

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

WESTERN-SOUTHERN LIFE)	
ASSURANCE COMPANY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:15cv281-MHT
)	(WO)
DANIEL T. KINNEY and NAVY)	
FEDERAL CREDIT UNION,)	
)	
Defendants.)	

TEMPORARY RESTRAINING ORDER

This matter comes before the court on plaintiff Western-Southern Life Assurance Company's motion for a temporary restraining order. Having considered the motion, the supporting affidavit, and related documents, the court holds that the motion should be granted pursuant to Rule 65 of the Federal Rules of Civil Procedure. For the reasons set forth in Western-Southern's motion, irreparable loss will result absent the entry of a restraining order to protect the

Annuity Proceeds from dissipation. This order is being issued without notice to avoid delay and minimize the risk that the Annuity Proceeds are transferred or concealed. This order shall be promptly filed in the clerk's office and entered in the record.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Plaintiff Western-Southern Life Assurance Company's motion for a temporary restraining order (doc. no. 2) is granted.

(2) Defendant Navy Federal Credit Union shall immediately freeze the account of defendant Daniel T. Kinney into which he deposited a check from plaintiff Western-Southern Life Assurance Company, dated March 30, 2015, in the amount of \$ 122,682.28 ("Annuity Proceeds") and any other account at defendant Navy Federal Credit Union into which the Annuity Proceeds may have been transferred.

(3) Defendant Kinney shall not spend, convey, transfer, negotiate or otherwise dissipate the Annuity Proceeds until further order of this court, regardless of where the funds are currently located.

(4) Plaintiff Western-Southern Life Assurance Company shall provide security of \$ 250,000.00 by bond or by deposit with the court.

Plaintiff Western-Southern Life Assurance Company is to furnish a copy of this order forthwith to defendants Kinney and Navy Federal Credit Union.

DONE, this the 29th day of April, 2015, at 8:00 a.m.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE