

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

VS. NO. 4:10CV00524 BRW

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

**ORDER SETTING HEARING ON APPROVAL OF THE
SETTLEMENT AND DISTRIBUTION OF THE PROCEEDS**

Pending is the Joint Motion of the parties for the approval of the settlement and for a distribution of the proceeds (Doc. No. 74).

A.C.A. 16-62-102(g) gives this Court the authority to approve a compromise settlement and affix the share of each beneficiary. Accordingly, the Court orders the attorney for the plaintiff to give notice of the hearing on the Motion to Approve the Compromise Settlement to the beneficiaries of the action created under the Arkansas Wrongful Death statute as set forth in A.C.A. 16-62-102(d) and to the Center for Medicare Services.

The plaintiff must furnish to the potential beneficiaries and the Center for Medicare Services a copy of the Motion to approve the settlement and warn them that if they fail to appear personally and give testimony, voice any objections, and produce evidence as to their claims for a right to the settlement proceeds, the Court may approve the settlement but find that they are not entitled to share in any proceeds.

The Court approves the form of notice attached to this Order.

The Court sets the hearing on the approval of the settlement and for the distribution of the proceeds at 10:00 a.m., on Thursday, March 29, 2012, in Courtroom No. A403 of the United States Courthouse, 600 West Capitol Avenue, Little Rock, Arkansas, before the undersigned United States District Judge.

IT IS SO ORDERED this 17th day of February, 2012.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

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NOTICE

TO:

As the _____ of Betty J. Whatley, deceased, you are a statutory beneficiary and, therefore, are entitled to make a claim to share in the proceeds or object to the settlement of this claim for wrongful death under the provisions of the Arkansas Wrongful Death Statute, Arkansas Code Annotated 16-62-101. A copy of the Joint Motion for Approval of Settlement is attached hereto.

A hearing has been set before United States District Judge Billy Roy Wilson for 10:00 a.m., Thursday, March 29, 2012, in Courtroom No. A401 at the United States Courthouse, 600 West Capitol Avenue, Little Rock, Arkansas.

**YOU MUST APPEAR AT THAT DATE AND TIME IN ORDER TO SHARE IN ANY
DISTRIBUTION OF THE SETTLEMENT FUNDS.**

At that time, the Court will either approve or disapprove the proposed settlement and, if settlement is approved by the Court, may fix such damages that will be fair and just compensation for pecuniary injuries including the spouse's loss of services and companionship of the deceased spouse and any mental anguish resulting from the death experienced by the

surviving spouse and any statutory beneficiary of the deceased. When mental anguish is claimed as a measure of damages, mental anguish will include grief normally associated with the loss of a loved one.

IF YOU FAIL TO APPEAR AT THE DATE AND TIME SET OUT, THE COURT MAY APPROVE THE SETTLEMENT, BUT EXCLUDE YOU FROM A SHARE OF THE SETTLEMENT PROCEEDS. IF YOU WISH TO OBJECT TO THE SETTLEMENT OR RECEIVE ANY MONEY, YOU MUST APPEAR AND BE PREPARED TO GIVE TESTIMONY. YOU SHOULD DISCUSS THIS MATTER WITH AN ATTORNEY. YOU MAY BE REPRESENTED AT THE HEARING BY AN ATTORNEY OF YOUR OWN CHOOSING. THE COURT WILL NOT PROVIDE YOU WITH AN ATTORNEY. PLEASE ADDRESS ALL QUESTIONS TO THE ATTORNEY FOR THE ESTATE:

Floyd M. Thomas, Jr.
423 North Washington
El Dorado, AR 71730
Ph: 870-862-3478
Email: floyd@eldolaw.com

DO NOT CALL OR WRITE THE COURT

THOMAS & HICKEY, L.L.P.
423 North Washington
El Dorado, AR 71730-0032
Ph: 870-862-3478
Fax: 870-862-7228
E-mail: floyd@eldolaw.com

/s/ Floyd M. Thomas, Jr.
Attorney for Plaintiff (AR Bar #74145)

CERTIFICATE OF SERVICE

I hereby certify that on _____, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which shall send notification of such filing to the following:

William M. Griffin, III	- griffin@fridayfirm.com
R. T. Beard III	- rbeard@mwlaw.com
Laura Hensley Smith	- smith@fec.net

/s/ Floyd M. Thomas, Jr.