

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

NUE CHEER FRANKLIN, as)
Administratrix of the)
Estate of Elnoria)
Franklin, and GLADYS)
FRANKLIN, as Alternate)
Administratrix of the)
Estate of Elnoria Franklin,)
)
Plaintiffs,)
)
v.)
)
GARDEN STATE LIFE)
INSURANCE (GSLIC), et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:10cv123-MHT
(WO)

OPINION

Plaintiffs Nue Cheer Franklin and Gladys Franklin filed this lawsuit claiming that defendants Garden State Life Insurance and Donna Tilley failed to pay life insurance benefits upon the death of Elnoria Franklin. This lawsuit is now before the court on Garden State's and Tilley's motions to dismiss. For the reasons given in a recommendation of the United States Magistrate Judge on April 15, 2010, that the Franklins' case should be

dismissed as to co-defendants Peggy Chinn and American National Insurance Company, Franklin v. Garden State Life Insurance (GSLIC), 2010 WL 3328504 (M.D. Ala 2010), the Franklins case should also be dismissed without prejudice as to Garden State and Tilley.

This lawsuit is also before the court on the Franklins' own motion to dismiss. This motion should be granted as well.

An appropriate judgment will be entered.

DONE, this the 16th day of September, 2010.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE