

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

**CINCINNATI INSURANCE COMPANY**

**PLAINTIFF**

**v.**

**Case No. 2:19-cv-00115 KGB**

**ANDREA DIEVERNICH, et al.**

**DEFENDANTS**

**ORDER**

The Court enters this Order to provide guidance as to matters to be addressed at the Final Distribution Hearing set for Friday, June 16, 2023, at 10:00 a.m. in Helena, Arkansas, at the Jacob Trieber Federal Building (Dkt. No. 278).

By prior Order, the Court implemented a procedure for the second phase of this interpleader action (Dkt. No. 277). The Court directed all parties named in Cincinnati Insurance Company's ("Cincinnati") operative complaint who seek to recover some portion of the \$100,000.00 insurance proceeds, which is the *res* deposited into the registry of the Court, to file a motion for summary judgment regarding entitlement to a distribution of the *res* (*Id.*). In compliance with this Court's Order, 25 individual parties filed motions for summary judgment in support of their individual claims to a portion of the interpleaded funds (Dkt. Nos. 280, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 310, 312, 314, 316, 318, 320, 322, 324, 328, 332, 337).

The Court notes that not all parties named in Cincinnati's operative complaint have participated in the second phase of this interpleader action (Dkt. No. 140). During the first phase of this interpleader action, Cincinnati filed stipulations of dismissal as to certain parties (*See, e.g.*, Dkt. Nos. 3, 150, 166). The Court also entered default judgment against certain parties discharging Cincinnati from any further liability arising out of any claims to the funds at issue in this action as to those certain parties (Dkt. No. 244). However, numerous individual parties who remain in the

case and are represented by counsel failed to submit motions for summary judgment in support of their individual claims to a portion of the interpleaded funds, despite being directed to do so by the Court (Dkt. No. 277). Based on the Court's review of the docket, those individual parties who have failed to submit motions for summary judgment in support of their individual claims to a portion of the interpleaded funds include Collin Bagley, Andrew Bagley, Richard Brown, Deketric Davis, Shamar Debnam, Cheryl Dixon, Jameshia Edmond, Chiniya Ellis, Chester Harrell, Katrina Harrell, Sharonda Hart, Demontae Oliver, Philemon Oliver, Justin Redmon, Gian Roberts, Trina Roberts, Kobe Simpson, Keisha Simpson, Earnest Simpson, Shereka Spearman, Javazze Speed, Kylan Terry, Syieed Wilson, Breuna Womack, Earnest Womack, D'Andreya Young, and D'Andreya Devay Young.

At the Final Distribution Hearing on Friday, June 16, the Court had hoped to be in a position to distribute payment to all individual parties who have established their entitlement to a portion of the interpleaded funds; however, that will not occur for reasons to be explored on the record at the hearing. Instead, at the Final Distribution Hearing, the Court intends to discuss with counsel the status of this proceeding and the method by which the Court proposes to allocate the interpleaded funds.

At this time, the Court does not require an evidentiary hearing on the pending motions for summary judgment, given the record evidence submitted by the parties who have filed motions for summary judgment and the responses received to those motions. The Court believes that the parties can stand on the record evidence submitted to support their entitlement to some portion of the *res*. However, if any party wishes to present evidence or further evidence at the Final Distribution Hearing, the Court will receive such evidence.

So ordered this 14th day of June, 2023.

Handwritten signature of Kristine G. Baker in black ink.

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Kristine G. Baker  
United States District Judge