

IN THE SUPREME COURT OF MISSISSIPPI

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NO. 2008-CA-01713

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DOUBLE QUICK, INC.

APPELLANT-DEFENDANT  
CROSS-APPELLEE

v.

RONNIE LEE LYMAS

APPELLEE-PLAINTIFF  
CROSS-APPELLANT

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MOTION OF GOVERNOR HALEY BARBOUR FOR LEAVE TO FILE BRIEF AS  
*AMICUS CURIAE* IN SUPPORT OF CROSS-APPELLEE, DOUBLE QUICK, INC.  
AND BRIEF IN SUPPORT

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Pursuant to Rule 29 of the Mississippi Rules of Appellate Procedure and for the reasons stated in the Brief in Support of Motion below, Governor Haley Barbour respectfully moves this Court for leave to file a brief as *Amicus Curiae* in support of Defendant Cross-Appellee, Double Quick, Inc. A copy of the Governor's proposed *Amicus Curiae* Brief accompanies this Motion as required by Rule 29(b) of the Mississippi Rules of Appellate Procedure.

**Brief In Support of Motion**

The Governor urges this Court to grant this motion and permit the filing and consideration of the *Amicus Curiae* Brief that accompanies this motion. Under Mississippi Rule of Appellate Procedure 29(a)(4), the Governor should be allowed to file a brief as an *amicus curiae* because of his substantial interests in the outcome of this case.

The Plaintiff Cross-Appellant, Ronnie Lee Lymas, challenges the constitutionality of the non-economic damages cap codified at Miss. Code Ann. § 11-1-60(2). The statutory cap was an integral part of the 2004 tort reform led by the Governor and passed with bipartisan support of the Mississippi Legislature. Tort reform, including the non-economic damage cap, has worked. Thousands of jobs have been created. Premiums have been lowered. Competition is returning to the market. As chief executive of the State, the Governor has a strong interest in seeing that the recent progress is not undermined.

The Governor has a substantial interest in seeing that the health and welfare of the

State's citizens and economic development are not negatively impacted by a judicial repeal of the non-economic damages cap. A judicial repeal of the non-economic damage cap provision of tort reform would have a devastating effect. Insurance premiums for health care providers and businesses will dramatically increase. The State's ability to attract and retain businesses that create jobs and economic opportunity will be significantly hindered.

The Governor respectfully submits that his proposed *Amicus Curiae* Brief addresses matters of fact or law that may otherwise escape the Court's attention. This motion and brief in support is accompanied by the proposed Brief of *Amicus Curiae*. The *Amicus Curiae* Brief is a concise statement of the points which the Governor submits should be highlighted for the Court's review and consideration. The submission and consideration of the *Amicus Curiae* Brief will not delay or otherwise impede the appeal process.

#### CONCLUSION

The Governor respectfully moves this Court for leave to file the proposed *Amicus Curiae* Brief in support Cross-Appellee, Double Quick, Inc. and that the Court uphold the constitutionality of the cap on non-economic damages contained in section 11-1-60(2) of the Mississippi Code.

This the 17<sup>th</sup> day of December, 2009.

Respectfully submitted,

GOVERNOR HALEY BARBOUR

By His Attorneys,  
BAKER, DONELSON, BEARMAN  
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& BERKOWITZ, PC

By:   
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CERTIFICATE OF SERVICE

I, J. Scott Newton, do hereby certify that on December 17, 2009, I caused a true and correct copy of the foregoing to be forwarded *via* U.S. Mail to the following:

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