

IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI

CYNTHIA N. ALMOND, et al.

PLAINTIFF

v.

CAUSE NO. 2014-2653

SINGING RIVER HEALTH SYSTEM, et al.

DEFENDANT

ORDER DIRECTING TRANSITION OF ACTUARIAL AND ADMINISTRATIVE SERVICES FOR THE PLAN FROM TRANSAMERICA TO McCLOUD & ASSOCIATES, INC.

In a previous Order this Court directed that the Special Fiduciary issue Requests for Proposals for actuarial and administrative services for the Plan in order to move those services from Transamerica to another service provider, in part due to ongoing litigation between the Plan and Transamerica and to reduce expenses to the Plan.

Three proposals have been received. One proposal is for actuarial services only and is therefore not comparable to the other proposals. The greatest cost reduction in the remaining proposals is found in the proposal submitted by McCloud & Associates, Inc. The Court has considered using a service other than McCloud, because the Special Fiduciary is an owner of McCloud. Allowing the Special Fiduciary to have both the actuarial and administrative functions in house are expected to provide efficiencies and cost savings that benefit the Plan. The Special Fiduciary has proven faithful in the responsibilities assigned to her and the Court therefore assigns additional responsibilities to her as follows:

The Special Fiduciary shall transition the actuarial and administrative functions from Transamerica to McCloud & Associates, Inc. by July 1, 2018, and she shall have the authority to direct and supervise such services.

The proposal of McCloud & Associates, Inc., like the other proposals, have a provision for an hourly rate to be charged for "Out of Scope" services. The Special Fiduciary shall fully explain any request for "Out of Scope" projects or services, and should, when possible, obtain approval from the Court in advance for such projects or services.

The Court Directs the Special Fiduciary to add to each of her future reports to the Court a provision stating whether there is a foreseeable time when her scope of work can be reduced, with a corresponding reduction in fees and expenses.

Ordered, this the 23rd day of June, 2018.


Senior Status Chancellor