once a motion is set and noticed by the movant, no other motion shall be noticed by any other party to the action, without prior approval of the Court."**