

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

**W. T. PAINE**

**PLAINTIFF**

v.

**NO. 2:07CV00124-JLH/BD**

**JEFFERSON NATIONAL LIFE  
INSURANCE COMPANY, et al.**

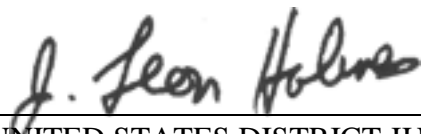
**DEFENDANTS**

**ORDER**

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. After careful review of the Recommended Disposition and the objections by W.T. Paine, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety, except for the statement at page 4 that the interest for the first year was greater than the guaranteed minimum; and the statement at page 8 that the amended complaint was filed after removal.

Accordingly, Defendants' Motions for Summary Judgment (#53, #59, #62) are GRANTED and Plaintiff's Amended Complaint (#3) is DISMISSED WITH PREJUDICE. Plaintiff's Motion to file Amended Complaint (#42) is DENIED. Plaintiff's Motion to Compel (#44); Defendant Jefferson's Motion to Compel (#45); Defendant Jefferson's Motion to Exclude Testimony of Plaintiff's Expert (#57); and Defendant Protective's Motion to Exclude Testimony of Plaintiff's Expert (#60) are DENIED as moot.

IT IS SO ORDERED this 28th day of October, 2008.

  
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UNITED STATES DISTRICT JUDGE