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

JENNIFER DAVIS,)
Plaintiff,)
v.) CIVIL ACTION NO. 2:16-cv-213-WHA
NORTH AMERICAN COMPANY FOR) (WO)
LIFE AND HEALTH INSURANCE,	,)
Defendant/Counterclaimant.)
v.)
JENNIFER DAVIS,)
Counterclaim Defendant,)
J.D., a minor, and M.D., a minor,)
Third Party Defendants.)

ORDER

This case is before the Court on the Joint Motion to Approve Settlement, (Doc. # 36), filed on October 10, 2016. This matter involves two minor child, J.D. and M.D. and their claims, among others', to funds that have been interpleaded into the Court and are presently on deposit with the Clerk of the Court. Alabama law recognizes the special nature of the attempted settlement of minor's claims and requires the Court to extensively examine the facts to determine if the proposed settlement is in the best interest of the minor children. *Abernathy v. Colbert Cnty. Hosp. Bd.*, 388 So. 2d 1207 (Ala. 1980).

The case was set for a *pro ami* hearing on the Joint Motion to Approve Settlement, and a hearing was held on November 16, 2016. Counsel for Jennifer Davis, North American Company

for Life and Health Insurance and the Guardian ad Litem for the minor children appeared before the Court as well as Jennifer Davis and the minor children, J.D. and M.D.

Based upon the testimony offered by the parties, representations of counsel, and having the opportunity to examine evidentiary material, including the Settlement Agreement; the J.D. Education and Support Trust Agreement and the M.D. Education and Support Trust Agreement; and the endorsement of the Settlement Agreement by the Guardian ad Litem for the minor children, it is hereby ORDERED as follows:

- 1. The Court finds the settlement to be in the best interest of the minor children, J.D. and M.D., and it is approved and the Joint Motion to Approve Settlement is GRANTED.
- 2. The funds on deposit in the Court's Registry shall be distributed as follows:
 - a. \$130,663.08 principal plus forty-five percent (45%) of the earned interest on deposit with the Clerk, shall be paid to Jennifer Davis, as Trustee of the J.D. Education and Support Trust. The check shall be mailed by Certified Mail with a return receipt requested to Jennifer Davis at 8425 Winfield Ct., Montgomery, Alabama 36117. Ms. Davis is Directed to deposit the check in Northwestern Mutual NMIS Account # TW1-105286, Exhibit A to this Order.
 - b. \$130,663.08 principal plus forty-five percent (45%) of the earned interest on deposit with the Clerk, shall be paid to Jennifer Davis, as Trustee of the M.D. Education and Support Trust. The check shall be mailed by Certified Mail with a return receipt requested to Jennifer Davis at 8425 Winfield Ct., Montgomery, Alabama 36117. Ms. Davis is Directed to deposit the

check in Northwestern Mutual NMIS Account # TW1-105328, Exhibit B to this Order.

- 3. In accordance with the Settlement Agreement, counsel for North American Company for Life and Health Insurance shall ensure that the Guardian ad Litem's fees and expenses are promptly paid as well as the mediator's fee. Counsel for North American Company for Life and Health Insurance is DIRECTED to notify the Court when said fees have been paid.
- 4. In accordance with the Settlement Agreement, the parties release every other party and all claims, known or unknown, that have arisen, may arise, or that are otherwise related in any way to the death of Matthew Davis, as set out in the Release, (Doc. # 41), which has been signed by all parties. The executed Release is hereby incorporated into this Order.
- 5. Defendant's Second Motion to Dismiss for Failure to State a Claim, (Doc. # 31), is DENIED as moot.

Pursuant to 28 U.S.C. §1914(b) and FRDOC 91-26415 reported at 56 Fed. Reg. 56356 (November 4, 1991) and directions received from the Administrative Office of the U.S. Courts on February 7, 1992, the Clerk of the Court shall pay into the U.S. Treasury an amount equal to ten percent (10%) of the earned interest as a fee for handling said interpleader funds. The Clerk of the Court is further DIRECTED to deposit said ten percent (10%) fee into the 510100 Fund for the U.S. Treasury.

The parties are Directed to file a Stipulation for Dismissal upon completion of all distributions and requirements therefor, and this case will be dismissed with prejudice and final judgment entered.

Done this 1st day of December, 2016.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE



CLIENT GENERAL ACCOUNT AGREEMENT SIGNATURE PAGE

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*The appropriateness and suitability of variable insurance products offered/sold by NMIS are determined by separate applications and are governed by additional agreements.



Northwestern Mutual is the marketing name for The Northwestern Mutual Life Insurance Company (NM), Milwaukee, WI (Bite and disability Insurance, annuities, and life insurance with long-term care benefits) and its subsidieries. Northwestern Mutual Investment Services, LLC, (securities) subsidiery of NM, broker-dealer, registered Investment adviser, member FINRA and SIPC. Northwestern Mutual Wealth Management Company® (NMWMC), Milwaukee, WI, (fiduciary and fee-based financial planning ser

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CLIENT GENERAL ACCOUNT AGREEMENT SIGNATURE PAGE

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Northwestern Mithual is the marketing name for The Northwestern Muhual Life Insurance Company (NM), Milweukee, WI (life and disability Insurance, annuities, and the insurance with long-term care benefits) and its subsidiaries. Northwestern Muhual kwestment Sovices, LLC, (securities) subsidiary of NM, broken-dealer, registered investment adviser, member than the securities of the securiti

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