

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ANDREW ALEXANDER, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:20-CV-21-SA-JMV

PELICIA E. HALL, et al.

DEFENDANTS

**DEFENDANTS’ MOTION TO SEVER CLAIMS INTO SEPARATE CIVIL ACTIONS
OR ALTERNATIVELY FOR SEPARATE TRIALS**

Defendants Pelicia Hall, Tommy Taylor, Jeworski Mallett, Brenda Cox, Timothy Morris, Lee Simon, Marylen Sturdivant, Wendell Banks, Verlana Flagg, Jewel Morris, Leather Williams, Earnest King, Laquitta Meeks, Stanley Flagg, Claude Lee, Peggy Lathan, Olivia Westmoreland, Caren Webb, Terry Haywood, Audrey Fields, and Marshal Turner (“Defendants”), each of whom has been sued in their personal and individual capacity, jointly submit their motion to sever each of the 14 Plaintiffs’ claims into 14 separate civil actions under Rule 21 of the Federal Rules of Civil Procedure. In the alternative, Defendants request separate trials for the Plaintiffs’ claims under Rule 42 of the Federal Rules of Civil Procedure.

Based on this Court’s observations in its recent ruling denying Plaintiffs’ class certification motion—including that “[s]imply stated, the only way to resolve adequately and fairly each of the claims and potentially impose monetary damages against individual Defendants is to hold approximately 4,000 separate trials,” [212] at 26—severing the Plaintiffs’ claims into separate actions is appropriate to avoid prejudice and delay, ensure judicial economy, and safeguard principles of fundamental fairness. In support, Defendants rely upon their simultaneously filed memorandum and also their response to Plaintiffs’ motion for class certification and exhibits, which are incorporated by reference. *See* [Docs. 196, 197].

ACCORDINGLY, and for the reasons stated in the accompanying memorandum in support, and as also shown in Defendants' brief and exhibits filed in response to Plaintiffs' motion for class certification, Defendants respectfully request that the Court sever each of the 14 Plaintiffs' claims into 14 separate civil actions. Alternatively, if the Court does not order that the claims be severed into 14 completely separate actions, Defendants request that the Court order that there be separate trials for each of the 14 Plaintiffs. Defendants request such other and further relief as the Court deems just and proper.

Dated: October 23, 2024.

Respectfully submitted,

**MARSHAL TURNER, PELICIA HALL,
TOMMY TAYLOR, JEWORSKI MALLETT,
BRENDA COX, TIMOTHY MORRIS, LEE
SIMON, MARYLEN STURDIVANT,
WENDELL BANKS, VERLENA FLAGG,
JEWEL MORRIS, LEATHER WILLIAMS,
EARNEST KING, LAQUITTA MEEKS,
STANLEY FLAGG, CLAUDE LEE, PEGGY
LATHAN, OLIVIA WESTMORELAND,
CAREN WEBB, TERRY HAYWOOD,
AUDREY FIELDS, all in their individual
capacities**

By: s/ Cody C. Bailey
Cody C. Bailey
One of Defendants' Attorneys

OF COUNSEL:

LYNN FITCH
Attorney General of Mississippi

Claire Barker (MSB #101312)
Special Assistant Attorney General
P.O. Box 220
Jackson, Mississippi 39205-0220
Telephone: (601) 359-3523
Claire.Barker@ago.ms.gov

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC

William Trey Jones, III (MSB #99185)

tjones@brunini.com

Karen E. Howell (MSB #102243)

khowell@brunini.com

Cody C. Bailey (MSB #103718)

cbailey@brunini.com

L. Kyle Williams (MSB #105182)

kyle.williams@brunini.com

Jacob A. Bradley (MSB #105541)

jbradley@brunini.com

J. Breland Parker (MSB #106324)

bparker@brunini.com

The Pinnacle Building, Suite 100

190 East Capitol Street (39201)

Post Office Drawer 119

Jackson, Mississippi 39205

Telephone: (601) 948-3101

Facsimile: (601) 960-6902

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Cody C. Bailey

Cody C. Bailey