

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**THOMAS JONES, et al., on
behalf of themselves and
others similarly situated**

PLAINTIFFS

v.

**CAUSE NO. 1:14CV447-LG-RHW
CONSOLIDATED WITH 1:15CV1-LG-RHW
CONSOLIDATED WITH 1:15CV44-LG-RHW**

**SINGING RIVER HEALTH
SYSTEM, et al.**

DEFENDANTS

**ORDER DENYING OBJECTORS' MOTION TO LIFT
STAY AND OBJECTORS' MOTION TO STRIKE**

BEFORE THE COURT is the Motion [341] to Lift Stay filed by the Objectors to the proposed class settlement in this matter. The Objectors ask the Court to lift the stay so that the Jackson County Circuit Court may rule on the Objectors' Bill of Exceptions. Also before the Court is the Objectors' Motion [350] to Strike the Jones Plaintiffs' and Singing River's Responses to the Motion to Lift Stay. The Motions have been fully briefed. After reviewing the Motions, the record in this matter, and the applicable law, the Court finds that both Motions should be denied.

BACKGROUND

These consolidated class action lawsuits arose out of the alleged underfunding of the Singing River Health System Employees' Retirement Plan and Trust. On June 28, 2016, this Court entered an Amended Order and Final Judgment [304] approving the class action settlement in this matter. The Court

also imposed a stay on all other lawsuits related to the claims released in the settlement. On July 27, 2017, the United States Court of Appeals for the Fifth Circuit entered an opinion vacating and remanding this Court's Order and Final Judgment [300] approving the settlement.

The Objectors ask the Court to lift its stay so that they can pursue a bill of exceptions in the Circuit Court of Jackson County, Mississippi. In essence, the Objectors are seeking a ruling from the Circuit Court that Jackson County, Mississippi, cannot provide funds as agreed to in the settlement. The Objectors argue that their Bill of Exceptions, if allowed to proceed, would disrupt the class settlement. The Objectors have also filed a Motion to Strike responses to their Motion to Lift the Stay that were filed by the Jones plaintiffs and Singing River, because the Objectors claim that only Jackson, County, Mississippi, had standing to oppose the Objectors' Motion.

DISCUSSION

I. MOTION TO STRIKE

In order to demonstrate standing, a party "must show (1) an injury in fact, (2) a sufficient causal connection between the injury and the conduct complained of, and (3) a likelihood that the injury will be redressed by a favorable decision." *Lee v. Verizon Commc'ns, Inc.*, 837 F.3d 523, 544 (5th Cir. 2016). The injury-in-fact factor requires that the party have a "personal stake in the outcome of the controversy," such that the injury is "concrete and particularized," and "actual or imminent, not conjectural or hypothetical." *Id.* "An allegation of future injury may suffice if the

threatened injury is certainly impending, or there is a substantial risk that the harm will occur.” *Id.* The Objectors’ own Motion demonstrates that these factors are met, because the Objectors argue that their Bill of Exceptions could disrupt the settlement entered into by the Jones plaintiffs and Singing River. As a result, the Objectors’ Motion to Strike these parties’ responses is denied.

II. MOTION TO LIFT STAY

The Court further finds that the Motion to Lift the Stay should be denied. The Fifth Circuit did “not hold that the settlement should not be approved, or cannot be approved as modified,” but remanded the case for further consideration of four specific issues. *Jones v. Singing River Health Servs. Found.*, 865 F.3d 285, 303 (5th Cir. 2017). Therefore, it would be imprudent, as well as a violation of the Fifth Circuit’s mandate, to lift the stay.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion [341] to Lift Stay filed by the Objectors is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Objectors’ Motion [350] to Strike is **DENIED**.

SO ORDERED AND ADJUDGED this the 15th day of November, 2017.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE