

FILED

MAR 04 2015

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

*Forrest Adams*  
FORREST COUNTY CIRCUIT CLERK

CARTER CARROLL and  
KIM BRADLEY

PLAINTIFFS

VS.

CAUSE NO. CI14-0212

JOHNNY L. DUPREE, *in his official*  
*Capacity as Mayor of the City of Hattiesburg*

DEFENDANT

**DEFENDANT'S MOTION FOR**  
**STAY OF ORDER PENDING APPEAL**

COMES NOW Defendant, Johnny L. DuPree, by and through his attorney of record and file this Defendant's Motion for Stay of Order Pending Appeal, pursuant to Rule 8(b) of the Mississippi Rules of Appellate Procedure and in support thereof would show unto the Court the following to-wit:

1.

This court entered its order granting a writ of mandamus on January 13, 2015 which was filed of record on January 16, 2015 compelling the Defendant to submit his nominees for the positions of City Clerk, Municipal Court Judge Pro Tem, City Attorney, Chief of Police and Public Defender. Said Order was subsequently modified on a motion by the Plaintiffs pursuant to Rule 59 of the Mississippi Rules of Civil Procedure on February 2, 2015 and filed for record on February 6, 2015 to require the Defendant to submit his nominees within 21 days of February 2, 2015.

2.

Defendant filed his Notice of Appeal on February 13, 2015 and after receiving the cost estimated from the Circuit Clerk on February 17, 2015, perfected his appeal by paying the

required cost and causing a Certificate of Compliance to be filed and served upon all interested persons.

3.

Defendant makes application and seeks a stay of this court's order as originally entered and subsequently modified pursuant to Rule 8(b) of the Mississippi Rules of Appellate Procedure pending the outcome of his appeal to the Supreme Court of the State of Mississippi.

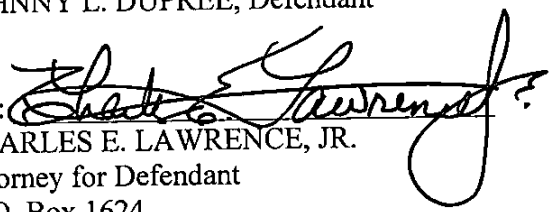
4.

Defendant is a public officer of a political subdivision of the State of Mississippi duly elected to the position of Mayor of the City of Hattiesburg that has been sued in his official capacity as Mayor and pursuant to §11-51-101 of the Mississippi Code Annotated, 1972, (Supp. 1994) no bond is necessary for the stay to be implemented.

WHEREFORE, PREMISES CONSIDERED Defendant moves and prays that upon a hearing on his motion that this court will grant said motion and grant a stay of its orders entered in this case pending the Defendant's appeal.

Respectfully submitted,

JOHNNY L. DUPREE, Defendant

BY:   
CHARLES E. LAWRENCE, JR.  
Attorney for Defendant  
P. O. Box 1624  
Hattiesburg, MS 39403-1624  
(601) 582-4157  
MB #1105

**CERTIFICATE OF SERVICE**

I, CHARLES E. LAWRENCE, JR., Attorney for Defendant, Johnny L. DuPree, do hereby certify that I have this day filed this Certificate of Compliance with the Clerk of this Court and have served a copy of the same by mailing a true and correct copy to:

Honorable Robert D. Gholson

Attorney at Law

Post Office Box 1289

Laurel, MS 39441-1289

(served via email Gholson@gbeolaw.com)

(served via facsimile (601) 649-4441)

Honorable Katherine B. Sumrall

Attorney at Law

Post Office Box 1289

Laurel, MS 39441-1289

(served via facsimile (601) 649-4441)

Shawn O'Hara

P. O. Box 15275

Hattiesburg, MS 39404

Elisha Jackson

P. O. Box 1542

Hattiesburg, MS 39403

THIS the 21<sup>st</sup> day of February 2015.

*Charles E. Lawrence, Jr.*  
CHARLES E. LAWRENCE, JR.