

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JANICE COCKRILL, SUCCESSOR SPECIAL ADMINISTRATOR
OF THE ESTATE OF BETTY J. WHATLEY, DECEASED

PLAINTIFF

VS.

NO. 4:10cv00524-BRW

BAPTIST HEALTH d/b/a BAPTIST HEALTH MEDICAL CENTERS;
ABDALLA TAHIRI; PATRICIA VICKERS and JOHN DOES 1-10

DEFENDANTS

ORDER

On March 29, 2012, came on for a hearing the Motion to Confirm Settlement and to Dismiss the matter with prejudice as to Abdalla Tahiri and Baptist Health d/b/a Baptist Health Medical Centers. The Estate of Betty J. Whatley was present by Janice Cockrill, Successor Special Administrator, and by and through her attorney, Floyd M. Thomas, Jr. Megan D. Hargraves appeared as attorney for Abdalla Tahiri. Baptist Health was not represented at the hearing. Also appearing in person were Janice Cockrill and Cathy Moulder, daughters of the deceased, and William Max Whatley, surviving spouse, who were represented by the Honorable David R. Trussell. Appearing also pro se were Randy Whatley, son of the deceased, and Jerry Buvens and Jackie Buvens, brothers of the deceased. Though Pauline Harris and Linda Butts, sisters of the deceased, received notice of the hearing, they did not appear.

Janice Cockrill, Successor Special Administrator, introduced into the record Exhibit 1 which was a copy of the Death Certificate of Betty J. Whatley; Exhibit 2, a copy of the fee agreement between Janice Cockrill as Successor Special Administrator and

Thomas, Hickey & Shepherd, L.L.P. (now Thomas & Hickey, L.L.P.) dated November 7, 2011; Exhibit 3, a summary of the medical expenses incurred by Betty J. Whatley between August 30, 2007 and March 1, 2008; Exhibit 4, a Mediation Settlement Agreement between Dr. Abdalla Tahiri and the Successor Special Administrator dated July 5, 2011; Exhibit 5, a letter from MSPRC indicating that Medicare Services has consented to reduce their lien claim to the sum of \$48,037.04; and Exhibit 6, a copy of Release of the Baptist Health and Dr. Abdalla Tahiri signed by Janice Cockrill as Successor Special Administrator.

The Court then inquired as to whether any person had any objection to the terms of the settlement, payment of the attorney's fees or payment to Medicare Services of its claim. Each of the beneficiaries under the Arkansas Wrongful Death Statute who were present indicated that they had no objection to the settlement and affirmatively indicated an agreement with the settlement and their agreement that the Court approve the settlement, authorize the payment of the attorney's fees and reimbursement to Medicare in the amount of \$48,037.04.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED and DECREED that the settlement is hereby approved and the Successor Special Administrator is authorized to deliver the Release to the defendants Abdalla Tahiri and Baptist Health and the claims against Abdalla Tahiri and Baptist Health are dismissed with prejudice. The claims against John Does 1 thru 10 are dismissed. All other claims presented by any party against any other party are dismissed.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED and DECREED that the Clerk of this Court shall issue check from the sums held in the registry of the Court

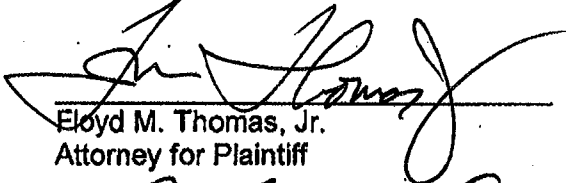
to Thomas & Hickey, L.L.P in the amount of \$380,000.00 representing a forty-percent contingency fee provided by the fee agreement. Further, the Clerk shall issue a check payable to Medicare in the amount of \$48,037.04. The clerk shall mail the checks to the law offices of Thomas & Hickey, L.L.P, 423 North Washington Ave., El Dorado, Arkansas 71730, and Mr. Thomas is ordered to make certain that the payment is forwarded to Medicare in the proper fashion as outlined in Exhibit No. 5.

The Court has taken under advisement the issues of a division of the remaining proceeds of \$521,962.96, plus any interest accrued, among the statutory beneficiaries under the Arkansas Wrongful Death Statute who appeared and gave testimony.



Billy Roy Wilson
Senior United States District Judge

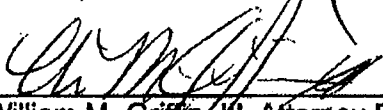
APPROVED:



Eloyd M. Thomas, Jr.
Attorney for Plaintiff



R. T. Beard, III
Attorney for Abdalla Tahiri



William M. Griffin, III, Attorney For
Baptist Health d/b/a Baptist Health
Medical Centers ("Baptist Health")