

IN THE CIRCUIT COURT FOR THE
FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

EATON CORP., ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO. 251-04-642 CIV

JEFFREY D. FRISBY, ET AL.

DEFENDANTS

FILED

MAY 23 2008

BARBARA DUNN, CIRCUIT CLERK

BY _____ D.C.

SPECIAL APPEARANCE TO FILE MOTION TO QUASH

COMES NOW Cynthia Stewart, on behalf of Ed Peters, by way of special appearance, for the sole purpose of contesting jurisdiction and proper service of process under the rules and in support thereof, sets forth the following:

1. Late in the evening on the 22nd day of May, 2008, an unknown individual threw a document on the property of Ed Peters that appeared to be a deposition subpoena requiring the production of a large number of documents, impossible to comply with even if service were valid Service is not valid because Mr. Peters's was not personally served. In addition, no witness fee was left pursuant to M.R. Civ. P. 45©(1).
2. There was no contact with Mr. Peters.
3. This follows on the heels of several efforts to make unauthorized service of process on the undersigned counsel for Mr. Peters, in spite of the fact that counsel for Mr. Peters has informed opposing counsel that, after she returned from a trip to Kansas to see the graduation ceremony for her oldest daughter from architecture school, she would meet with her client and once authorized, agree to accept process on behalf of her client. The meeting with Mr. Peters was delayed

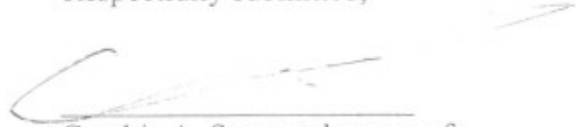
until today, due to the fact that the youngest daughter of counsel developed pneumonia.

4. A letter sent to counsel opposite is attached hereto as Exhibit A.

5. Without proper service of process, this Court has no jurisdiction over Mr. Peters with regard to this matter. Furthermore, service of process must follow the law and rules to be effective.

WHEREFORE, PREMISES CONSIDERED, by way of special appearance for the sole purpose of raising the issues of jurisdiction and proper service of process, the undersigned counsel respectfully requests that the subpoena duces tecum be quashed.

Respectfully submitted,



Cynthia A. Stewart, by way of
special appearance on behalf of
Edward J. Peters

CYNTHIA A. STEWART
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CERTIFICATE OF SERVICE

I hereby certify that I delivered the above and foregoing pleading by way of United States Mail, first class, postage prepaid and via facsimile on this the 23rd day of May, 2008 to Alan Perry, Esq. O.O. Box 22608, Jackson, Mississippi 39225-2608 and facsimile number (601) 960-8613.

This the 23rd day of May, 2008.



Cynthia A. Stewart