

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

YOLANDA GOODMAN,
on behalf of herself and all similarly
situated persons

PLAINTIFF

v.

No. 3:14-cv-229-DPM

CRITTENDEN HOSPITAL ASSOCIATION,
INC.; EUGENE K. CASHMAN, III; W. BRAD
McCORMICK; CIGNA HEALTH AND LIFE
INSURANCE CO.; JAMIE R. CARTER, JR.;
DAVID G. BAYTOS; DAVID RAINES, JR.;
JASON W. COLLARD; HERSCHEL F.
OWENS; ANDREW LUTTRELL; KEITH M.
INGRAM; RANDALL CATT; WILLIAM
JOHNSON, JR.; LANNIE L. LANCASTER;
JULIO P. RUIZ; SHERRY L. LONDON;
NESS S. SECHREST; RANDY R. SULLIVAN;
and LEVEN WILLIAMS

DEFENDANTS

ORDER

1. Status report, *No 201*, noted and appreciated. The settlement distribution has been a resounding success, as counsel say. Approximately \$933.41 remains unclaimed. The Court agrees that *cy pres* distribution to Crittenden County of any unclaimed funds for the exclusive purpose of helping pay for a new local hospital is appropriate. Further distribution to class members doesn't make good economic sense; class members were notified of the proposed *cy pres*

recipient and distribution; no one objected; and supporting construction of the new hospital will help provide medical care to class members, which was the point of the old hospital's ERISA plan. *In re BankAmerica Cop. Securities Litigation*, 775 F.3d 1060, 1063-66 (8th Cir. 2015).

2. Given that settlement checks were still being cashed last month, the Court agrees with CMM on the sunset date. Take down the websites, relinquish the post office box, and shut off the telephone on 1 October 2018. On that date, CMM must also pay the balance in the settlement fund to Crittenden County, Arkansas, or the appropriate non-profit entity (as identified by class counsel) that is building the new hospital. Final report from class counsel due by 31 October 2018.

So Ordered.

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

11 September 2018