

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

BRENDA KENNEDY, individually and
on behalf of others similarly situated

Plaintiff

V.

UNITED AMERICAN INSURANCE
COMPANY

Defendant

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NO: 2:11CV00131 SWW

ORDER

By order entered July 3, 2012, the Court gave Plaintiff twenty days from entry of the order for NEA Baptist Memorial Hospital (“NEA”) to ratify, join, or be substituted as plaintiff in this action. Additionally, pursuant to Rule 17(a)(3) of the Federal Rules of Civil Procedure, the Court held in abeyance Defendant’s motion to dismiss for failure to prosecute in the name of the real party in interest. On July 23, Plaintiff filed a notice of ratification and release of assignment (docket entry #41). Attached to the notice is a document entitled “Ratification and Release of Assignment,” which states that NEA “hereby releases the assignment that Brenda Kennedy executed in its favor on March 25, 2009” and that NEA ratifies Plaintiff’s actions in making claims against Defendant for insurance benefits and bringing this lawsuit. Docket entry #41, Ex. #1. The ratification and release, dated July 23, 2012, is signed by Brad H. Parsons, CEO/Administrator. In light of Plaintiff’s filing, the Court finds that Plaintiff now qualifies as the real party in interest.

IT IS THEREFORE ORDERED that Defendant’s motion to dismiss (docket entry #24) is DENIED.

IT IS SO ORDERED THIS 24TH DAY OF JULY, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE