### IN THE CHANCERY COURT OF MARSHALL COUNTY MISSISSIPPI

## AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY,

# 1002322

#### PETITIONER

VS.

#### CAUSE NO. 2011-0073A

ESTATE OF RODRICK ISOM, RL ISOM, JR.,  $(\mathbf{x}, \mathbf{x})$ KEARSHA JEFFRIES, GABRIELLE BYERS, KIRSTIN BYERS, TRACY RIDDLE, CAMERON T. WILLIAMS, BRODERICK L. ROBINSON, JR., TRALIYAH A. PEGUES, JARIAH B. LESURE, JUDAH A. ISOM, DEQUEZ A. ISOM, JULIEN K. JONES, KELVONTAE A. TALLEY, QUENICY L. JONES, KERCEDES C. PRESTON ZEMARIH J. ISOM, NACHASITY S. HUBBARD, DESTINY S. HAMPTON, TRELEXIUS HUBBARD, MERCEDES C. MASON, JELEXUS Z. PRESTON, DIMARIGGIO K. AUSTIN, SHIRLITTA V. LESUEUR, SHARLETTA J. LESUEUR, ALEXIS HANKINS, KAMERON JONES, KELVIN AYERS, JR., AND HOLLY SPRINGS SCHOOL DISTRICT WORKER'S COMPENSATION CARRIER EMPLOYERS ASSURANCE COMPANY,

#### DEFENDANTS

## ORDER GRANTING PETITION FOR CONDITIONAL INTERPLEADER

This cause came to be heard on February 6, 2012, upon Petition for Conditional Interpleader, filed by Attorney Nicholas J. Owens, Jr, Attorney for Latasha Isom for claims asserted against her, upon statement of Attorney Nicholas J. Owens, Jr., Attorney John Booth Farese, Attorney Sean Akins, Attorney Bill Schneller, Attorney David Riley, and Attorney Rhea Tannehill (attorney for Latasha Isom personal injury claim), and, after reviewing the petition and receiving all evidence, the court finds as follows:

1) The following defendants, after being served with the Petition, were given notice of this hearing through their attorney John Booth Farese:

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a) Keasha Jeffries 689 Cox Holly Springs, MS 38635

- b) Gabrielle Byers 2314 Highway 7 North Holly Springs, MS 38635
- c) Kirstin Byers 2314 Highway 7 North Holly Springs, MS 38635
- d) R.L. Isom, Jr. 275 Clear Creek Holly Springs, MS 38635
- c) Estate of Roderick Isom 275 Clear Creek Holly Springs, MS 38635
- 2) Tracy Riddle, after being served with the Petition, was given notice of this hearing through her attorney Sean Akins;

- 3) Kelvontae Antwan Talley and Dimariggio K. Austin, whose legal guardians were served with the Petition, were given notice of this hearing through their attorney Bill Schneller;
- 4) The HOLLY SPRINGS SCHOOL DISTRICT WORKER'S COMPENSATION CARRIER, EMPLOYERS ASSURANCE COMPANY, after being served with the Petition, was given notice of this hearing through its Attorney Todd Murrah/David Riley;
- 5) The following unrepresented minors and their guardians, after being served with the Petition, were given notice of this hearing by mail sent to the addresses where they were served with the Petition and additionally, for some of them, by subpoena as evidenced by the Subpoena Returns filed in the court jacket:

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a. Cameron T. Williams by serving parent or guardian Tamala Crane 250 Roberts Avenue Holly Springs, MS 38635

b. Broderick L. Robinson, Jr. by serving parent or guardian Broderick Robinson, 528 Hudsonville Road Holly Springs, MS 38635

c. Traliyah Pegues by serving parent or guardian Troy Pegues or Shirleon LeSuer 305 Randolph Street Holly Springs, MS 38625

d. Jariah B. Leasure by serving parent or guardian Jarius Leasure or Samueletta Leasure 256 Bonner Street Holly Springs, MS 38635

e. Judah Antwan Isom, by serving parent or guardian April Martin 200 N. Randolph Street, Apt. B Holly Springs, MS 38635

f. Dequez A. Isom by serving parent or guardian Demetrius Isom 258 Bonner Street #D Holly Springs, MS 38635

g. Julien K. Jones by serving parent or guardian Camelia Jones 257 Bonner Street Holly Springs, MS 38635

i. Quenicy L. Jones by serving parent or guardian Elizabeth Stevenson or Butler Stevenson 257 N. Bonner Street Holly Springs, MS 38635

j. Kercedes C. Preston by serving parent or guardian April Martin 200 N Randolph, Apt. B Holly Springs, MS 38635

j. Zemarih Isom by serving parent of guardian James Isom or Demetrice Isom 258 Bonner Holly Springs, MS 38635 k. Nachasity S. Hubbard by serving parent or guardian Gloria Hubbard 200 N. Randolph, Apt. B Holly Springs, MS 38635

1. Destiny S. Hampton, by serving parent or guardian Shondra Hampton 360 N. West Street #27 Holly Springs, MS 38635

m. Trelexius Hubbard by serving parent or guardian Tretus Bowen or Marcia Hubbard 84 Sadie Manuel Road Holly Springs, MS 38635

n. Mercedes C. Mason by serving parent or guardian or Samueletta Leasure 256 N. Bonner Street Holly Springs, MS 38635

o. Jelexus Z Preson by serving parent or guardian April Martin 200 N. Randolph, Apt. B Holly Springs, MS 38635

q. Shirlitta Lesueur by serving parent or guardian Tracy Pegues or Shirleon
 Lesueur
 305 Randolph St.
 Helly Strategies of Glasses

Holly Springs, MS 38635

r. Sharletta Lesueur by serving parent or guardian Tracy Pegues or Shirleon Lesueur 305 Randolph St. Holly Springs, MS 38635

s. Alexis Hankins by serving parent or guardian Willie Falsom or Fran Hankins 258 Bonner Street Holly Springs, MS 38635

t. Kameron Jones by serving parent or guardian Butler Stevenson 257 N. Bonner St. Holly Springs, MS 38635

u. Kelvin Ayers by serving parent or guardian Butler Stevenson 257 N. Bonner St. Holly Springs, MS 38635

6) All Defendants have been given adequate notice of the hearing;

- 7) RL Isom (the father of Latasha Isom, RL Isom, Jr.; Roderick Isom and ANPAC named insured) desires that the Court grant the petition for conditional interpleader and testified that it is in the best interest of his daughter, Latasha Isom for this Court to grant the petition;
- 8) John Booth Farese, guardian for Keasha Jeffries, guardian for Gabrielle Byers, guardian for Kirstin Byers, have each represented to the Court or testified that they believe that allowing the liability limits of \$300,000 to be deposited with the court would be in the best interest of their children. Further, each of them acknowledged and understood that if the Court grants the petition, this would bar any future claim against Latasha Isom, RL Isom, Joyce Isom and would end ANPAC's obligation to investigate, settle, or defend Latasha Isom, RL Isom or Joyce Isom or otherwise honor any claims arising out of the automobile accident of January 5, 2010.
- 9) Attorney Sean Akins and his client Tracy Riddle have represented to the court that they have no opposition to the petition. Further, they acknowledged and understood that if the Court grants the petition, this would bar any future claim against Latasha Isom, RL Isom, Joyce Isom and American National Property and Casualty Company for claims arising out of the automobile accident of January 5, 2010;

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- 10) Attorney Todd Murrah and his client Holly Springs School District Workers's Compensation Carrier, Employers Assurance Company, represented to the court that they have no opposition to the petition. Further, they acknowledged and understood that if the Court grants the petition, this would bar any future claim against Latasha Isom, RL Isom, Joyce Isom and American National Property and Casualty Company for claims arising out of the automobile accident of January 5, 2010;
- 11) No other defendant minors or guardians have filed any answer to the Petition nor made any objection to the Petition in the court jacket or in open court. At the end of this order, on "Exhibit A" are the names of all unrepresented minors and guardians who appeared at the hearing;

- 12) There is an outstanding hospital lien from the Regional Medical Center in Memphis, Tennessee in the amount of \$2,000 for the claim of Gabriel Byers and Attorney John Booth Farese has represented to the Court that, after the hearing to determine the amounts due to each defendant, he personally guarantees that the lien will be satisfied immediately from the funds the Court awards to Gabriel Byers.
- 13) In light of the foregoing findings by the Court, after careful consideration, the relief requested in the Petition for Conditional Interpleader is in the best interest of all parties and is granted. All parties who appeared at the hearing are authorized and directed to execute the Full Release and Settlement of All Claims which will discharge Latasha Isom, RL Isom, Joyce Isom and American National Property and Casualty Company from all claims arising out of the automobile accident of January 5, 2010. Further, the claims of any party who did not appear are barred for failure to answer or appear at the hearing of February 6, 2012.
- 14) After execution of the releases by all defendants who appeared at the hearing, ANPAC shall deposit \$300,000 with this Chancery Court. Upon depositing of the \$300,000 with the Chancery Court of Marshall County, Latasha Isom, RL Isom, Joyce Isom and American National Property and Casualty Company shall be discharged from any and all obligations, tort or otherwise, arising out of the automobile accident in Marshall County on or about January 5, 2010. Further, ANPAC will be fully released of all its obligations to investigate, settle, or defend Latasha Isom, RL Isom, Joyce Isom or otherwise honor any claims arising out of the automobile accident of January 5, 2010.
- 15) After said funds have been deposited with the Chancery Court, the Court will set a hearing to determine how the \$300,000 should be equitably divided among the parties. At said hearing, any party seeking any portion of the \$300,000 is ordered to appear and bring medical records, bills and any other proof that would be relevant to assist the Court in determining a fair and equitable division of the interpleaded funds.

Selice-

It is so ordered.

Chancellor ( Date 62012

ved: (

Nicholas J. Owens, Jr. MSB #100901 Defense Attorney for Latasha Isom 214 Adams Avenue Memphis, TN 38103

John Booth Farese

Atterney for Gabrielle Byers, Kirstin Byers, Keasha Jeffries, Estate of Roderick Isom and RL Isom

Bill Schneller

Attorney for Kelvontae Talley and Dimariggio Austin

it Midde Sean Akins Attorney for Tracy Riddle

Rhea Tannehill Attorney for Latasha Isom on her personal injury claim

pervissi Todd Murrah MSB # 8874

Attorney for Worker's Compensation Carrier

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Certificate of Service

I, the undersigned attorney, do hereby certify that I have served a copy of this Order on the unrepresented minors guardians in paragraph 5 above via us mail at the addresses listed above on this 6 of February, 2012.

Nicholas J. Owens, Jr. MSB #100901 A whodid not Attorney for Latasha isom appear at the bear of at their last known address R

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#### EXHIBIT A

## UNREPRESENTED MINORS/GUARDIANS WHO ATTENDED THE FEBRUARY 6, 2012

Minor Name (Print) Guardian Address Broderich Robinson, Jr. Sharetin Mitchell 528 Hudsonville Road Holly Spring. 1. Step / bit the 2. JARinh LeAsure Samueletta Leasur 3. Mercedes MASON 256 N. Borner Street Holly Springs 4. Comeron T. Williams Tranala CLANC 250 Roberts Avenue Holly Springs 5. Julien Jones Camelia Jones 257 Bonner St. Holly Sprin, s 6. Ovening Jones Elizabeth Stevenson 257 Bonner St. Holly Springs. 1 7. LeArneron Jones 8. Kelvin Ayers  $\mathcal{U}$ 11 9. Trayilah Peques 256 Borner Stret Hally Spring. Shirbeau Le resure Joe N. Rawldph Apt. B Hilly sprn 10. Judah Ison April Martin 11. Devicedes Preston r f Jelexus Z. Preston 1 5 12. 13. Shirlitta Leser Shirleon Leseur 256 Benner St. Holly Spring

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185 Westwood Are Bldg 20, Apt. 4 Holly Springs

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#### **Dorothy Vance**

From: Dorothy Vance

Sent: Thursday, August 09, 2012 1:56 PM

To: 'DRiley@gewwlaw.com'

Subject: CIRCUIT COURT ORDER ON TRACY RIDDLE MWCC NUMBER 1002322

David, The commission recieved the settlement papers on Tracy Riddle.It states there was third party in a separate cause against the third party.Was there a circuit court settlement done? If so the commission needs a copy of the order from the judge.Please let me know the status of this case.

#### Page 1 of 1

#### **Dorothy Vance**

| From:    | David Riley [DRiley@gewwlaw.com]                            |
|----------|---|
| Sent:    | Thursday, August 09, 2012 2:48 PM                           |
| To:      | Dorothy Vance   |
| Subject: | RE: CIRCUIT COURT ORDER ON TRACY RIDDLE MWCC NUMBER 1002322 |

Attachments: order granting petition.pdf

Attached is the Order where it shows that \$300,000.00 was paid into court by the third party's insurance carrier. A subsequent Order was entered showing disbursement of the funds to several injured plaintiffs, including Ms. Riddle. I have requested that subsequent Order and will forward it to you upon receipt. Thanks, David

From: Dorothy Vance [mailto:dvance@mwcc.state.ms.us] Sent: Thursday, August 09, 2012 1:56 PM To: David Riley Subject: CIRCUIT COURT ORDER ON TRACY RIDDLE MWCC NUMBER 1002322

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AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY,

PETITIONER

vs.----

-<del>CAUSE NO: 2011-0073A</del>

ESTATE OF RODRICK ISOM, RL ISOM, JR., KEARSHA JEFFRIES, GABRIELLE BYERS, KIRSTIN BYERS, TRACY RIDDLE, CAMERON T. WILLIAMS, BRODERICK L. ROBINSON, JR., TRALIYAH A. PEGUES, JARIAH B. LESURE, JUDAH A. ISOM, DEQUEZ A. ISOM, JULIEN K. JONES, KELVONTAE A. TALLEY, QUENICY L. JONES, KERCEDES C. PRESTON ZEMARIH J. ISOM, NACHASITY S. HUBBARD, DESTINY S. HAMPTON, TRELEXIUS HUBBARD, MERCEDES C. MASON, JELEXUS Z. PRESTON, DIMARIGGIO K. AUSTIN, SHIRLITTA V. LESUEUR, SHARLETTA J. LESUEUR, ALEXIS HANKINS, KAMERON JONES, KELVIN AYERS, JR., AND HOLLY SPRINGS SCHOOL DISTRICT WORKER'S COMPENSATION CARRIER EMPLOYERS ASSURANCE COMPANY,

#### DEFENDANTS

#### AGREED ORDER DISBURSING FUNDS

This cause came to be heard on February 6, 2012, upon Petition for Conditional Interpleader, filed by Attorney Nicholas J. Owens, Jr, Attorney for Latasha Isom for claims asserted against her, upon statement of Attorney Nicholas J. Owens, Jr., Attorney John Booth Farese, Attorney Sean Akins, Attorney William Schneller, and Attorney Rhea Tannehill (attorney for Latasha Isom personal injury claim), and, after reviewing the petition and receiving all evidence, the Court entered its order granting the petition. The Court finds that all parties who have asserted claims to the \$300,000.00 are represented by attorneys. The parties and their attorneys have agreed to the division of the funds that are on deposit with the Chancery Clerk. The Court finds that the settlement is reasonable and in the best interest of all minors involved and should be approved.

NOW-IT-IS-THEREFORE-ORDERED,-ADJUDGED-AND-DECREED-AS-FOLLOWS:-

1) The Clerk of the Chancery Court of Marshall County, Mississippi, shall disburse \$100,000.00 (maximum benefits under the policy of insurance) to the wrongful death beneficiaries of Roddrick Isom as follows: \$25,000.00 to R. L. Isom, Sr.; \$25,000.00 to Joyce Isom; \$25,000.00 to R. L. Isom, Sr., and Joyce Isom, as General Guardians of R. L. Isom, Jr.; and \$25,000.00 to R. L. Isom, Sr., and Joyce Isom, as General Guardians of Latasha Isom. The funds paid to the Guardians for the use and benefit of the minors shall be deposited in a federally insured bank in a restricted certificate of deposit. The funds so invested and the accrued interest shall not be distributed to the minors until they reach the age of twenty-one years. The bank shall execute acknowledgment of receipt of the funds and of a copy of this Court's order. The bank shall enter its appearance and subject itself to the jurisdiction of this Court regarding the investment of these funds. The Court approves the fee agreement entered into by John Booth Farese, R. L. Isom, Sr., and Joyce Ann Isom, regarding the recovery of amounts on behalf of their minor children, and authorizes them to pay John Booth Farese according to the terms of the fee agreement.

The Clerk of the Chancery Court of Marshall County, Mississippi, shall disburse
 \$2,000.00 to Jurlann Parks, mother and natural guardian of Keasha Jeffries, for the use and

PAGE 2 OF 5

benefit of Keasha Jeffries. The guardian is ordered to use these funds solely for the use and benefit of the minor. The Court approves the attorney fee agreement entered into by John Booth Farese and Jurlann Parks, regarding the recovery of the amount on behalf of her minor child and authorizes her to pay John Booth Farese according to the terms of the fee agreement.

3) The Clerk of the Chancery Court of Marshall County, Mississippi, shall disburse \$60,000.00 to Christina Byers, as Mother and Natural Guardian of Gabrielle Byers, a minor. The funds paid to the Guardian for the use and benefit of the minor shall be deposited in a federally insured bank in a restricted certificate of deposit. The funds so invested and the accrued interest shall not be distributed to the minors until they reach the age of twenty-one years. The bank shall execute acknowledgment of receipt of the funds and of a copy of this Court's order. The bank shall enter its appearance and subject itself to the jurisdiction of this Court regarding the investment of these funds. The Court authorizes the guardian to pay \$2,000.00, as an agreed amount for a hospital lien of the Regional Medical Center in Memphis, Tennessee. The Court approves the fee agreement entered into by John Booth Farese and Christina Byers, regarding the recovery of the amount on behalf of her minor child, Gabrielle Byers and authorizes her to pay John Booth Farese according to the terms of the fee agreement.

4) The Clerk of the Chancery Court of Marshall County, Mississippi, shall disburse \$100,000.00 to Christina Byers, as Mother and Natural Guardian of Kirstin Byers, a minor. The funds paid to the Guardian for the use and benefit of the minor shall be deposited in a federally insured bank in a restricted certificate of deposit. The funds so invested and the accrued interest shall not be distributed to the minors until they reach the age of twenty-one years. The bank

PAGE 3 OF 5

shall execute acknowledgment of receipt of the funds and of a copy of this Court's order. The bank shall enter its appearance and subject itself to the jurisdiction of this Court regarding the investment of these funds. The Court approves the fee agreement entered into by John Booth Farese and Christina Byers, regarding the recovery of the amount on behalf of her minor child, Kirstin-Byers-and-authorizes-her-to-pay-John Booth-Farese-according to the terms of the fee agreement.

5) The Clerk of the Chancery Court of Marshall County, Mississippi, shall disburse
 \$10,000.00 to Tracy Riddle and her attorney, Sean Akins.

6) The Clerk of the Chancery Court of Marshall County, Mississippi, shall disburse \$3,000.00 to Attorney William Schneller. Attorney Schneller shall allocate \$250.00 for the claims of each of his nine minor clients, Kelvontae Talley, Dimariggio Austin, Kelvin Ayers, Kamron Jones, Quenicy Jones, Julien Jones, Shirlitta Lesueur, Sharletta Lesueur, and Traliyah A. Pegues. Attorney William Schneller shall be entitled to \$750.00 attorney's fee. The parents and guardians of these named minors are ordered and directed to use said funds for the use and benefit of the minor.

7) The guardians of all minors identified in this order are authorized to execute releases to Latasha Isom, R. L. Isom, Sr., Joyce Ann Isom and American National Property and Casualty Company, in the form previously approved by this Court.

#### PAGE 4 OF 5

All until further orders of the Court.

73 2010 Chancellor Date

proved lal s John Booth/Farese

Attorney for Gabrielle Byers, Kirstin Byers, Keasha Jeffries, Estate of Roderick Isom, R. L. Isom, Jr., Joyce Ann Isom and R. L. Isom, Sr.

William Schneller Attorney for Kelvontae Talley, Dimariggio Austin, Kelvin Ayers, Kamron Jones, Quenicy Jones, Julien Jones, Shirlitta Lesueur, Sharletta Lesueur, Traliyah A. Pegues

Sean Akins

Attorney for Tracy Riddle

Rhea Tannehill Attorney for Latasha Isom on portion of wrongful death claim for Roddrick Isom claim

#### **Dorothy Vance**

From: David Riley [DRiley@gewwlaw.com]

Sent: Tuesday, August 14, 2012 4:43 PM

To: Dorothy Vance

Subject: RE: CIRCUIT COURT ORDER ON TRACY RIDDLE MWCC NUMBER 1002322

Attachments: Agreed Order Disbursing Funds.pdf

I attach the order hereto that you requested. The disbursement to Ms. Riddle out of the third-party case is referenced on page 4 of the pleading. Please let me know if you need anything else. Thank you, David Riley

From: Dorothy Vance [mailto:dvance@mwcc.state.ms.us] Sent: Thursday, August 09, 2012 3:10 PM To: David Riley Subject: RE: CIRCUIT COURT ORDER ON TRACY RIDDLE MWCC NUMBER 1002322

Thank You

From: David Riley [mailto:DRiley@gewwlaw.com] Sent: Thursday, August 09, 2012 2:48 PM To: Dorothy Vance Subject: RE: CIRCUIT COURT ORDER ON TRACY RIDDLE MWCC NUMBER 1002322

Attached is the Order where it shows that \$300,000.00 was paid into court by the third party's insurance carrier. A subsequent Order was entered showing disbursement of the funds to several injured plaintiffs, including Ms. Riddle. I have requested that subsequent Order and will forward it to you upon receipt. Thanks, David

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