

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 16, 2018

Lyle W. Cayce
Clerk

No. 16-60491

H. KENNETH LEFOLDT, JR., in his capacity as Trustee for the Natchez
Regional Medical Center Liquidation Trust,

Plaintiff - Appellant

v.

DONALD RENTFRO; CHARLES MOCK; WILLIAM HEBURN; LEROY
WHITE; JOHN SERAFIN; LINDA GODLEY; LIONEL STEPTER; LEE
MARTIN; WILLIAM ERNST; JENNIFER RUSS,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:15-CV-96

Before JONES and OWEN, Circuit Judges, and ENGELHARDT,* District
Judge.

PER CURIAM:**

Natchez Regional Medical Center (“NRMC”) filed for bankruptcy and H.
Kenneth Lefoldt was appointed Trustee for the liquidation trust. As Trustee,

* Chief District Judge of the Eastern District of Louisiana, sitting by designation

** Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not
be published and is not precedent except under the limited circumstances set forth in 5TH
CIR. R. 47.5.4.

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Lefoldt brought claims against the former directors and officers of NRMC, alleging breaches of their fiduciary duties of care, loyalty, and good faith. The district court held that the defendants were immune from suit under the Mississippi Tort Claims Act (“MTCA”). We certified this legal issue to the Mississippi Supreme Court, which held that the MTCA does not “provide[] the exclusive remedy for a public hospital’s bankruptcy trustee who, on behalf of the public hospital, sued former officers and directors of that public hospital.” In light of this controlling decision, we vacate the district court’s order dismissing the case and remand for further proceedings.

VACATED and REMANDED.