

MISSISSIPPI SUPREME COURT

Pratt v. Sessums

989 So. 2d 308 (Miss. 2008) · Decided May 22, 2008

SUMMARY

The Mississippi Supreme Court affirmed an award of approximately \$18,000 in attorneys’ fees and expenses under the Mississippi Litigation Accountability Act. The court held that the appellate record was insufficient to determine whether sanctions for Pratt’s failure to properly respond to requests for admission were appropriate, and that Pratt, as the appellant, bore responsibility for providing a complete record.

CASE DETAILS

COURT	Mississippi Supreme Court
WRITING FOR THE COURT	Justice Dickinson; Chief Justice Smith; Presiding Justice Diaz; Justice Easley; Justice Carlson; Justice Randolph; Justice Lamar; Justice Graves; Presiding Justice Waller
JURISDICTION	Mississippi
DECIDED	May 22, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pratt appealed the trial court's award of attorney's fees and costs under the Mississippi Litigation Accountability Act after the court found that he had failed to timely and appropriately respond to Sessums's requests for admission.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Tony Pratt v. Sylvia Sessums

TOPICS

- sanctions
- attorney fees
- appellate procedure
- civil procedure
- election law

PRACTICE AREAS

- civil procedure
- appellate procedure
- sanctions
- attorney fees
- election law

QUESTIONS PRESENTED

1. Whether the trial court erred in awarding attorney's fees and sanctions under the Mississippi Litigation Accountability Act.
2. Whether Pratt's due process rights were violated by the sanctions award.
3. Whether the trial court applied the appropriate standard for awarding sanctions and attorney's fees.
4. Whether the appellate court could determine from the incomplete record whether the trial court abused its discretion.

HOLDINGS

1. The appellate court could not determine whether Pratt's denial of the requests for admission was improper or whether the trial court abused its discretion because the documents essential to the appeal were absent from the record.
2. The award of attorney's fees and costs was affirmed because the incomplete record provided no basis to conclude that the trial court abused its discretion.
3. Failure to properly review and certify the appellate record under Mississippi Rule of Appellate Procedure 10(b)(5) is a serious and inexcusable violation of appellate procedure.

KEY QUOTATIONS

“As the appellant seeking a reversal of the trial court’s order, it was Pratt’s duty to “see to it that the record contained all data essential to an understanding and presentation of matters relied upon for reversal on appeal.”” (310)

“Because the record before this Court is insufficient for an analysis of whether the trial court abused its discretion, the judgment of the trial court must be affirmed.” (310)

FACTUAL BACKGROUND

In 2003, Sylvia Sessums sued Tony Pratt seeking to overturn the results of an election for Washington County District Three Constable. After granting Sessums summary judgment, the trial court held a separate evidentiary hearing concerning fees and expenses under the Mississippi Litigation Accountability Act. The court found that Pratt had no good reason for failing to admit Sessums's requests and ordered Pratt and his counsel to pay nearly \$18,000 in attorney's fees and expenses, but the appellate record did not contain the requests for admission or Pratt's response.

PROCEDURAL HISTORY

Sessums sued Pratt to overturn the results of the election for Washington County District Three Constable. The trial court granted Sessums summary judgment, and the Mississippi Supreme Court previously affirmed that judgment. After an evidentiary hearing, the trial court ordered Pratt and his counsel to pay nearly \$18,000 in attorney's fees and expenses. Pratt appealed the sanctions award, but the appellate record omitted the complaint, answer, requests for admission, and response to the requests for admission.

DISPOSITION

affirmed

CASES CITED

- Cruse v. Nunley, 699 So. 2d 941, 946 (Miss. 1997)
- Bruce v. Bruce, 587 So. 2d 898, 903 (Miss. 1991)
- Pratt v. Sessums, 2006 Miss. LEXIS 10 (Jan. 5, 2006)
- Shelton v. Kindred, 279 So. 2d 642, 644 (Miss. 1973)
- Miller v. R.B. Wall Oil Co., 970 So. 2d 127, 130-31 (Miss. 2007)

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