

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

**SHELBY COUNTY HEALTH CARE
CORPORATION d/b/a Regional Medical
Center**

PLAINTIFF

V. 3:13CV00194-BRW

**SOUTHERN FARM BUREAU
CASUALTY INSURANCE CO., et al.**

DEFENDANTS

ORDER

Pending is Defendants' Motion for Summary Judgment (Doc. No. 37). Plaintiff has responded and Defendants have replied.¹ Also pending is Defendant's Motion for Summary Judgment on Cross-Claim (Doc. No. 43). For the reasons set forth below, the Motion for Summary Judgment against Plaintiff is GRANTED and the Motion for Summary Judgment on Cross-Claim is MOOT.

1. Defendants' Motion for Summary Judgment

For the same reasons set out in the April 10, 2014 Order, Defendants are entitled to summary judgment. Again, Plaintiff failed to take appropriate steps to protect its interest in a court that it knew had jurisdiction over the issues. Additionally, Plaintiff's reliance on another Eastern District of Arkansas case is without merit. *State Farm v. Shelby County Healthcare Corporation*² did not involve the death of an Arkansas resident and probate court was not involved.³ Since Arkansas was the only state with jurisdiction over the Estate of John Smiley,

¹Doc. Nos. 41, 46.

²No. 3:10-CV-00169, 2011 WL 5508854 (E.D. Ark. Nov. 10, 2011).

³*State Farm* involved only personal injury claims, not wrongful death.

the Med knew or should have known that enforcement of their lien against the Estate would have to be done in Arkansas probate court.

2. Defendants' Motion for Summary Judgment on Cross-Claim

Since summary judgment was granted for all Defendants against Plaintiff, Defendant's Motion for Summary Judgment on Cross-Claim appears to be MOOT.

CONCLUSION

Based on the findings of fact and conclusions of law above, Defendant Barbara Ford's Motion for Summary Judgment (Doc. No. 37) is GRANTED and Defendants' Motion for Summary Judgment on Cross-Claim (Doc. No. 43) is MOOT.

Accordingly, this case is DISMISSED with prejudice.

IT IS SO ORDERED, this 8th day of July, 2014.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE