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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

AETNA LIFE INSURANCE  
 COMPANY,

Plaintiff,

vs.

ERNEST GONZALES, An Individual,  
 And ESTATE OF NAOMI M.  
 GONZALES

Defendants.

} Case No: CV 14-7850-GW(JPRx)  
 } **ORDER DISMISSING ERNEST**  
 } **GONZALES, DISMISSING**  
 } **PLAINTIFF-IN-INTERPLEADER**  
 } **DISBURSING FUNDS, AND**  
 } **AWARDING ATTORNEYS FEES**  
 }

19 On this day the Court takes up the matter of *Aetna Life Insurance Company v.*  
 20 *Ernest Gonzales and Estate of Naomi M. Gonzales* and hereby finds and ORDERS as  
 21 follows:

- 22 1. Defendant Ernest Gonzales was served, failed to answer and was declared
- 23 in default by this Court prior to his death;
- 24 2. This Court and all parties were informed of the death of Defendant Ernest
- 25 Gonzales pursuant to Rule 25(a)(1) on March 26, 2015;
- 26 3. No party or the successor or representative of Ernest Gonzales moved
- 27 pursuant to Rule 25 to substitute a proper party to represent the interests of
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1 Ernest Gonzales within ninety days (June 24, 2015) of all parties being  
2 informed pursuant to Rule 25(a)(1) of the death of Ernest Gonzales;

3 4. Ernest Gonzales is dismissed from this action with prejudice and the  
4 successor or representative of Ernest Gonzales is permanently enjoined  
5 from asserting any future claims or proceedings of any type against Aetna,  
6 its parent companies, subsidiaries, affiliates, principles, agents assignees,  
7 employees, representatives and attorneys relating to the funds deposited  
8 with the Court by Aetna in conjunction with the above-captioned action,  
9 which funds encompass the money owed including interest and costs, under  
10 the life insurance policy issued to Yolanda Gonzales, policy number  
11 N39150910 (“Policy”). Such action is proper as a result of Ernest  
12 Gonzales’s failure to assert his interests to such funds during his lifetime  
13 and his successor or representative’s failure to timely move for substitution  
14 pursuant to Rule 25;

15 5. Upon the dismissal of Ernest Gonzales from this action, there is no longer a  
16 case or controversy between any parties as the Estate of Naomi Gonzales is  
17 the sole beneficiary of the Policy. Moreover, Aetna no longer runs the risk  
18 of Multiple liability resulting from payment of the Policy proceeds to the  
19 Estate of Naomi Gonzales;


20 6. Plaintiff-in-Interpleader Aetna Life Insurance Company (“Aetna”) is  
21 discharged from any further liability to the Estate of Naomi Gonzales with  
22 respect to all disputed funds deposited with the Court through the date of  
23 this order;

24 7. Aetna is dismissed from the interpleader action with prejudice;

25 8. The Estate of Naomi Gonzales is permanently enjoined from asserting any  
26 future claims or proceedings of any type against Aetna, its parent  
27 companies, subsidiaries, affiliates, principles, agents, assignees, employees,  
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1 representatives and attorneys relating to the funds deposited with the Court  
2 by Aetna in conjunction with the above-captioned action, which funds  
3 encompass the money owed, including interest and costs, under the Policy;  
4 9. Aetna is awarded attorneys' fees in the amount of \$2,648.53, which were  
5 incurred by Aetna in connection with the above-captioned action, as well as  
6 costs of \$460.00. This total of \$3,108.53 in costs and fees shall be paid out  
7 of the amount deposited with the Court to Aetna in connection with the  
8 above captioned action; and  
9 10. The remaining balance of the amount deposited with the Court in  
10 connection with this action shall be paid out to Jerrod Gonzales, as  
11 Administrator for the Estate of Naomi Gonzales, Deceased and Presley &  
12 Presley LLC, his attorneys.

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15 DATE: May 26, 2015

By:   
HON. GEORGE H. WU, UNITED STATES  
DISTRICT JUDGE

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20 Agreed as to form:

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22 By: /S/ KIRK R. PRESLEY  
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ESTATE OF NAOMI GONZALES.

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