

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

**CAPSON PHYSICIANS
INSURANCE COMPANY**

**PLAINTIFF/
COUNTER DEFENDANT**

v.

No. 3:13-cv-157-DPM

MMIC INSURANCE, INC.

**DEFENDANT/
COUNTER CLAIMANT**

MMIC INSURANCE, INC.

**THIRD PARTY PLAINTIFF/
COUNTER DEFENDANT**

v.

**DR. KARL J. HASIK; LILLIAN WILSON,
Individually and as Special Administratrix
for the Estate of J.A.W., deceased;
SAMANTHA RAY, Individually and
as next friend and guardian of A.L.R.,
a minor; DERECK RAY, Individually
and as next friend and guardian
of A.L.R., a minor;
and DOE, A.L.R., a minor**

THIRD PARTY DEFENDANTS

DR. KARL J. HASIK

COUNTER CLAIMANT

**CRAWFORD COUNTY MEMORIAL
HOSPITAL**

INTERVENOR

ORDER

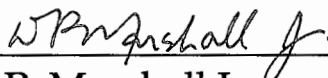
For the reasons stated on the record at the 19 May 2015 pretrial hearing, the Court confirms the following rulings on the pending

motions.

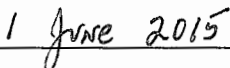
- The Rays' motion to adopt, *No 123*, and Wilson's motion to adopt, *No 133*, are granted.
- Capson's motion for summary judgment, *No 119*, is denied.
- Dr. Hasik's and Crawford County Memorial Hospital's motion for summary judgment, *No 121*, is denied. In a previous Order, the Court rejected Dr. Hasik's bad faith claim at the proposed-amendment stage without prejudice for failure to state a claim. *No 90 at 2-3*. Dr. Hasik's counterclaim for breach of contract, which was based in part on the implied covenant of good faith and fair dealing, fails on the merits and is dismissed with prejudice.
- MMIC's motion for summary judgment, *No 117*, is granted in part and denied in part.

The Court will enter a related Judgment.

So Ordered.



D.P. Marshall Jr.
United States District Judge



1 June 2015