

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

KEVIN NUTT AND LISA NUTT

PLAINTIFFS

v.

Case No. 3:10-cv-00307-KGB

STAFFORD KEES, et al.

DEFENDANTS

ORDER


On May 20, 2013, separate defendant Stafford G. Kees, Jr., submitted to the Court by fax his response to the Court's Order directing him to file a response to the notice of bankruptcy dismissal and revival of summary judgment and to plaintiffs' motion requesting a trial date (Dkt. No. 75). That letter response is attached hereto. The Court directs the Clerk of Court to file Mr. Kees's letter.

Mr. Kees is proceeding *pro se* in this matter. Going forward, Mr. Kees must submit to the Clerk of Court all documents he intends to file. The CM/ECF Administrative Policies and Procedures Manual Section IV(C) states: "Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents that must be signed or that require either verification or an unsworn declaration under any rule or statute. The Clerk's office will scan these original documents into an electronic file in the system, but shall also maintain the original in a paper file."

Pursuant to Local Rule 5.5 (c)(2), it is the duty of any party proceeding *pro se* or not represented by counsel to notify promptly the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. If any communication from the Court to a *pro se* plaintiff is not responded to within 30 days, the case may be dismissed without prejudice.

The Clerk of Court is directed to mail a copy of this Order to Mr. Kees. Mr. Kees is directed to file all future documents with the Clerk of Court.

SO ORDERED this 22nd day of May, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE

Stafford Kees, Jr.
PO Box 311
Heber Springs, AR 72543

May 20, 2013

VIA FACSIMILE @ (501) 604-5427

Honorable Kristine G. Baker
United States District Court
500 West Capitol, Room D444
Little Rock, AR 72201

RE: Nutt v. Kees, et al., 3:10-cv-00307-KGB

Dear Judge Baker:

I am writing in response to the Court's Order #75 directing me to file a response to the Motion for Summary Judgment and Motion for Trial.

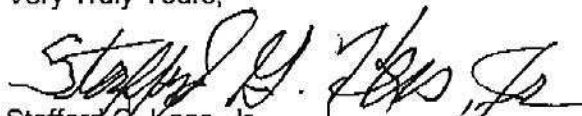
I am perplexed to this day as to why I am a defendant in this case. I was a shareholder in the corporate entity that owned the nursing home, but I was not personally responsible for the employee benefits in any way, shape or form. The person who failed to pay the healthcare premiums was Keith Head of Hope Healthcare, the person hired by the company to handle these issues. I had no involvement in these matters and was not made aware of the Nutts' accident or the fact that the healthcare premiums had not been paid, until well after this. It is for this reason that I feel that summary judgment is not appropriate as no one can explain to me why they believe I am liable for this. The Nutts themselves personally apologized to me for bringing me into this and explained that the hospital had forced their hand in some way.

I was not the "employer" for ERISA purposes, Osceola Nursing Home, LLP was. The LLP was a corporate entity that existed and operated the nursing home as the "employer" for ERISA purposes.

While I understand that if the Court denies their Motion for Summary Judgment, the Court will likely set a trial date, I do not see why the Court cannot dismiss me from this suit as I had absolutely nothing to do with anything alleged in this case. At this time, I would like to ask the Court to dismiss the case against me because the Plaintiff's have established no evidence whatsoever that I am liable for the claims they have made.

In the interest of full disclosure, I would like to let the Court know that I prepared this letter with the assistance of my bankruptcy attorney, Mr. John Flynn, at his office. He has declined to represent me in this matter as he is a bankruptcy specialist and does not feel comfortable taking on ERISA litigation.

Very Truly Yours,


Stafford G. Kees, Jr.