

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SUSIE ANNIE BALFOUR a/k/a
SUSAN ANN BALFOUR

PLAINTIFF

VS.

CIVIL ACTION NO. 3:24-CV-00093-KHJ-MTP

JACKSON HMA, LLC, et al.

DEFENDANTS

**JOINDER OF DEFENDANT, JACKSON HMA, LLC
IN MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant Jackson HMA, LLC d/b/a Merit Health Central and joins in the Motion for Summary Judgment [Docket # 80], filed by Defendant Eric Lane Rushing, M.D., further stating unto the Court the following:

1. On June 28, 2024, Dr. Rushing filed a Motion for Summary Judgment.
2. In his Motion, Dr. Rushing requested the Court to declare Plaintiff's claims time-barred as to Dr. Rushing, as a matter of law.
3. In her Amended Complaint, Plaintiff alleges that Dr. Rushing is an employee and/or agent of Jackson HMA. [Docket # 45, paragraph 151].
4. In her Amended Complaint, Plaintiff alleges Jackson HMA to be vicariously liable for the torts of its employees and agents. *Id.*
5. To the extent that Dr. Rushing may be considered an agent or employee of Jackson HMA, the disposition of the claim(s) as to Dr. Rushing would also require the disposition of any claim(s) against Jackson HMA which is based on Dr. Rushing's alleged actions or omissions.

6. Jackson HMA thus joins in Dr. Rushing's Motion and, for the same reasons set out therein, requests this Court grant it summary judgment for any claim based on the alleged actions or omissions of Dr. Rushing.
7. Due to the simplicity of the issues and existing briefing by Dr. Rushing, Jackson HMA asks that this Court waive any requirement of separate briefing by Jackson HMA.

WHEREFORE premises considered, Defendant joins in the Motion for Summary Judgment and respectfully requests this Court grant the requested relief noted herein.

This, the 5th day of July, 2024.

Respectfully submitted,

JACKSON HMA, LLC d/b/a MERIT HEALTH
CENTRAL, DEFENDANT

BY: /s/ Senica M. Tubwell

STEPHEN P. KRUGER
T.L. "SMITH" BOYKIN, III
SENICA M. TUBWELL

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CERTIFICATE OF SERVICE

I, counsel for Defendant Jackson HMA, LLC d/b/a Merit Health Central, do hereby certify that I have this day served, through the Court’s electronic filing system, a true and correct copy of the above and foregoing to all counsel of record.

This, the 5th day of July, 2024.

BY: */s/ Senica M. Tubwell*
SENICA M. TUBWELL