

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

RODIGUEZ BROWN **PETITIONER**

VS. **NO. 2021-0101**

**COLBY WALKER & CITY OF CANTON,
MISSISSIPPI MUNICIPAL DEMOCRATIC
EXECUTIVE COMMITTEE** **RESPONDENT**

TIMOTHY TAYLOR **PETITIONER**

VS. **NO. 2021-0102**

**JOHN BROWN &
MUNICIPAL DEMOCRATIC
EXECUTIVE COMMITTEE** **RESPONDENT**

FRED ESCO, JR. **PETITIONER**

VS. **NO. 2021-0105**

**CANTON DEMOCRATIC MUNICIPAL
EXECUTIVE COMMITTEE &
RENEE TRUSS** **RESPONDENT**

**ORDER GRANTING JOINT MOTION FOR RECONSIDERATION OF JUNE 30, 2021
ORDER**

Before the Court is the *Joint Motion for Reconsideration of July 1, 2021 Order*¹ [Dkt. #75 in case no. 2021-0101] filed by Madison County, Mississippi², the Madison County Election

¹ The Court's *Agreed Judgment and Order* is entered at Dkt. 69 in case no. 2021-0101. This *Joint Motion* refers to a "July 1, 2021" order; however, it seeks reconsideration of the Court's *Agreed Judgment and Order* executed on June 30, 2021, and filed by the Circuit Clerk on July 1, 2021.

²The Madison County Election Commission and Madison County were recently allowed to join as parties per MRCP 19 pursuant to a ruling by the Court on July 13, 2021, and a written Order entered August 9, 2021.

Commission, and the Madison County Circuit Clerk (hereinafter, the “Madison County Parties”), and, having considered the motion and Petitioner’s response and having heard from the parties, the Court finds that the motion is well taken and should be granted, to-wit:

Introduction

At last count, 8 separate Madison County lawsuits have been filed concerning the April 6, 2021 Democratic primary election in Canton, Mississippi. A brief, but only partial summary of the bizarre and convoluted circumstances preceding and following that election can be found in the Court’s *Memorandum Opinion and Order* [Dkt. #36] which was filed on June 15, 2021.

The Current Motion

On June 30, 2021, the Court entered its *Agreed Judgment and Order* [DKT. No. 69] granting judgment in favor of Petitioners Fred Esco, Jr., and Timothy Taylor concerning their respective *Petitions for Judicial Review* of the Canton, Mississippi municipal Democratic primary elections for the positions of Aldermen in Canton’s Wards 2 and 5 on April 6, 2021.³ The parties in those two election contests agreed that a new election was called for due to the complete breakdown in the conduct of the election, both before and after election day.

Relying in part on the authority approved by the Mississippi Supreme Court in *Waters v. Gnemi*, 907 So. 2d 307 (Miss. 2005) and Miss. Code Ann. § 23-15-221(3), the Court’s June 30, 2021 *Agreed Judgment and Order* further ordered the special elections to be conducted by the Madison County Election Commission and Madison County Circuit Clerk, and not by the City of Canton’s Municipal Election Commission. [Dkt. #69 in case no. 2021-0101, at p. 6 of 7]. It is from this requirement—that the Madison County Parties conduct the special elections—that the

³ A third new election was ordered by the Court in a bench ruling rendered on July 28, 2021 in *J. Brown vs. Walker, et al*; Cause no. 21-101. A *Final Judgment* will be entered soon in that case.

Madison County Parties' motion seeks reconsideration.

Subsequent Events

A status conference and hearing was held on July 28, 2021 to hear the instant motion and to discuss the best way forward in this complex election litigation. The Intervenor City of Canton, Mississippi and the contestants in three city council elections (Brown v. Walker, et al, Cause no. 101; Esco v. Truss, et al, Cause no. 21-105 and Taylor v Brown, Cause no. 21-102) were ordered to mediation on an ancillary issue – the makeup of the Municipal Election Commission – in an effort to set and conduct the three new elections which have been ordered by the court. That mediation was successful (See *Order Concerning Joint Motion to Amend Agreed Judgment and Order*, entered concurrently.)

Thus, the current motion concerns an issue which is now moot, as the City of Canton, Mississippi will conduct the new special elections, relieving Madison County, Mississippi of that task.

IT IS THEREFORE ORDERED that the Madison County Parties' *Joint Motion to Reconsider* is hereby Granted.

SO ORDERED this the 9th day of August, 2021.



Jeff Weill, Sr.
Special Circuit Court Judge