

**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 SEVERING CLAIMS

THIS MATTER IS BEFORE THE COURT sua sponte. These three lawsuits arose out of the alleged underfunding of the Singing River Health System Employees' Retirement Plan and Trust. The plaintiffs in all three cases have sued several defendants, including their former employer Singing River Health System. The plaintiffs in cause number 1:14cv447-LG-RHW — Thomas Jones, Joseph Charles Lohfink, Sue Beavers, Rodolfoa Rel, and Hazel Reed Thomas, on behalf of themselves and others similarly situated — and the plaintiff in cause number 1:15cv44-LG-RHW — Martha Ezell Lowe, individually and on behalf of a class of similarly situated employees — have filed claims against KPMG, LLP, and Transamerica Retirement Solutions Corporation. The plaintiffs in cause number 1:15cv1-LG-RHW — Regina Cobb, Susan Creel, and Phyllis Denmark on behalf of themselves and other similarly situated — did not file any claims against KPMG or Transamerica.

The Court previously consolidated these three cases in an Order [106] entered in cause number 1:14cv447-LG-RHW on June 5, 2015. The Court also entered an Order [161] granting KPMG's Motion to Compel Arbitration as to the claims filed by the Jones plaintiffs in cause number 1:14cv447, and denying KPMG's Motion to Compel Arbitration as to the claims filed by Lowe in cause number 1:15cv44.

A proposed class settlement has been reached as to most of the claims pending in cause numbers 1:14cv447-LG-RHW, 1:15cv1-LG-RHW, and 1:15cv44-LG-RHW, but the claims against KPMG and Transamerica have been excluded from the proposed settlement. This Court is in the process of considering whether the proposed settlement should be approved. As a result, the Court finds that it would promote judicial economy to sever the plaintiffs' claims against KPMG and Transamerica from the claims that are subject to the proposed settlement.

Rather than requiring the plaintiffs to refile their claims against KPMG and Transamerica, the Court directs the Clerk of Court to open a new case for the claims filed against KPMG and Transamerica by Thomas Jones, Joseph Charles Lohfink, Sue Beavers, Rodolfoa Rel, Hazel Reed Thomas, on behalf of themselves and others similarly situated, as well as Martha Ezell Lowe, individually and on behalf of a class of similarly situated employees. The Clerk is further directed to file copies of the following pleadings from cause number 1:14cv447-LG-RHW in the new case: Third Amended Complaint [151], Memorandum Opinion and Order Concerning the Plaintiffs' Motions to Consolidate Actions and Appoint Lead Counsel [106],

Memorandum Opinion and Order Concerning KPMG's Motions to Compel Arbitration [161], and this Order. The Clerk is also directed to file the Complaint [1] from cause number 1:15cv44-LG-RHW in the new case.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the claims filed against KPMG, LLP, and Transamerica Retirement Solutions Corporation by Thomas Jones, Joseph Charles Lohfink, Sue Beavers, Rodolfoa Rel, and Hazel Reed Thomas, on behalf of themselves and others similarly situated, as well as the claims filed by Martha Ezell Lowe, individually and on behalf of a class of similarly situated employees, are **SEVERED**. The Clerk of Court is directed to:

1. Open a new civil action for these claims that lists Thomas Jones, Joseph Charles Lohfink, Sue Beavers, Rodolfoa Rel, and Hazel Reed Thomas, on behalf of themselves and others similarly situated, as the plaintiffs, and lists KPMG, LLP, and Transamerica Retirement Solutions Corporation as the defendants;
2. List Martha Ezell Lowe, individually and on behalf of a class of similarly situated employees, as a consolidated plaintiff;
3. Therein file a copy of the following pleadings from cause number 1:14cv447-LG-RHW: Third Amended Complaint [151], Memorandum Opinion and Order Concerning the Plaintiffs' Motions to Consolidate Actions and Appoint Lead Counsel [106], Memorandum Opinion and Order Concerning KPMG's Motions to Compel Arbitration [161], and a copy of this Order;

4. Therein file a copy of the Complaint [1] from cause number 1:15cv44-LG-RHW; and
5. Terminate KPMG, LLP, and Transamerica Retirement Solutions Corporation as parties to cause numbers 1:14cv447-LG-RHW and 1:15cv44-LG-RHW.

IT IS, FURTHER, ORDERED AND ADJUDGED that the new cause number shall be assigned to United States District Judge Louis Guirola, Jr., and United States Magistrate Judge Robert H. Walker.

IT IS, FURTHER, ORDERED AND ADJUDGED that all pleadings concerning the plaintiffs' claims against KPMG, LLP, and Transamerica Retirement Solutions Corporation shall hereafter be filed in the new cause number.

IT IS, FURTHER, ORDERED AND ADJUDGED that cause numbers 1:14cv447-LG-RHW and 1:15cv44-LG-RHW shall remain open cases pending consideration of the proposed settlement.

SO ORDERED AND ADJUDGED this the 9th day of November, 2017.

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