

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

GIBRALTAR NATIONAL INSURANCE COMPANY

PLAINTIFF

v.

No. 4:09CV00292 JLH

ALLIANCE FREIGHT, LLC, *et al.*

DEFENDANTS

ORDER


Gibraltar National Insurance Company commenced this action for interpleader pursuant to 28 U.S.C. § 1335, seeking to interplead the proceeds of a Property Broker's Surety Bond that Gibraltar executed on or about May 6, 2002, in the penal sum of \$10,000 pursuant to 49 U.S.C. § 13906. All of the defendants have been served or have waived service. The only defendant to respond to the complaint was the United States of America, which disclaimed any interest in the bond. The United States of America was dismissed with the stipulation and agreement that it asserts no claim to the proceeds of the bond.

On November 5, 2009, Gibraltar filed a motion for summary judgment. Pursuant to Local Rule 7.2(b) and Rule 6 of the Federal Rules of Civil Procedure, responses to the motion for summary judgment were due on or before November 19, 2009. No party has responded. The motion for summary judgment is unopposed.

The undisputed facts establish that Gibraltar's maximum liability pursuant to the terms and conditions of its bond is \$10,000. The named principal of the bond is Northstar Transportation Services, LLC. At some point prior to January 1, 2009, Northstar ceased to do business. On April 15, 2009, Gibraltar issued its Notice of Cancellation of the Bond. Exhibit A attached hereto identifies the only timely filed and compensable claims asserted against the bond, along with the pro rata distribution payable to each claimant.

Gibraltar's motion for summary judgment is GRANTED. Document #52. Gibraltar is authorized to deposit into the registry of the Court the sum of \$10,000 and is ordered to provide the Clerk with the present or last known address for each claimant identified on Exhibit A. Upon depositing the sum of \$10,000 into the registry of the Court and providing the Clerk with the present or last known address for each claimant identified on Exhibit A, Gibraltar shall be discharged from this action and released from further liability or responsibility in connection with the bond or this interpleader action. When Gibraltar deposits the sum of \$10,000 into the registry of the Court, the Clerk of the Court is directed to distribute that sum to the parties listed on Exhibit A in the amounts stated in the second column on Exhibit A.

IT IS SO ORDERED this 25th day of November, 2009.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE

<u>Claimant</u>	<u>Amount</u>	<u>Pro Rata Distribution</u>
Apex Capital LP and Eurotrans Express, Inc.	\$ 950.00	\$ 92.58
Apex Capital LP and Galaxy Transport, Inc.	\$ 1,500.00	\$ 146.18
Apex Capital LP and IBS Logistics, Inc.	\$ 900.00	\$ 87.70
Apex Capital LP and Prima Express, Inc.	\$ 900.00	\$ 87.70
Art Logistics, Inc.	\$ 11,058.00	\$ 1,077.57
A.V. Incorporated	\$ 2,068.00	\$ 201.52
Clark Transportation, Inc.	\$ 1,176.90	\$ 114.68
D & S Factors, L.L.C. and Alliance Freight, LLC	\$ 900.00	\$ 87.70
Firebolt Trucking, LLC	\$ 31,287.66	\$ 3,048.87
First Advantage Transportation Services and GB Management Systems, Inc.	\$ 1,025.00	\$ 99.88
First Advantage Transportation Services and Mike's Loading Service, Inc.	\$ 1,941.80	\$ 189.22
First Advantage Transportation Services and R. E. Barnett & Sons Trucking Company	\$ 956.36	\$ 93.19
1 st Priority Logistics Ltd.	\$ 1,850.00	\$ 180.28
G & A Transport, Inc.	\$ 1,841.05	\$ 179.40
JD Factors and BTS Leasing, Inc.	\$ 1,000.00	\$ 97.45
JUR Corporation d/b/a Rajor	\$ 990.00	\$ 96.47
Keram Transport, Inc.	\$ 7,702.35	\$ 750.57
KWA, Inc.	\$ 3,057.52	\$ 297.94
LNZ Transport, Inc.	\$ 3,960.00	\$ 385.89
M Brothers Logistics, Inc.	\$ 970.00	\$ 94.52
Midwest Carriers, Inc.	\$ 880.00	\$ 85.75
Obradovic Trucking, Inc.	\$ 1,000.00	\$ 97.45
Onesource Transfer, LLC	\$ 850.00	\$ 82.83
Partners Funding, Inc. and V.Y. Express, Inc.	\$ 925.00	\$ 90.14
Proficient Transport, LLC	\$ 2,075.00	\$ 202.20
Charles M. Russell	\$ 2,844.04	\$ 277.14
Rust & Sons Trucking, Inc.	\$ 3,900.00	\$ 380.04
Simbeck, Inc.	\$ 1,850.00	\$ 180.28
SJS Incorporated	\$ 3,050.00	\$ 297.21
Skyway Transportation, Inc.	\$ 1,385.00	\$ 134.96
TranCentral, Inc. and LNZ Transport, Inc.	\$ 6,867.50	\$ 669.21
Z Trans, Inc.	\$ 959.34	\$ 93.48
TOTAL	<u>\$102,620.52</u>	<u>\$10,000.00</u>

Exhibit A