

IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI

CYNTHIA N. ALMOND,)	
)	
Plaintiff,)	
)	
v.)	Civil Action: 2014-2653JB
)	
SINGING RIVER HEALTH SYSTEM, a/k/a)	
SINGING RIVER HOSPITAL SYSTEM, <i>et</i>)	
<i>al.</i>)	
)	
Defendants.)	

THE SRHS DEFENDANTS' MOTION FOR SANCTIONS

Defendants Singing River Health System ("SRHS"), Singing River Hospital System, Singing River Hospital System Foundation, Inc.; Singing River Health Services Foundation; Singing River Hospital System Employee Benefit Fund, Inc.; Michael Heidelberg; Allen Cronier; Tommy Leonard; Lawrence Cosper; Ira Polk; and Kevin Holland (collectively, "the SRHS Defendants") hereby move for sanctions against Almond's counsel, Earl Denham and Harvey Barton, pursuant to Mississippi Rule of Civil Procedure 11, and this Court's inherent authority. In support of this Motion, the SRHS Defendants contemporaneously submit and incorporate their Brief in Support, as the following Exhibits:

Exhibit A, May 12, 2015 Hearing Transcript;

Exhibit B, Collection of Public Statements from Almond's Counsel;

Exhibit C, Proposed Scheduling Order.


WHEREFORE, for reasons explained in the accompanying Brief in Support, the SRHS Defendants respectfully request the Court enter an Order granting its Motion for Sanctions, awarding the SRHS Defendants their attorneys' fees and costs incurred in preparing this Motion


and responding to Almond's Motion for Leave to Amend the Complaint, and any other or further sanction this Court may deem appropriate.

Respectfully submitted, this the 26th day of May, 2015.

SINGING RIVER DEFENDANTS

BY:


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CERTIFICATE OF SERVICE

I, Fredrick B. Feeney, II, Counsel for Singing River Health System, do hereby certify that I have this day served via email and regular mail, postage prepaid, a true and correct copy of the above Motion for Sanctions to the following:

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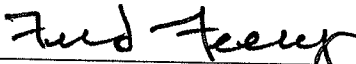
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This the 26th day of May, 2015.



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EXHIBIT A

1
2
3 IN THE CHANCERY COURT OF JACKSON COUNTY,
MISSISSIPPI
4 CYNTHIA N. ALMOND COMPLAINANT
5 VERSUS CIVIL ACTION NO. 2014-2653-NH
6 SINGING RIVER HEALTH SYSTEM, DEFENDANTS
A/K/A SINGING RIVER HOSPITAL SYSTEM;
7 SINGING RIVER HOSPITAL SYSTEM FOUNDATION, INC.;
SINGING RIVER HEALTH SYSTEM FOUNDATION, INC.;
8 SINGING RIVER HEALTH SERVICES FOUNDATION;
SINGING RIVER HOSPITAL SYSTEM EMPLOYEE BENEFIT
FUND, INC.;
9 TRANSAMERICA RETIREMENT SOLUTIONS CORPORATION;
JOHN DOE ACTUARIES A, B, OR C; AND
10 JOHN DOE ACCOUNTING FIRM A, B, OR C; and
MICHAEL HEIDELBERG, Individually and as a
Member of the Board of Trustees,
11 MICHAEL TOLLESON, Individually and as a Member
of the Board of Trustees,
12 ALLEN CRONIER, Individually and as a Member of
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13 TOMMY LEONARD, Individually and as a Member of
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14 LAWRENCE COSPER, Individually and as a Member
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15 MORRIS STRICKLAND, Individually and as a Member
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16 IRA POLK, Individually and as a Member of the
Board of Trustees,
17 STEPHEN NUNENMACHER, M.D., Individually and as
a Member of the Board of Trustees,
18 HUGO QUINTANA, M.D., Individually and as a
Member of the Board of Trustees,
19 KEVIN HOLLAND, Individually and in his Official
Capacity
20
21 REPORTER'S TRANSCRIPT OF PROCEEDINGS
22 Held before the Honorable L. Breland
Hilburn on May 12, 2015 at Chancery Court
23 Of Jackson County, Mississippi.
24 REPORTED BY:
25 CRYSTAL LYNN MORRIS, CSR #1704

CRYSTAL LYNN MORRIS, CSR

2
IN THE CHANCERY COURT OF JACKSON COUNTY,
MISSISSIPPI

3 MAURY THOMPSON COMPLAINANT
4 VERSUS CIVIL ACTION NO. 2014-2695-NH
5 SINGING RIVER HEALTH SYSTEM, DEFENDANTS
A/K/A SINGING RIVER HOSPITAL SYSTEM;
6 SINGING RIVER HOSPITAL SYSTEM FOUNDATION, INC.;
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3
IN THE CHANCERY COURT OF JACKSON COUNTY,
MISSISSIPPI

2
3 HOWARD BOSARGE COMPLAINANT
4 VERSUS CIVIL ACTION NO. 2014-2729-NH
5 SINGING RIVER HEALTH SYSTEM, DEFENDANTS
A/K/A SINGING RIVER HOSPITAL SYSTEM;
6 SINGING RIVER HOSPITAL SYSTEM FOUNDATION, INC.;
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7 SINGING RIVER HEALTH SERVICES FOUNDATION;
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4
IN THE CHANCERY COURT OF JACKSON COUNTY,
MISSISSIPPI

3 KITTY PATRICIA AGUILAR COMPLAINANT
4 VERSUS CIVIL ACTION NO. 2014-2752-NH
5 SINGING RIVER HEALTH SYSTEM, DEFENDANTS
A/K/A SINGING RIVER HOSPITAL SYSTEM;
6 SINGING RIVER HOSPITAL SYSTEM FOUNDATION, INC.;
SINGING RIVER HEALTH SYSTEM FOUNDATION, INC.;
7 SINGING RIVER HEALTH SERVICES FOUNDATION;
SINGING RIVER HOSPITAL SYSTEM EMPLOYEE BENEFIT
FUND, INC.;
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15 MORRIS STRICKLAND, Individually and as a Member
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1 I want to kind of make this an
2 informal meeting at this time so that I
3 can kind of give you some perception that
4 I have about what is now before me.

5 To be honest, there is a
6 tremendous amount of paperwork that has
7 gone on in this case before I got to it.
8 And I am not sure that I am completely up
9 to speed at this time to feel comfortable
10 about making some of the decisions that
11 are required to be made in this case.

12 My perception is that at this
13 point in time is an equitable action for
14 an accounting. So the way that issue is
15 resolved is that we have an accounting.
16 So I think the defendant, who would have
17 possession of all of the documents
18 necessary to make a proper accounting
19 under this complaint would be required to
20 produce those documents to the
21 plaintiffs' attorneys in order that the
22 accounting issue could be satisfactorily
23 resolved.

24 I notice that there has been
25 suggesting some protective orders filed
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1 to all of the efforts of the plaintiff
2 has made in attempting to initiate
3 discovery in this case.

4 I am going to require the
5 defendant disclose sufficient discovery
6 to adequately explain the current posture
7 of the employee retirement system and the
8 transactions that occurred in that system
9 which have brought it to the circumstance
10 it is in at this time. That is the only
11 fair way to resolve the question about
12 what has gone on with this retirement
13 system is for the defendant to make a
14 full and adequate disclosure of the
15 transactions that have occurred and the
16 transactions particularly that brought
17 the retirement system into the point
18 where the defendant feels that it is
19 necessary that the plan be abandoned.

20 I also feel that there is some
21 utility in there being a Special Master
22 appointed for the purpose of obtaining
23 discovery and purpose of interviews
24 witnesses and for obtaining expert
25 consultation in an effort to determine

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1 what has happened in the retirement plan.
2 When I say "Special Master" I am speaking
3 of someone who would have some expertise
4 in interpreting documents that have been
5 generated in the accounting process.
6 This would have to be something agreed to
7 by the parties.

8 The rule requires under most
9 circumstances that the Special Master be
10 an attorney; however, I believe that this
11 particular request for an accounting
12 represents a unique circumstance where
13 someone other than an attorney might be
14 more able to accurately interpret the
15 documentation that surrounds the
16 retirement plan and those documents that
17 were produced during discovery. If the
18 parties can agree to there being a
19 Special Master then, of course, I would
20 be required to conduct and order
21 discovery from the defendant. It would
22 be my revelation to you that after
23 discovery is complete and sufficient
24 information is there for an
25 interpretation that I would seek expert

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1 consultation before the Court would
2 render a decision concerning the
3 interpretation and what actually went on
4 in the administration of the retirement
5 plan.

6 The way the process would go and
7 the way the process would go in the
8 selection of a Special Master is that the
9 plaintiffs' attorneys would select one
10 representative and the defense attorneys
11 would select one representative and those
12 two individuals would meet and hopefully
13 decide on an individual who would be
14 appointed as Special Master.

15 If I am required to get someone
16 as a Commissioner or consultant to assist
17 the Court in making a decision then I
18 would select that individual. That
19 individual's name would be submitted to
20 the plaintiff and defendant to make sure
21 there is no objection or no conflict of
22 interest that might be something the
23 Court might not know about that one of
24 the parties might know. And assuming
25 that individual would be accepted then

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1 used them, but I want the documents. I
2 can't stress to you how strongly I feel
3 about this.

4 Again, the pot is being emptied
5 and nothing is going back in it. And all
6 this time they've fought since we filed
7 the discovery in December they have not
8 produced one single document. There is
9 going to be a proposal in an agreed stay
10 order that we have had no input into
11 whatsoever, Harvey and I, in our lawsuit.
12 It says "Nothing shall prohibit any party
13 from interfering in implementing any
14 settlement reached through mediation or
15 supervising from litigating any
16 settlement reached through mediation or
17 negotiation including said federal
18 litigation regarding the pension plan
19 providing party and these suits are given
20 notice in such mediation to participate".

21 We are not in federal court on
22 purpose. We came to this court to a
23 state judge to get justice for state
24 people in a state matter and we were
25 moved six times by these people to
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1 federal court wrongfully.

2 So I just want to predicate by
3 telling the Court we don't agree to that.
4 We ought to be bound by mediation and we
5 agree that you ought to and any attempt
6 to settle this matter ought to have to
7 come through you for settlement where
8 this state matter is proceeding. So that
9 is just to let you know the way things
10 stand.

11 THE COURT: Yes, sir. I certainly
12 would expect all the Plaintiffs' lawyers
13 to agree to anything that is presented to
14 the Court representing the Plaintiffs
15 posturing in any of these issues.

16 MR. DENHAM: Yes, sir. They are
17 talking about a mediation in federal
18 court, which we were neither privy nor
19 had any input nor are we interested in.
20 We are here in state court.

21 THE COURT: That would be something
22 you would need to take up with the
23 federal judge.

24 MR. DENHAM: If I do I would be
25 entering an appearance and he just let us
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1 out of 6 cases over there and I don't
2 want to go running back in.

3 MR. REEVES: Just a point of
4 clarification, I don't care about what
5 was entered but all it says it invites
6 everyone to participate if they want to.
7 Nobody has to.

8 THE COURT: Well, in 10 days we are
9 going to produce those documents to the
10 Plaintiffs.

11 MS. DUVALL: Correct, Your Honor. We
12 will produce within 10 days and we
13 anticipate there may be further
14 discovery.

15 THE COURT: And I think it would be a
16 good idea for us to set a date for us to
17 reconvene and for the Court to take up
18 what additional issues would be generated
19 by after you got a chance to review those
20 documents and/or if for no other reason
21 just have a meeting for a status report
22 for the Court.

23 So I would like for us to have
24 an agreed date for us to reconvene here
25 before we leave today. I would say
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1 within 30 days would be good.

2 MR. REEVES: Your Honor, we in the
3 draft scheduling order we have found it
4 helpful in other cases where you have a
5 lot of lawyers and parties to keep the
6 case moving we laid out specific dates.
7 I don't know if they are clear on my
8 calendar or anybody else's, but it is
9 productive to by every 30 days to have a
10 status conference where the Court is here
11 if anybody wants to bring a motion they
12 can. If they don't have a motion or
13 don't want to attend they don't have to.

14 THE COURT: Tell me that.

15 MR. REEVES: I encourage the Court to
16 set them 30 days apart and they don't lay
17 out for 30, 60, 90 days or more.

18 MR. DENHAM: Your Honor, I want to go
19 on the record so you will know, I am
20 going to file today a motion to allow us
21 to amend our pleadings to add other
22 parties. There won't be any question
23 then of whether agreements between
24 parties that have any sort of
25 significance because they are all

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1 defendants. So I'm going to file that
2 motion today and we will be sure to send
3 you a copy of it. And I would suggest
4 that as early a hearing as we could have
5 on that after we get it disseminated the
6 better off we will be. It won't in any
7 way affect discovery in this matter today
8 with the deadline, but it will effect
9 other parties. I intend to name the
10 Board of Supervisors and others. So we
11 won't have continuing it will go a lot in
12 the long run and I should have named them
13 in the beginning, but we were rushed at
14 that time to have the TRO before they had
15 the secret meeting and signed off on the
16 minutes. We did not flush out the
17 complainants. We did not have time at
18 that point.

19 THE COURT: Always as the rule of
20 thumb the amendment will be allowed. I
21 will have to see the pleading before we
22 give it to allow people to object if
23 there is a reason for objection.

24 MR. DENHAM: Yes, sir. We have one
25 last little draft we are looking through
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1 and we will file it today.

2 THE COURT: Can we go ahead and agree
3 on a specific date to reconvene in June?

4 MR. REEVES: Judge, we had suggested
5 -- I'm sorry.

6 THE COURT: It's all right.

7 MR. REEVES: -- reconvening
8 June 12th. We set dates for the next
9 several months and primarily to schedule
10 around Your Honor's convenience.

11 THE COURT: I actually had a hearing
12 in Tupelo on a case going on up there. I
13 know that has been continued. So I know
14 June 12th is available for me to be here
15 at 9:00 if that is agreeable for everyone
16 else.

17 MR. WILLIAMS: Yes, sir.

18 MR. REEVES: Your Honor, it may be
19 productive, may I suggest we go ahead and
20 set one for July before everybody's
21 calendar gets filled up on them and set
22 them 60 and 90s days out so most people
23 have flexibility. The next day we had
24 suggested was perhaps July 13th, so we
25 have them once a month.

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1 THE COURT: What day is that?

2 MS. DUVALL: That is a Monday, Your
3 Honor.

4 THE COURT: Monday. I did not bring
5 my calendar with me. I don't think I
6 have anything on July 13th, so let's go
7 ahead and set that date.

8 MR. BARTON: I am not available. My
9 daughter is getting married that day.

10 THE COURT: Oh, no you are not.

11 MR. BARTON: Never mind. Mr. Denham
12 says he will be here.

13 MR. DENHAM: I will be here, Judge.

14 THE COURT: We can come to the
15 wedding.

16 MR. BARTON: In the Bahamas and love
17 to have you.

18 MR. REEVES: I vote for the Bahamas.

19 THE COURT: All right. Well, then,
20 Mr. Denham represents he will be here.
21 Then July 13th will be our second
22 scheduled meeting and then we will go
23 after that.

24 Now, let me say this: If there
25 is some extended urgent circumstances
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1 that comes up in this case and you need
2 me to come down here and have a hearing
3 all you need to do is just let me know or
4 we will set a date and we will be down
5 here and we'll hook them up.

6 MR. BARTON: Judge, procedurally let
7 me discuss something with the Court so we
8 understand what is happening. They and I
9 say they, the defendants have not
10 discussed with Mr. Denham and myself at
11 all what we consider to be the core
12 documents. They are going to produce
13 documents that have already been
14 produced. I'm sure that is a clean
15 sanitized set of documents they have
16 thoroughly gone through and vetted before
17 it went out of their purview. In the
18 meantime, all of the requests for
19 production that we have filed they
20 objected to every one of them. Now, what
21 they want to do is start that process
22 again so that they can clean up those
23 objections. Everyone had a boilerplate
24 objection, so they are going to object
25 again to the same things they already

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1 deposition and do the best you can
2 without it.

3 MR. MAYO: Absolutely.

4 THE COURT: If the documentation is
5 there and he can't answer the question
6 then he would have to tell you he can't
7 answer.

8 MR. MAYO: Yes, sir.

9 THE COURT: That is a perfectly good
10 answer, I don't know.

11 MR. DENHAM: It is a difficult
12 situation. I've been informed by counsel
13 that he is capable of giving his
14 deposition today. I don't know what he
15 will be like a month from now.

16 Her problem is that he does not
17 have documents. When I've asked what
18 documents all I get is documents. This
19 is the CFO who served during a critical
20 period. He certainly knows who -- he
21 would know maybe who ordered the -- when
22 the payment -- who was present when the
23 payments -- when the decision was made
24 that the payments would quit going into
25 the plan. Who was it that authorized the
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1 sending out of communications to the
2 retirees that the plan was just fine when
3 it wasn't. He would know questions like
4 that without documents.

5 THE COURT: So you are asking me to
6 make a decision because I don't know the
7 condition of the deponent. I don't know
8 if he is critically ill and there is an
9 emergency situation where we need to go
10 and depose him now or whether he is, you
11 know, just on a clear day 30 days from
12 now he is still going to be able to be
13 deposed.

14 MS. HILLERY: That is the most
15 likely. Obviously I can't promise that
16 some catastrophic accident won't happen
17 between now and then, but it is not an
18 emergency situation as of right now.

19 MR. DENHAM: We had his deposition
20 set. Judge Harris had set the deposition
21 and then the Judge replaced him and they
22 took it away and the rest is history. So
23 it has been set one time. And I just
24 point that out.

25 Counsel ought to have an
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1 affirmative duty to check on the client
2 every day and make sure he is alright and
3 if there is any turn to notify everybody.
4 I don't want to find out 2 weeks after it
5 is all over with.

6 THE COURT: Well, it would be my
7 inclination to set the deposition the
8 week after June 12th so that would be
9 somewhere on the 14th. So you can be
10 prepared to depose him at that time. The
11 week after our meeting of June 12th.

12 MS. HILLERY: Okay.

13 THE COURT: What else have we?

14 MR. REEVES: Nothing further from the
15 Plaintiffs, I think, Your Honor.

16 MR. WILLIAMS: Nothing.

17 THE COURT: Well, I will see you at
18 9:00 on June the 12th unless there is
19 some revelation that changes that.

20 Like I said, I am available for
21 the phone conference any time there is
22 something that comes up that you need my
23 voice in. And let's get those orders to
24 me.

25 So we will stand adjourned until
CRYSTAL LYNN MORRIS, CSR

1 June 12th.

2 (Court session concluded at 10:41 a.m.)

EXHIBIT B

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Another TRO issued in SRHS legal battle

Posted: Jan 05, 2015 4:32 PM CST
Updated: Jan 06, 2015 5:52 AM CST

By Doug Walker [CONNECT](#)

JACKSON COUNTY, MS (WLOX) - For the fifth time, a 10 day temporary restraining order was issued Monday preventing officials with Singing River Health System from terminating the financially troubled pension plan.

Chancery Judge Neil Harris granted the motion by a system retiree following a two hour hearing. And just like in the past four cases, attorneys for the health system will ask to have the case moved to federal court.

Before a standing room only crowd, Ralph Drury, 84, testified he worked for Singing River for 32 years, and draws a monthly retirement check of about \$2,000. That check is now in jeopardy.

"It's sad to start with, all these people are being hurt," Drury said. "This thing has affected thousands of people and we've got to do something about it, some way, some how."

In addition to the TRO, plaintiff attorneys also filed motions concerning the make-up of the system board of trustees, since questions have been raised about where some of the trustees live, according to Earl Denham.

"We've added in to this particular complaint some additional state issues, and that is whether or not the board is validly constituted, and whether or not it was validly constituted when it voted on this thing," Denham explained.

Sabrina Smith was a surprise witness. She attended the Jackson County Board of Supervisors meeting, and testified about an agreement between the supervisors and trustees preventing the liquidation of the pension plan for up to 90 days.

"I was wanting to let the judge know that the agreement between the board of trustees and the board of supervisors is not legally binding," Smith said.

Meanwhile, frustration is mounting for the crowd of retirees who show up at every hearing. One of them is Jerry Holtz.

"Well, quite personally, it is frustrating because I don't think that the people at large in Jackson County are being given the right kind of information to make a decision."

Another is Susan Creel, who is set to retire later this year.

"It's made me have to rearrange everything I do, how I'm going to do my retirement, and it's very frustrating. It seems like we're always behind the eight ball," Creel said.

Officials with the health system had no comment Monday evening, referring us to a written statement issued last month, stating that while litigation is underway, they would have nothing more to say.

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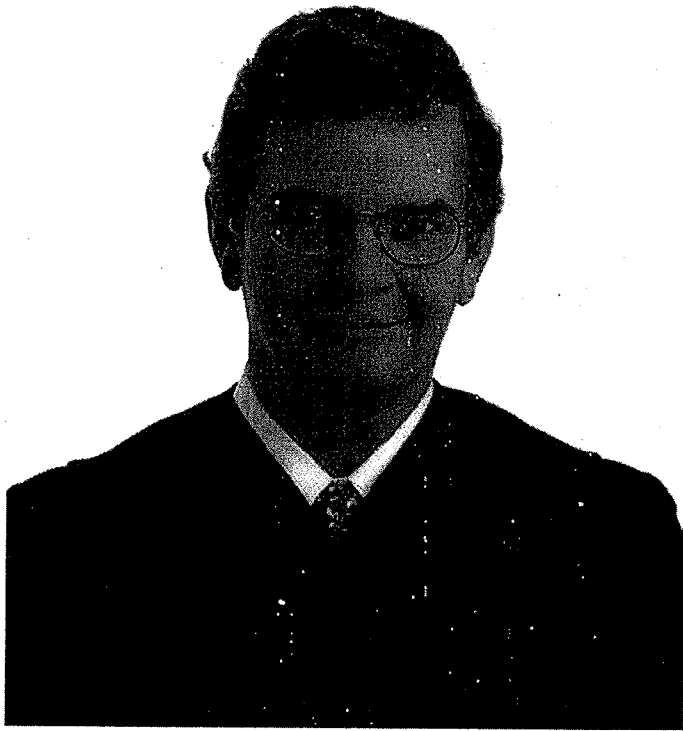
SRHS retiree's attorney: 'The hunt is on' for whoever halted pension funding

Retiree's attorney: 'The hunt is on' for whoever halted pension funding

By ANITA LEE

calee@sunherald.com January 15, 2015 Updated 16 hours ago

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- File: Order remanding Cynthia Almond case back to Chancery Court

GULFPORT -- Singing River Health System retiree Cynthia Almond is back in Chancery Court, where she wanted to be all along.

Almond is suing the health system, its trustees and CEO Kevin Holland over the failed pension plan. She secured a temporary restraining order in Chancery Court to prevent plan termination and wants an accounting from SRHS that would show why it stopped funding the plan.

SRHS removed her case to federal court, along with those of five retirees who sued after her.

U.S. District Judge Louis Guirola Jr. has now ruled Almond's case belongs in Chancery Court. The health system, he said, failed to meet its burden of proof that the case should be tried in federal court. Guirola

found invalid SRHS' argument that Almond's lawsuit involved any dispute over federal tax and other regulations that apply to the pension plan.

One of Almond's attorneys, Earl Denham, said he

is eager to return to Chancery Court. He plans to subpoena witnesses and records that could reveal who in the health system decided to stop funding the pension plan, when and why.

"It's on," Denham said. "The hunt is on. I am so grateful that things have worked out this way and now we can go about the business of doing something for our clients. I am tired of holding the gate and I am ready for the hunt."

Chancery Judge Neil Harris made it clear before he lost the Almond case he plans to set a brisk pace for the proceedings.

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Attorneys for SRHS retirees prepare to file lawsuit

Posted: May 08, 2015 8:51 AM CDT
Updated: May 08, 2015 8:51 AM CDT

Attorneys for some of Singing River Health System's retirees say they're ready to name names. WLOX News has confirmed they're drafting a lawsuit that will allege breach of fiduciary relationship and breach of contract. And they expect to file that suit in circuit court by Monday.

Earl Denham is that attorney. He tells WLOX News he's drafting the suit to get pension money back for the retirees and to bring the wrong-doers to light.

Denham says, "It's time for those names to come out." Denham represents a handful of the retirees who've been battling with Singing River Health System since reports surfaced about their pension funds not being fully funded.

Denham posted this comment on the SRHS Hopes Facebook page today. "To all our Singing River retiree clients and their families, and to their tireless organizer, Singing River Hopes, and to Cindy Almond who blazed the trail, we dedicate this glorious day. I hope to file today - Monday at the latest."

This is a developing story. As we gather more details, and get reaction from Singing River Health System, we're share that on WLOX.com and on WLOX News.

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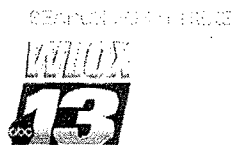
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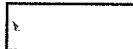
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NOTES 23

Support the Jobs Plan

By Earl Denham · over a year ago

So we have good people all over America losing their jobs, their homes, their cars, their insurance, their dignity, and the President comes up with a plan to rebuild our economy infrastructure to be

14 08

Now Is The Time and Luckett Is The Man

By Earl Denham · over a year ago

Conventions I have felt like a lonely life, and sleeping in the street, being a Democratic voter in Mississippi, even living in my family had been here since long before it was even a state. I don't feel

1

end request.

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Earl Denham shared Join the Coffee Party Movement's photo

8 hrs · 0

Just logical, right?

Join the Coffee Party Movement

#RightToWork laws are for the rich to get richer . and your right to work for less.

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Herman Bubba Roberts Sad.

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Sandra Bobinger Kendall I don't understand I worked all my life I lied about my age when I got my first job. :/

Like · Reply · 7 hrs

Sandra Bobinger Kendall I am pushing 70 they say you can say what you want.

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Morris Burns All the years that I worked at Ingalls Shipbuilding I was a Union Member. Many of my fellow union members would complain about things that went on in the unions. Many times these complaints were justified but they continued to support the unions because... See More

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5/7/2015

Earl Denham

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Jean Manning Thank you
Like · Reply · May 1 at 5:05pm

Carolyn Verbeck where will you meet?
Like · Reply · May 1 at 3:21pm

Write a comment...

Earl Denham
May 1 at 5:02am · 0

Saturday afternoon I have been asked to meet with the Srhs Hopes folks to discuss what may come next. I will meet with persons supporting the Retirees at 2:00 pm on Saturday, tomorrow. — with Harvey Barton and 4 others.

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15 people like this.

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Jean Manning Thank you
Like · Reply · May 1 at 5:05pm

Carolyn Verbeck where will you meet?
Like · Reply · May 1 at 3:21pm

Write a comment...

Earl Denham
April 29 at 7:52pm · 0

After a day of informed counsel, I can tell you that except for the various powers at play, it is absolutely wrong that the Jackson County Board of Supervisors has not announced its long awaited plan concerning the pension plan. There is no reason to wait. And any law firm that has members who have or whose relatives have done business directly with the hospital or through ownership in other companies should resign or be fired at once. The same goes for any trustee or supervi... See More

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Renee Barton Way to tell the truth
April 29 at 6:03pm · Like · 3

Laura Zanzow McKenzie The TRUTH will prevail. Be steadfast and strong...we are many voices together
April 29 at 9:24pm · Like

Mike Brewster Prevail yes, quickly no. We have already seen the delay tactics SRHS has used and will continue to use in some form.
April 29 at 4:54pm · Like · 1

Gpa Grimm For the love of God and /or whichever higher power you believe in, all citizens of Jackson County, heck along the entire Gulf Coast... If anyone of you know something that will help us or help get those who caused this jail time SPEAK UP NOW!!!! Th... See More
April 29 at 9:17pm · Edited · Like · 5

Lauren Braden Thank you, Gramps. You and Mrs. Grimm are so sweet and have been doing so much to help out. Any information may be helpful.
April 29 at 9:22pm · Like · 4

Jean Manning I have already started
April 29 at 9:57pm · Like · 2

Jean Manning and i will keep on doing the things which will help us hopefully and never give up
April 29 at 9:56pm · Like · 3

Nick Mason For a debacle of the magnitude of the pension fund to occur, there would have had to been a conspiracy of several, and if not by direct intentional acts, at least by incompetence, complacency or silence.
April 29 at 7:54am · Like · 3

Eric Denmark Thanks Earl but my wife said this from the very beginning. When the board of Supervisor president lied to her face from the beginning. Those who conducted this travesty know who they are. Remaining silent is wrong. Those that know the who and why of th... See More
April 29 at 9:03am · Like · 4

Randy Heddings Earl, you should call me, if you get time. I told Chris Anderson, via a letter in June/July 2010 time frame they were not properly managing money and trying to rob Peter to pay Paul so to speak. That letter should be on file in my Dad's Health records. If you need my help to get it, let me know. I will do all I can. Their arrogant response should be there as well.
April 29 at 1:11pm · Like · 2

Carolyn Lee Give em Hell Earl
May 1 at 4:23pm · Like · 1

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NOTES · 23

Support the Jobs Plan
By Earl Denham · over a year ago
So we have good people all over America today. Be it paid, our homes, then and then more are they really, and the President could do with a plan to rebuild our economy and restore it to...
14 8

Now Is The Time and Luckett Is The Man
By Earl Denham · over a year ago
Sometimes I have had the a lonely late and playing in the dog, being a C. and make a man in black... I was there in my body and then the peace long before now even a state, I don't feel...
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★

NOTES 23

Support the Jobs Plan
By Earl Denham · over a year ago

So we have good people all over America losing their jobs, their homes, their cars, their insurance, their dignity, and the President comes up with a plan to rebuild our decaying infrastructure to fix

14 8

Now Is The Time and Luckett Is The Man
By Earl Denham · over a year ago

Somehow I have lost like a family life had damage at the district being a G... resident who is (BOS) ... you know my family was born here and living before it was even a state, I didn't feel

1

must be sure that whatever plan is ... See More
May 1 at 8:55pm · Like

Gpa Grimm If the BOS oversaw the damn hospital like they should had and if those stupid BOTH had thorough read everything nine of this happened
May 1 at 7:15pm · Like · 1

Sabrina Manning Smith John McKay how can you sit there and say it's not the BOS fault when 2 of the Supervisors (Ross and Mangum) where in the trustees meeting when they agreed to terminate the plan and still remained silent?? Please explain that? Why did the BOS keep ap... See More
May 1 at 7:02pm · Like · 1

Sabrina Manning Smith Oh an BTW the reason the retirees are still getting their checks it's because of Earl Denham Harvey Barton and Lauren Braden who worked their butts off and got TRO's after TRO's until yall and the hospital realized that they (the retirees) weren't playing and are NOT playing!!!!
May 1 at 7:35pm · Like · 2

Debra Steybe That's right Sabrina Manning Smith. If the BOS were doing their job and not just taking someone's word there may have not been a problem.
May 1 at 6:58pm · Like · 2

John McKay Sabrina,
1. About Ross and Mangum: I can only give you my explanation of Mr. Ross and Mr. Mangum as I have heard. The way I understand it is that Mr. Ross and Mr. Mangum were at the meeting. Both have stated that they did not fully realize what wa... See More
May 1 at 9:00pm · Like

Harvey Barton Supervisor McKay. Before you call Sabrina a liar which you just did you need to check your facts. Compare the date of the TROs we obtained vs your MOU. You and your cohorts were two days from terminating the plan and wiping out approximately 148 millo... See More
May 1 at 8:24pm · Like · 2

Sabrina Manning Smith McKay, with all due respect sir but do you not consider the retirees tax paying citizens that you so say your trying to protect??? They are loosing their pension and your sitting on your thumbs!! And then you the BOS denies their voices to be heard ... See More
May 1 at 9:04pm · Like · 1

Elta Bennington Anglin What does MOU, & TRO stand for?
May 1 at 9:49pm · Like

John McKay Elta, An MOU is a memorandum of understanding. A TRO is a temporary restraining order.
May 1 at 9:53pm · Like

Eric Denmark Thank you Mr. McKay you said it ALL in the first statement. If Ross and Magnum did not fully understand "what they were really voting On" then why in the world did they vote at all. They should not have cast a vote either way if they had any question a... See More
May 1 at 10:14pm · Like · 3

John McKay Eric,
Mr. Ross and Mr. Mangum did not vote. They were attending the BOT meeting as observers. They did not have a vote. As far as I know, they did not even have copies of any documents being discussed. My statement above was that they "were at the me... See More
May 1 at 10:44pm · Like

Gpa Grimm I live in Dist 5 and promise you this. My household WILL NOT vote for any incumbents

There is obviously a huge coverup and if justice doesn't prevail now , yall just know that God will come judgement day
May 1 at 11:05pm · Like · 2

Eric Denmark Agreed Gpa Grimm
May 2 at 8:58am · Like

Eric Denmark Well respectfully Mr. McKay if this was going own by the BOT and they were not in agreement with it , or if "stunk to high heaven" as the voice of the people of Jackson County they should have been screaming from the rooftops to get the pension fund is... See More
May 2 at 9:00am · Like · 1

Eric Denmark In district 5 please consider voting for Mr. Randy Bosarge. I know that if you call him with a question he will answer it.
May 2 at 9:00am · Like · 1

Vote a candidate.

Earl Denham
Apr 29 at 7:55am · 1

Today I am going to post on Singing River after a few more meetings. —with Srhs Hopes.

· · · 32 2

32 people like this.

Phyllis Denmark Good keep us informed Earl. Thanks for all you are doing

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IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI

**KITTY PATRICIA AGUILAR, PLAINTIFF
CYNTHIA N. ALMOND, PLAINTIFF
HOWARD BOSARGE, PLAINTIFF
DONNA B. BROUN, ET AL., PLAINTIFFS
VIRGINIA LAY, ET AL., PLAINTIFFS
MAURY G. THOMPSON, PLAINTIFF
BRENDA JEAN EILAND, PLAINTIFF
RALPH DRURY, PLAINTIFF**

**CAUSE NO. 2014-2753-NH
CAUSE NO. 2014-2653-NH
CAUSE NO. 2014-2729-NH
CAUSE NO. 2015-0027-NH
CAUSE NO. 2015-0060-NH
CAUSE NO. 2014-2695-NH
CAUSE NO. 2015-0030-NH
CAUSE NO. 2015-0001-NH**

VERSUS

SINGING RIVER HEALTH SYSTEM, ET AL.

DEFENDANTS

PROTECTIVE ORDER

THIS COURT, having been presented with this Protective Order by the parties, hereby finds and orders as follows:

1. All confidential information disclosed in this action through discovery, both formal and informal and whether provided by agreement or pursuant to the Mississippi Rules of Civil Procedure, shall be subject to this Protective Order entered pursuant to the provisions of Mississippi Rule of Civil Procedure 26(d). Documents shall be considered "Confidential Information" if so marked by one of the parties (or a non-party which consents to the terms of this Protective Order) based on good cause that the documents or things require those protections provided by this Protective Order.

2. If any party objects to a "Confidential Information" designation, the objecting party shall provide the objection, in writing, to the producing party or non-party. The producing party or non-party shall have seven (7) days to meet and confer with the objecting party. If they do not reach an agreement regarding the designation within seven (7) days, the objecting party may seek relief from the Court as is appropriate. The producing party or non-party shall bear the burden of establishing that the documents or things designated as "Confidential Information" reasonably requires the protections afforded by this Protective Order. The documents and things designated as "Confidential Information" shall retain the protections afforded under this

Protective Order until a determination by the Court that the producing party or non-party has failed to establish that such protections are necessary and appropriate. If the Court, *sua sponte* or upon motion, determines that a producing party or non-party has marked documents or things as "Confidential Information" without good cause and refuses to correct that designation following a meet and confer, the Court shall award reasonable attorney fees and expenses to the party challenging such wrongful designation.

3. The parties and counsel shall not give copies of any "Confidential Information" to any person, other than: (1) counsel of record in this action and employees of counsel to whom it is necessary that the material be shown for purposes of this action; or (2) parties or the respective insurers to this action; or (3) experts consulted for purposes of this action by counsel for a party in this action; or (4) witnesses deposed in this action when they are shown said documents by any party; or (5) stenographers retained to record testimony in this action; or (6) third-party contractors involved in copying, organizing, coding, imaging, converting, storing or retrieving data, or (7) the Court, including the Special Master or Receiver appointed by the Court; or (8) any other person who is designated as a qualified person by Order of the Court, after notice to the parties and any interested non-parties.

4. If the parties or counsel tender any "Confidential Information" to any expert witness, said expert shall be given a copy of this Protective Order and shall sign his or her name, indicating his or her agreement to abide by the terms and conditions of this Order.

5. In the event that any "Confidential Information" must be used in any Court proceeding in connection with this litigation, it shall not lose its confidential status, and the submitting party shall take all steps required to protect its confidentiality.

6. Nothing in this Protective Order shall be construed to prevent any party from introducing any "Confidential Information" into evidence at a trial of this matter or to prevent

any jury selected at a trial of this matter from viewing any document.

7. "Confidential Information" shall not be used for any purpose other than the preparation and trial of this or related actions, without prior written Order.

8. All "Confidential Information" subject to this Order and all reproductions thereof shall be safeguarded from dissemination through the conclusion of this litigation. This includes all copies given to any expert or made by any expert witness. Following conclusion of this litigation, all such confidential documents shall be destroyed.

9. If a producing party or non-party discovers it has inadvertently produced information protected by the attorney-client privilege or attorney work product doctrine, such production shall not operate as a waiver of the privilege or protection, provided the producing party or non-party party gives written notice of the inadvertent production. Such notice shall include a statement and explanation of the basis for the contention that the inadvertently produced information is privileged or is otherwise not appropriate for disclosure. After receiving such notice, the receiving parties must promptly return, sequester, or destroy the inadvertently produced information and any copies that it has. The receiving party may promptly present the inadvertently produced information to the Court under seal for a determination of whether the information is discoverable and shall not use or disclose the information until there is an agreement or adjudication that the material is discoverable. The party or non-party claiming the privilege or immunity has the burden of proving it.

10. The Court retains continuing jurisdiction to enforce or modify this Protective Order.

SO ORDERED, this the ____ day of _____, 2015.

L. BRELAND HILBURN,
SPECIAL CHANCELLOR