

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

**THE PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)**

Plaintiff)

vs.)

Case No. 1:14-cv-01110-HGD

**FREDERICK L. BOYD and F.B.,)
a minor, by and through his)
guardian in fact, CHARITY)
TEAGUE,)**

Defendants)

PARTIAL FINAL JUDGMENT UNDER RULE 54(B)

On December 4, 2014, the magistrate judge's report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. No objections to the magistrate judge's report and recommendation have been filed by plaintiff or defendants.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS IN PART** the recommendations of the magistrate judge. It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that:

(1) the motion of The Prudential Insurance Company of America is due to be and hereby is **GRANTED**, except to the extent that it requests injunctive relief¹ against the Defendants;

(2) The Prudential Insurance Company of America and its present and former parents, subsidiaries and affiliated corporations, predecessors, successors and assigns and their respective officers, directors, agents, employees, representatives, attorneys, fiduciaries and administrators, are **DISCHARGED** from any and all liability to Frederick L. Boyd (“Frederick”), William H. Broome (“William”), in his capacity as guardian *ad litem* for Frederick, F.B., a minor, and Charity Teague (“Charity”), in her capacity as guardian *ad litem* of F.B., (together Frederick, William, F.B., and Charity shall be referred to as “Defendants”) relating to the Group Policy and/or the Death Benefit;²

(3) all claims, rights, interests and actions that Defendants might otherwise have held against The Prudential Insurance Company of America with respect to the Group Policy and/or the Death Benefit are **RELEASED**;

(4) any and all claims against The Prudential Insurance Company of America relative to the Group Policy and/or the Death Benefit are **DISMISSED WITH**

¹ See (Doc. 16-1 at 2).

² The Court rejects the recommendation of the magistrate to enter an injunction against the Defendants. (Doc. 17 at 4).


PREJUDICE, and The Prudential Insurance Company of America is **DISMISSED** from this litigation;

(5) the parties are hereby **REALIGNED** with Frederick L. Boyd as plaintiff and F.B., a minor, by and through his guardian in fact, Charity Teague, as defendant; and

(6) this Court **RETAINS** jurisdiction over the Defendants, who are compelled to litigate, adjust and/or settle among each other their respective and lawful entitlement to the Death Benefit, or upon their failure to do so, this Court shall settle and adjust the claims and determine to whom the total funds shall be paid.

The Court expressly determines that there is no just reason for delay in the entry of this judgment as a partial final judgment in that it is the ultimate disposition of the individual claims against a party in this multiple claims and parties action. The Court expressly directs that final judgment be entered in favor of The Prudential Insurance Company of America under Rule 54(b).

DONE and **ORDERED** this the 5th day of January, 2015.



VIRGINIA EMERSON HOPKINS
United States District Judge