

Serial: **216845**

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-IA-00465-SCT

***SHARKEY ISSAQUENA COMMUNITY
HOSPITAL***

Appellant

v.

***ALAN ANDERSON AND LINDA
ANDERSON***

Appellees

EN BANC ORDER

¶1. The motion for rehearing filed by the Appellant is granted. The previous opinions are withdrawn and this order is substituted therefor.

¶2. The Court was divided equally four-four. Consequently, the judgment of the Circuit Court of Sharkey County should have been affirmed for this reason. *See Durant v. Essex Co.*, 74 U.S. 107, 19 L. Ed. 154 (1868); *Hertz v. Woodman*, 218 U.S. 205, 206, 30 S. Ct. 621, 621, 54 L. Ed. 1001 (1910); *Pascagoula Nat'l Bank v. Barq*, 23 So. 2d 530, 530 (Miss. 1945); *Hawkins v. Cmty. Bank of Raymore*, 136 S. Ct. 1072, 194 L. Ed. 2d 163, *reh'g denied*, 136 S. Ct. 2534, 195 L. Ed. 2d 860 (2016).

¶3. Accordingly, we remand this case for further proceedings.

SO ORDERED, this the 30th day of January, 2018.

/s/ Michael K. Randolph

MICHAEL K. RANDOLPH
PRESIDING JUSTICE
FOR THE COURT

NOT PARTICIPATING: MAXWELL, J.