

**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

NOTICE TO ALL COUNSEL OF RECORD

This Court's Order Granting Joint Motion for Approval of Supplemental Class Notice [376], the Supplemental Class Notice [375-1], and the Fifth Circuit's opinion clearly delineated the issues to be addressed at the Supplemental Fairness Hearing scheduled for January 22, 2018. These issues are:

1. How and how much, the future stream of SRHS's payments into the Plan, together with existing Plan assets and prospective earnings, will intersect with future claims of Plan participants, including, but not limited to what effect the Settlement has on current retirees;
2. What are SRHS's future revenue projections, showing dollar amounts, assumptions and contingencies, from which a reasonable conclusion is drawn that SRHS has the financial ability to complete performance under the settlement;
3. Why any payments from litigation involving KPMG, Transamerica or related entities are permitted to defray SRHS's payment obligation rather than supplement the settlement of class members; and
4. Why class counsel's fees should not be tailored to align with the uncertainty and risk that class members will bear.

Jones v. Singing River Health Servs. Found., 865 F.3d 285, 303 (5th Cir. 2017).

The Court relies on the good faith of all counsel of record to limit the testimony and evidence to those matters salient to these particular issues. Matters previously resolved by the Fifth Circuit will not be addressed at the Supplemental Fairness Hearing.

At the hearing, the Court will permit presentation of evidence and testimony in the following order: (1) class counsel; (2) counsel for the defendants; and (3) counsel for the objectors. Class counsel will then be permitted to present rebuttal evidence and testimony, if necessary.

SO ORDERED AND ADJUDGED this the 17th day of January, 2018.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge