

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

**TERESA BENTON, Individually, and
TERESA BENTON, GUARDIAN OF THE
PERSON AND ESTATE OF N.E.D.W., an
Incapacitated Person**

PLAINTIFF

v.

CASE NO. 1:11cv00014 BSM

**NATHERN WOMBLES; WHITE RIVER
HEALTH SYSTEM; and RELIASTAR
LIFE INSURANCE COMPANY**

DEFENDANT

ORDER AND JUDGMENT

Plaintiffs Teresa Benton, individually, and Teresa Benton, guardian of the person and estate of N.E.D.W., an incapacitated person, move for default judgment against separate defendant Nathern Wombles (“Wombles”). [Doc. No. 25]. For good cause shown, the motion is granted.

Plaintiffs filed the complaint in the Circuit Court of Stone County, Arkansas on February 1, 2011. The case was removed to federal court on February 23, 2011, and Wombles was served on March 6, 2011. As of this date Wombles has failed to file answer or otherwise respond to the complaint. A clerk’s entry of default was entered on May 5, 2011.

The procedural history set forth above supports the entry of default judgment against Wombles. Judgment is entered against Wombles and in favor of plaintiffs. Plaintiffs are therefore entitled to the life insurance benefits at issue as the proper beneficiaries.

On July 1, 2011, ReliaStar Life Insurance Company’s (“ReliaStar”) motion to

interplead funds was granted and ReliaStar was directed to deposit the benefits into the registry of the court. Reliastar was then dismissed from the case. The Clerk of the Court is hereby directed to disburse to Elton A. Rieves, III, as the attorney for plaintiffs, the amount of \$32,000, plus accumulated interest, less the applicable registry fee. Mr. Rieves will then distribute the funds to plaintiffs in equal shares. Upon disbursal of the funds, there being no remaining issue in controversy, this case shall be terminated.

IT IS SO ORDERED this 13th day of July, 2011.


UNITED STATES DISTRICT JUDGE