

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**SOUTHEASTERN EMERGENCY
PHYSICIANS, LLC**

PLAINTIFF

v.

CASE NO. 4:17-CV-00492 BSM

**CELTIC INSURANCE COMPANY
d/b/a ARKANSAS HEALTH &
WELLNESS INSURANCE COMPANY, et al.**

DEFENDANTS

ORDER

Defendants' motion to dismiss Celtic Insurance Company and Centene Corporation [Doc. No. 258] is held in abeyance.

Plaintiff's motion for order directing defense counsel to withdraw statements [Doc. No. 260] is denied.

Defendants' motion for a mistrial [Doc. No. 265] is denied for the reasons stated from the bench.

Defendants' motion for judgment as a matter of law [Doc. No. 273] is taken under advisement for the reasons stated from the bench, except that judgment as a matter of law is granted on the corporate veil-piercing issue. Delaware law applies because NovaSys Health, Inc. is a Delaware corporation. *See Container Life Cycle Mgmt. LLC v. Safety Mgmt. Servs. Co.*, No. 6:20-CV-6001 , 2020 WL 2843224 at *4 (W.D. Ark. June 1, 2020) (Arkansas Supreme Court likely to "apply the law of the state of incorporation" to veil-piercing claims). Plaintiff offered no evidence that any defendant is "a sham entity designed to defraud

investors or creditors.” *Doberstein v. GP Indus., Inc.*, CV 9995-VCP, 2015 WL 6606484, at *4 (Del. Ch. Oct. 30, 2015). Accordingly, any veil piercing claims are dismissed.

After giving careful consideration to the arguments, defendants’ motion for order to admit three categories of relevant evidence [Doc. No. 281] is denied.

IT IS SO ORDERED this 14th day of August, 2020.


UNITED STATES DISTRICT JUDGE