

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

BRIAN A. HERNDON

PLAINTIFF

VS.

NO. 2:06-cv-00180-BSM

**RICHARD B. FLOWERS, SR., D.C. (DUTCH)
PARKER, RICHARD B. FLOWERS, JR.,
DAVID MATTSON GREGORY FLOWERS,
CAMPBELL FLOWERS MELTON, PLANTERS OIL MILL;
CLEVE E. JOHNSON, M.D., THOMAS H. BLAKE, JR., M.D.,
AND EDWARD R. TURNBULL, M., TRUSTEES OF THE
LAUREL BONE AND JOINT CLINIC EMPLOYEES' MONEY
PURCHASE PENSION PLAN AND TRUST AND TRUSTEES
OF THE LAUREL BONE AND JOINT CLINIC EMPLOYEES'
RETIREMENT PLAN AND TRUST**

DEFENDANTS

AGREED ORDER SUBSTITUTING PARTY

THIS MATTER came on this date to be considered by the Court on an issue of the real party of interest raised by Answer to the Second Amended Complaint filed by Defendants Cleve E. Johnson, M.D., Thomas H. Blake, Jr., M.D., and Edward R. Turnbull, M.D., Trustees of the Laurel Bone and Joint Clinic Employees' Money Purchase Pension Plan and Trust and Trustees of the Laurel Bone and Joint Clinic Employees' Retirement Plan and Trust (Cleve E. Johnson et al, Trustees). It is represented to this Court that Edward R. Turnbull became the sole owner of the real property interest of Cleve E. Johnson et al, Trustees, by deed of conveyance dated February 12, 2004. By agreement of the parties an Order is requested substituting the real party in interest from Cleve E. Johnson, et al, Trustees, to Edward R. Turnbull. The Court finds that this proposed Agreed Order is proper.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Cleve E. Johnson et al, Trustees, be stricken as parties from this action and that Edward R. Turnbull be substituted

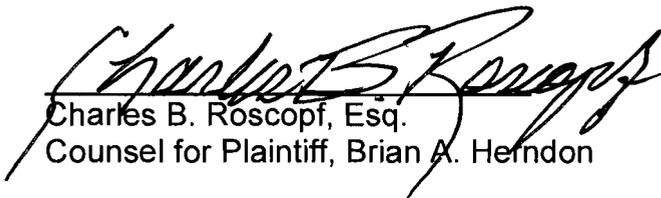
in lieu thereof. Further it is Ordered that the Answer of Cleve E. Johnson et al, Trustees, be accepted as the Answer of Edward R. Turnbull *Nunc Pro Tunc*.

SO ORDERED AND ADJUDGED on this the 26th of May, 2010.



U. S. District Judge

Agreed and Approved:



Charles B. Roskopf, Esq.
Counsel for Plaintiff, Brian A. Herndon

Andrew T. Dulaney, Esq
Counsel for Defendants, Richard B. Flowers, Sr.,
D.C. (Dutch) Parker, Richard B. Flowers, Jr.,
David Mattson Gregory Flowers,
Campbell Flowers Melton, Planters Oil Mill

Eugene M. Harlow, Esq.
Counsel for Cleve E. Johnson et al, Trustees,
and Edward R. Turnbull

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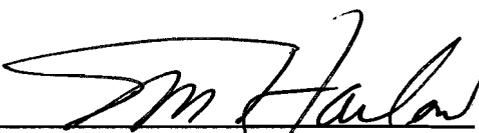


U. S. District Judge

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and Edward R. Turnbull