

**IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**ANN SAUNDERS; SABREEN SHARRIEF;
and DOROTHY TRIPLETT**

PLAINTIFFS

VS.

CIVIL ACTION NO. 23-cv-00421

**STATE OF MISSISSIPPI; HONORABLE MICHAEL K. RANDOLPH,
in his official capacity as Chief Justice of the Mississippi Supreme Court;
ZACK WALLACE, in his official capacity as Circuit Clerk of the
Circuit Court of Hinds County, Mississippi; and GREG SNOWDEN,
in his official capacity as Director of the Administrative Office
of Courts**

DEFENDANTS

and

**STATE OF MISSISSIPPI *ex rel.*
ATTORNEY GENERAL LYNN FITCH**

DEFENDANT-INTERVENOR

**STATE OF MISSISSIPPI *EX REL.* ATTORNEY GENERAL LYNN FITCH'S
NOTICE OF RESPONSE TO QUESTION FROM COURT**

COMES NOW Defendant-Intervenor State of Mississippi *ex rel.* Attorney General Lynn Fitch (“the State”), by and through counsel, and gives notice of its timely response of record to a question from the Court, as follows:

At the May 10, 2023, evidentiary hearing on multiple motions in the above-styled and numbered cause, including but not limited to Plaintiffs’ motion for preliminary injunction, the Court posed the following question from the bench and directed that the State respond by noon on Thursday, May 11, 2023: If the Court determines that previous judicial appointments of temporary special judges made pursuant to MISS. CODE ANN. § 9-1-105(2) should be invalidated as violative of Section 153 and/or Section 165 of the Mississippi Constitution, as alleged by Plaintiffs, does that determination affect judicial appointments made to the “COVID court” as well?

For purposes of the Court's inquiry, the State assumes that the Court is referring to appointments of temporary special judges made by the Chief Justice of the Mississippi Supreme Court during the pendency of the COVID-19 pandemic, to assist permanent circuit, county, and/or chancery court judges in connection with challenges arising out of the pandemic. By way of example, attached as composite Exhibit "A" are four (4) such orders, reflecting the Chief Justice's appointments of the following special judges in 2020 "on a temporary basis to provide assistance" to permanent circuit, county, and/or chancery court judges "in performing their duties due to the unforeseen needs proximately cause and/or contributed by [*sic*] COVID-19": Hon. Jaye A. Bradley, as a Special Temporary Judge for the Sixteenth Chancery Court District of Mississippi; Hon. Barry W. Ford, as a Special Temporary Judge for the Circuit Court of the Twenty-First Judicial District of Mississippi; Hon. John S. Price, Jr., as a Special Temporary Judge for the County Court of Warren County, Mississippi; and Hon. Larry E. Roberts, as a Special Temporary Judge for the Eighth Circuit Court District of Mississippi.

All four of the aforementioned orders reflect that the appointments effectuated thereby were made pursuant to MISS. CODE ANN. § 9-1-105 (presumably under the authority granted in Subsection 2 of that statute). It is reasonable to assume that any other such COVID-19 special judge appointment orders entered by the Chief Justice of the Mississippi Supreme Court were likewise predicated upon the authority set forth in § 9-1-105(2). Therefore, in answer to the Court's aforementioned question, the State respectfully submits that if this Court were to invalidate previous judicial appointments of temporary special judges made pursuant to § 9-1-105(2) as unconstitutional, that ruling would in fact implicate and invalidate COVID-19 appointments.

THIS the 11th day of May, 2023.

Respectfully submitted,

STATE OF MISSISSIPPI *EX REL.* ATTORNEY
GENERAL LYNN FITCH, DEFENDANT-
INTERVENOR

By: LYNN FITCH, ATTORNEY GENERAL
FOR THE STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
REX M. SHANNON III (MSB #102974)
Special Assistant Attorney General

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ATTORNEYS FOR STATE OF MISSISSIPPI
EX REL. ATTORNEY GENERAL LYNN FITCH,
DEFENDANT-INTERVENOR

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for Defendant-Intervenor State of Mississippi *ex rel.* Attorney General Lynn Fitch, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's MEC filing system, which sent notification of such filing to all counsel of record.

THIS the 11th day of May, 2023.

s/Rex M. Shannon III
REX M. SHANNON III

Serial: 233032

IN THE SUPREME COURT OF MISSISSIPPI

No. 2020-AP-00794

***IN RE: JUDICIAL APPOINTMENT
RELATED TO CORONAVIRUS (COVID-19):
SPECIAL JUDGE FOR THE CHANCERY
COURT OF THE SIXTEENTH CHANCERY
COURT DISTRICT OF MISSISSIPPI***

FILED

JUL 30 2020

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

ORDER APPOINTING SPECIAL JUDGE

Before the Chief Justice is the request of the duly elected chancellors in the Sixteenth Judicial Districts (composed of George, Greene and Jackson Counties), Mississippi, through Senior Chancellor D. Neil Harris, Sr., for the appointment of a special judge on a temporary basis to provide assistance in performing their duties due to the unforeseen needs proximately caused and/or contributed by COVID-19. The Court finds that it is appropriate under Mississippi Code Section 9-1-105 to appoint Honorable Jaye A. Bradley, Senior Status Judge, as a Special Temporary Judge for the Sixteenth Chancery Court of Mississippi from the entry of this order through December 30, 2020.

IT IS, THEREFORE, ORDERED AND ADJUDGED that *Honorable Jaye A. Bradley*, Senior Status Judge, be, and she is hereby appointed as a Special Temporary Judge of the Sixteenth Chancery Court District of Mississippi, to assist the duly elected chancellors from the entry of this order through December 30, 2020.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and




necessary expenses incurred by Honorable Jaye A. Bradley and approved by the Administrative Office of Courts will be paid through the Supreme Court's AOC-CARES Act COVID-19 Fund.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and other necessary expenses incurred with respect to the COVID-19 crisis must be incurred by December 30, 2020.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to: Honorable Jaye A. Bradley, Special Chancellor, the Honorable D. Neil Harris, Sr., the Honorable Mark Maples, and the Honorable Tanya Hasbrouck, Chancellors of the Sixteenth Chancery Court District; and to the Chancery Clerks for the Sixteenth District (composed of George, Greene and Jackson Counties), Carol Allgood, Finance Director of the Mississippi Supreme Court, and Lisa Counts, Deputy Director of Administrative Office of Courts.

SO ORDERED, this the 30 day of July, 2020.



MICHAEL K. RANDOLPH,
CHIEF JUSTICE

Serial: 233078

IN THE SUPREME COURT OF MISSISSIPPI

No. 2020-AP-00787

***IN RE: JUDICIAL APPOINTMENT
RELATED TO CORONAVIRUS (COVID-
19): SPECIAL JUDGE FOR THE CIRCUIT
COURT OF THE TWENTY-FIRST
JUDICIAL DISTRICT OF MISSISSIPPI***

FILED

JUL 31 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

ORDER APPOINTING SPECIAL JUDGE

Before the Chief Justice is the request of the duly elected Circuit Court Judge Jannie M. Lewis-Blackmon, for the appointment of a special judge on a temporary basis to provide assistance in performing her duties due to the unforeseen needs proximately caused and/or contributed by COVID-19. The Court finds that it is appropriate under Mississippi Code Section 9-1-105 to appoint Honorable Barry W. Ford, Senior Status Judge, as a Special Temporary Judge for Circuit Court of the Twenty-First Judicial District of Mississippi, from the entry of this order through December 30, 2020.

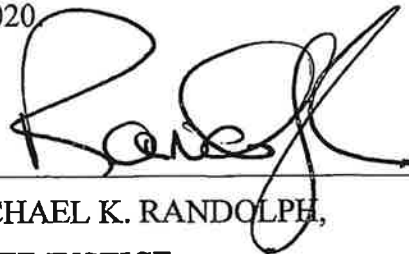
IT IS, THEREFORE, ORDERED AND ADJUDGED that ***Honorable Barry W. Ford***, Senior Status Judge, be, and he is hereby appointed as a Special Temporary Judge for the Circuit Court of the Twenty-First Judicial District of Mississippi; to assist duly elected Circuit Court Judge Jannie M. Lewis-Blackmon from the entry of this order through December 30, 2020.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and necessary expenses incurred by Honorable Barry W. Ford and approved by the Administrative Office of Courts will be paid through the Supreme Court's AOC-CARES Act COVID-19 Fund.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and other necessary expenses incurred with respect to the COVID-19 crisis must be incurred by December 30, 2020.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to: Honorable Barry W. Ford, Special Judge, and the Honorable Jannie M. Lewis-Blackmon, Circuit Judge for the Twenty-First Judicial District; the Circuit Clerks of Holmes, Humphreys and Yazoo Counties, Carol Allgood, Finance Director of the Mississippi Supreme Court, and Lisa Counts, Deputy Director of Administrative Office of Courts.

SO ORDERED, this the 31 day of July, 2020

A handwritten signature in black ink, appearing to read "Michael K. Randolph", written over a horizontal line. The signature is stylized and cursive.

MICHAEL K. RANDOLPH,
CHIEF JUSTICE

Serial: 233076

IN THE SUPREME COURT OF MISSISSIPPI

No. 2020-AP-00808

***IN RE: JUDICIAL APPOINTMENT
RELATED TO CORONAVIRUS (COVID-
19): SPECIAL JUDGE FOR THE COUNTY
COURT OF WARREN COUNTY,
MISSISSIPPI***

FILED

JUL 31 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

ORDER APPOINTING SPECIAL JUDGE

Before the Chief Justice is the request of the duly elected County Court Judge Marcie T. Southerland, for the appointment of a special judge on a temporary basis to provide assistance in performing her duties due to the unforeseen needs proximately caused and/or contributed by COVID-19. The Court finds that it is appropriate under Mississippi Code Section 9-1-105 to appoint Honorable John S. Price, Jr., Senior Status Judge, as a Special Temporary Judge for County Court of Warren County, Mississippi, from the entry of this order through August 19, 2020.

IT IS, THEREFORE, ORDERED AND ADJUDGED that *Honorable John S. Price, Jr.*, Senior Status Judge, be, and he is hereby appointed as a Special Temporary Judge for the County Court of Warren County, Mississippi, to assist duly elected County Court Judge Marcie T. Southerland from the entry of this order through August 19, 2020.

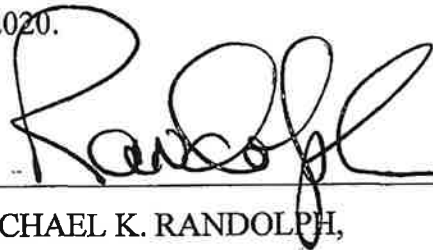
IT IS FURTHER ORDERED AND ADJUDGED that all compensation and

necessary expenses incurred by Honorable John S. Price, Jr. and approved by the Administrative Office of Courts will be paid through the Supreme Court's AOC-CARES Act COVID-19 Fund.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and other necessary expenses incurred with respect to the COVID-19 crisis must be incurred by December 30, 2020.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to: Honorable John S. Price, Jr., Special Judge, and the Honorable Marcie T. Southerland, County Court Judge for Warren County; the Warren County Circuit Clerk, Carol Allgood, Finance Director of the Mississippi Supreme Court, and Lisa Counts, Deputy Director of Administrative Office of Courts.

SO ORDERED, this the 31 day of July, 2020.

A handwritten signature in black ink, appearing to read "Randolph", written over a horizontal line.

MICHAEL K. RANDOLPH,
CHIEF JUSTICE

Serial: 233112

IN THE SUPREME COURT OF MISSISSIPPI

No. 2020-AP-00823

FILED

AUG 04 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

***IN RE: JUDICIAL APPOINTMENT
RELATED TO CORONAVIRUS: (COVID-
19): SPECIAL JUDGE FOR THE EIGHTH
CIRCUIT COURT DISTRICT***

ORDER APPOINTING SPECIAL JUDGE

Before the Chief Justice is the request of the duly elected Circuit Court Judges in the Eighth Circuit Court District of Mississippi, through Senior Judge Mark Duncan, for the appointment of special judge on a temporary basis to provide assistance in performing their duties due to the unforeseen needs proximately caused and/or contributed by COVID-19. The Court finds that it is appropriate under Mississippi Code Section 9-1-105 to appoint Honorable Larry E. Roberts, Senior Status Judge, as a Special Temporary Judge for the Eighth Circuit Court District of Mississippi, from the entry of this order through December 30, 2020.

IT IS, THEREFORE, ORDERED AND ADJUDGED that ***Honorable Larry E. Roberts***, Senior Status Judge, be, and he is hereby appointed as a Special Temporary Judge for the Eighth Circuit Court District of Mississippi, to assist duly elected Circuit Court Judges from the entry of this order through December 30, 2020.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and necessary expenses incurred by Honorable Larry E. Roberts and approved by the Administrative Office of Courts will be paid through the Supreme Court's AOC-CARES Act COVID-19 Fund.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and other necessary expenses incurred with respect to the COVID-19 crisis must be incurred by December 30, 2020.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to: Honorable Larry E. Roberts, Special Judge, the Honorable Mark Duncan and the Honorable Brian Burns, Judges of the Eighth Circuit Court of Mississippi; the Circuit Clerks for the Eighth Districts, Carol Allgood, Finance Director of the Mississippi Supreme Court, and Lisa Counts, Deputy Director of Administrative Office of Courts.

SO ORDERED, this the 4 day of August, 2020.



MICHAEL K. RANDOLPH,
CHIEF JUSTICE