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June 30, 2015

Honorable Lou Ellen Adams
Forrest County Circuit Clerk
P.O. Box 992
Hattiesburg, MS 39403-0992


**Re: Carroll & Bradley v. Dupree
Cause No. CI14-0212**

Dear Ms. Adams:

Enclosed herein for filing in the above referenced matter is the Plaintiffs' Response to Joseph Rawson's Motion to Intervene, along with an extra copy to be stamped "filed" and returned in the self-addressed, stamped envelope.

If you have any questions, please feel free to give me a call.

Sincerely yours,


Melodye McGill
Paralegal

Enclosures

cc: Charles Lawrence, Esq.
Shawn O'Hara
Elisha Jackson
Joseph Rawson

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CARTER CARROLL and
KIM BRADLEY

PLAINTIFFS

VS.

CAUSE NO. CI 14-0212

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

DEFENDANT

PLAINTIFFS' RESPONSE TO JOSPEH RAWSON'S MOTION TO INTERVENE

COME NOW Plaintiffs, Carter Carroll and Kim Bradley, and file their Response to Motion to Intervene by Joseph Rawson, ("Movant"), and for cause thereof, would show unto the Court the following:

1. The Movant seeks to intervene in this action to address alleged injustices on behalf of the Defendant.
2. In order for a private person(s) to have standing in a writ of mandamus, it must be shown that he or she has "an interest separate from or in excess of that of the general public." *Aldridge v. West*, 929 So.2d 298 (Miss. 2006)(quoting *Jackson County Sch. Bd. v. Osborn*, 605 So.2d 731, 734 (Miss. 1992)).
3. In order to obtain relief in the form of a writ of mandamus, "it must affirmatively appear that four essential elements are present: (1) the petition must be brought by the officers or persons authorized to bring the suit; (2) there must appear a clear right in petitioner to the relief sought; (3) there must exist a legal duty on the part of the defendant to do the thing which the petitioner seeks to compel; and (4) there must be an absence of another remedy at law." *Aldridge*, 929 So.2d at 302 (citation omitted).
4. Movant does not have standing to intervene in this matter, as it cannot be shown that he has an "interest separate from in or excess of that of the general public" and, as such,

Movant is not “authorized to bring the suit.” *Osborn*, 605 So.2d at 734; *Aldridge*, 929 So.2d at 302 (citation omitted). Even the movant acknowledges his interest in this matter is not “separate from or in excess of that of the general public,” stating, “I make it clear that my interest bears no weight above another person.” Movant’s Motion to Intervene, ¶ 9.

5. Plaintiffs would further show that, because the Movant lacks standing, the pleading is frivolous,¹ and Plaintiffs should be awarded their fees and costs for being required to respond to the Petition, in accordance with Miss.R.Civ.P. 11(b) and the Litigation Accountability Act (Miss. Code Ann. § 11-55-1 *et seq.*

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request this Court deny Movant’s Petition to Intervene, and for such other and further relief as to which they may be entitled.

Respectfully submitted, this the 30th day of **June, 2015**.

**CARTER CARROLL and
KIM BRADLEY**

By: _____


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Attorney for Plaintiffs

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¹ Plaintiffs categorically deny the allegations contained in the Petition, and would show that these allegations are not only without a basis in the facts and law, but are of a kind and character that should be stricken from the court files. See, e.g., *Dethlefs v. Beau Maison Dev. Corp.*, 511 So.2d 112, 118 (Miss. 1987).