

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MATTHEW OLIVER REARDON

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:22-CV-00050-SA-JMV

STATE OF MISSISSIPPI, ET AL.

DEFENDANTS

**COUNTY DEFENDANTS' AMENDED RESPONSE IN OPPOSITION TO
PLAINTIFF'S ADDENDUM AND MOTION FOR SANCTIONS**

Defendants Lafayette County, Mississippi; Lafayette County Sheriff's Department; and Joseph B. East, individually and in his official capacity (collectively, "County Defendants") submit this Amended Response¹ in Opposition to Plaintiff's Addendum and Motion for Sanctions (Doc. 69),² and would show unto the Court the following:

Plaintiff's request for sanctions against the State of Mississippi and County Defendants is facially baseless. Rather than articulating a plausible basis to warrant the imposition of sanctions against County Defendants, Plaintiff merely regurgitates one of the underlying bases for the

¹ County Defendants amend their previous Response in Opposition to Plaintiff's Addendum and Motion for Sanctions [Doc. 75] to join Lafayette County Sheriff's Department in the Response. Although Lafayette County, Mississippi and Lafayette County Sheriff's Department are one and the same entity for purposes of this lawsuit, and Plaintiff's Addendum and Motion for Sanctions [Doc. 69] is specifically directed at Defendants Lafayette County, Mississippi and Joseph B. East (individually and in his official capacity), County Defendants join Lafayette County Sheriff's Department in the Response solely out of an abundance of caution.

² As County Defendants noted in response to Plaintiff's Sworn Declaration and Request for Emergency Injunctive Relief with Stipulated Order of Protection (Doc. 60), Plaintiff's motion for sanctions is not properly before the Court because Plaintiff filed the motion while the Court's Amended Order Staying the Case (Doc. 49) was still in effect. County Defendants respond to Plaintiff's motion solely out of an abundance of caution and urge that they are by no means required to respond to the motion in light of the Amended Order Staying the Case (Doc. 49). *See, e.g., Keyes v. Speed*, 2007 WL 1577790, at *1 n.3 (S.D. Miss. May 29, 2007) (refusing to consider plaintiff's partial motion for summary judgment filed while the case was stayed pursuant to defendants' assertion of qualified immunity and holding the "court's order to stay the case because of immunity issues relieved the defendants of their obligation to respond to the motion.") (emphasis added).

lawsuit (i.e., that Defendants “falsely imprison[ed]” him). Doc. 69. Further, as with Plaintiff’s Sworn Declaration and Request for Emergency Injunctive Relief with Stipulated Order of Protection (Doc. 60), Plaintiff’s motion for sanctions references discrete events that allegedly occurred after Plaintiff filed this lawsuit and that are entirely separate from the allegations in Plaintiff’s Amended Complaint. Because Plaintiff’s barebone “motion” falls far short of *any* recognized standard for imposing sanctions, the Court should deny the motion accordingly.

Dated: March 23, 2023.

PHELPS DUNBAR LLP

BY: /s/ Marcellus D. Chamberlain
Jason T. Marsh, MB #102986
Marcellus D. Chamberlain, MB #105672
4270 I-55 North
Jackson, Mississippi 39211
Telephone: 601 352 2300
Email: marshj@phelps.com
marcellus.chamberlain@phelps.com

CERTIFICATE OF SERVICE

I, Marcellus D. Chamberlain, hereby certify on this date I electronically filed the foregoing *COUNTY DEFENDANTS' AMENDED RESPONSE IN OPPOSITION TO PLAINTIFF'S ADDENDUM AND MOTION FOR SANCTIONS* with the Clerk of the Court using the CM/ECF system, which sent notification to the following recipients:

Robert J. Dambrino, III
Gore, Kilpatrick & Dambrino – Grenada
P.O. Drawer 901
Grenada, MS 38901-0901
rdambrino@gorekilpatrick.com

Drury Sumner Holland
Scott Timothy Ellzey
Phelps Dunbar LLP
2602 13th Street, Suite 300
Gulfport, MS 39501
dru.holland@phelps.com
ellzeys@phelps.com

Drew D. Guyton
Mississippi Attorney General's Office
P.O. Box 220
Jackson, MS 39205-0220
drew.guyton@ago.ms.gov

I, Marcellus D. Chamberlain, further certify that on this date I sent a copy of the foregoing *COUNTY DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S ADDENDUM AND MOTION FOR SANCTIONS* to Pro Se Plaintiff by U.S. certified mail, return receipt requested, postage pre-paid, at the following address:

Matthew Oliver Reardon (MDOC #210988)
East Mississippi Correctional Facility
10641 Highway 80 West
Meridian, MS 39307

This the 23rd day of March, 2023.

/s/ Marcellus D. Chamberlain
Marcellus D. Chamberlain