

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

FARMERS BANK AND TRUST)
COMPANY,)

Plaintiff,)

v.)

No. 3:10CV00173-BSM

AMERIS OF ARKANSAS, LLC; AMERIS)
OF OSCEOLA, LLC; FIRST TENNESSEE)
BANK, NATIONAL ASSOCIATION;)
MISSISSIPPI COUNTY D/B/A)
MISSISSIPPI COUNTY HOSPITAL)
SYSTEM,)

Defendants,)

MISSISSIPPI COUNTY D/B/A)
MISSISSIPPI COUNTY HOSPITAL)
SYSTEM,)

Cross-Claimant/Cross-Defendant,)

v.)

FIRST TENNESSEE BANK,)
NATIONAL ASSOCIATION,)

Cross-Defendant/Cross-Plaintiff,)
Third-Party Plaintiff/Third-Party)
Counter-Defendant,)

v.)

MIKE HUFFMAN, ROGERS FORD,)
BOBBIE J. HAMPTON, JOHN LOGAN,)
SYLVIA PREWITT, VAN PARKER,)
EARL SMITH, WARRANT WHITIS, in)
their official capacities as THE BOARD OF)
GOVERNORS OF THE MISSISSIPPI)
COUNTY HOSPITAL SYSTEM,)

Third-Party Defendants/)
Third Party Counter-Plaintiffs)

And)
)
PHIL NORRIS, individually and in his)
official capacity as Chief Financial)
Officer of the MISSISSIPPI COUNTY)
HOSPITAL SYSTEM,)
)
Third-Party Defendant.)

ORDER OF DISMISSAL

The Defendants, First Tennessee Bank National Association and Mississippi County d/b/a Mississippi County Hospital System, and the Third Party Defendants, Mike Huffman, Rogers Ford, Bobbie J. Hampton, John Logan, Sylvia Prewitt, Van Parker, Earl Smith, Warrant Whitis, and Phil Norris (**collectively, “the Movants”**) have filed a Joint Motion for Entry of an Order of Dismissal of this Action with prejudice. In addition, the Movants have submitted a request for disposition of the funds held in the registry of this Court. As of this date, Defendants, Ameris of Arkansas, LLC and Ameris of Osceola, LLC have not filed an answer or otherwise submitted a responsive pleading and judgment by default has been entered by this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that

1. This Action, including specifically,
 - a. the Complaint for Declaratory Judgment.
 - b. the Cross-Complaint filed by Defendant Mississippi County d/b/a Mississippi County Hospital against First Tennessee.
 - c. the Cross-Complaint filed by First Tennessee Bank National Association against Mississippi County and Third Party Complaint against the Board of Governors of Mississippi County, Arkansas and Phil Norris.

d. the Counter-Complaint filed by the Third Party Defendants, Mike Huffman, Rogers Ford, Bobbie J. Hampton, John Logan, Sylvia Prewitt, Van Parker, Earl Smith and Warrant Whitis in their official capacities as the Board of Governors of the Mississippi County Hospital System.

is dismissed with prejudice.

2. The Clerk of this Court is hereby directed to transfer by wire transfer from the funds held by the Clerk pursuant to the orders of this Court [Dkt No. 41 and 73] as follows:

a. the sum of One Million One Hundred Fifty Thousand and No/100 Dollars (\$1,150,000.00) to the account designated by Defendant First Tennessee Bank National Association in Exhibit A to the Motion; and

b. the balance of the funds to the account designated by Defendant Mississippi County, Arkansas in Exhibit B to the Motion.

3. All parties shall bear their own costs incurred in connection with this Action.

Dated: September 13, 2011



HON. BRIAN S. MILLER
United States District Court Judge

APPROVED FOR ENTRY:

/s/ Keith C. Dennen

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