

FILED

JAN 15 2015

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

*Elisha Jackson*  
FORREST COUNTY CIRCUIT CLERK

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 PETITION TO INTERVENE**

COME NOW Plaintiffs, Carter Carroll and Kim Bradley, and file their Response to Petition to Intervene by Shawn O'Hara and Elisha Jackson, ("Petitioners"), and for cause thereof, would show unto the Court the following:

1. The Petitioners seek to intervene in this action to address alleged injustices on behalf of the four holdover city employees.
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. Petitioners do not have standing to intervene in this matter, as it cannot be shown that they have an "interest separate from in or excess of that of the general public" and, as such,

Petitioners are not "authorized to bring the suit." *Osborn*, 605 So.2d at 734; *Aldridge*, 929 So.2d at 302 (citation omitted).


5. Plaintiffs would further show that, because the Petitioners lack standing, the pleading is frivolous<sup>1</sup> 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 Petitioner's Petition to Intervene, and for such other and further relief as to which they may be entitled.

Respectfully submitted, this the 13<sup>th</sup> day of January, 2015.

**CARTER CARROLL and  
KIM BRADLEY**

By: \_\_\_\_\_

  
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Attorneys for Plaintiffs

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<sup>1</sup> 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).

**CERTIFICATE OF SERVICE**

I, Robert D. Gholson, hereby certify that a copy of the above and foregoing document has been served on the following, by directing same to their office addresses through first-class, United States mail, postage prepaid, on this the 13<sup>th</sup> day of **January, 2014**:

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<sup>2</sup>ALSO ADMITTED IN LOUISIANA

January 13, 2015

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

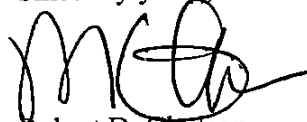
**Re: *Carroll & Bradley v. Dupree*  
*Cause No. CI14-0212***

Dear Ms. Adams:

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

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

Sincerely yours,



Robert D. Gholson

RDG/mm  
Enclosures

cc: Charles Lawrence, Esq.  
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Elisha Jackson

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