

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

JUDGMENT

1. Capson Physicians Insurance Company's amended complaint is dismissed with prejudice.

2. All Dr. Karl J. Hasik's counterclaims against MMIC Insurance, Inc. are dismissed with prejudice, except for Dr. Hasik's proposed claim for bad faith, which the Court rejected at the proposed-amendment stage without prejudice for failure to state a claim. The Court confirms, as it ruled from the bench, that Iowa law governs Dr. Hasik's counterclaims.

3. Crawford County Memorial Hospital's third-party complaint against MMIC is dismissed with prejudice.

4. MMIC Insurance, Inc., shall have a declaratory judgment against Capson Physicians Insurance Company, 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). The Court declares that MMIC has no obligation to defend Dr. Hasik in the *Wilson* lawsuit or in the *Ray* lawsuit, or to pay any judgment entered against him in either case. MMIC is also entitled to rescind the prior-acts coverage provided by the endorsement adding Dr. Hasik to Policy No. IHP000103 upon making a full refund to Crawford County Memorial Hospital of the premium the hospital paid for the prior-acts coverage. MMIC may have its costs, as allowed by law, if it files a verified bill of costs by 15 June 2015.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

1 June 2015