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

TRUSTEES OF THE UAW LABOR-  
MANAGEMENT GROUP PENSION  
FUND,

Plaintiffs,

v.

MARISA L. CARTER, an individual;  
BERNADETTE C. SMITH, an  
individual.

Defendants.

Case No.: 2:16-cv-5711 CBM (SSx)

**JUDGMENT  
[JS-6]**

Consistent with the Order Granting Plaintiffs' Motion for Default  
Judgment, it is hereby ordered, adjudged, and decreed that:

- (1) Judgment is entered against Defendants Bernadette C. Smith ("Bernadette") and Marisa L. Carter ("Marisa") and in favor of Plaintiffs.
- (2) Cornelius C. Smith ("Cornelius") was a Retired Participant receiving a Regular Pension from the UAW Labor-Management Group Pension Fund (the "Fund") in the form of a 100% Qualified Joint and Survivor Annuity with Marisa as a beneficiary for the survivor annuity in the amount of \$156.46 per month, when he died on December 18, 2015.
- (3) Plaintiffs shall direct the remaining benefits payable from the Fund on

1 Cornelius's account to be paid in the form of a survivor annuity in the  
2 amount of \$156.47 per month to Marisa for her lifetime, as Cornelius's  
3 surviving spouse.

4 (4) Marisa is deemed to be the sole beneficiary with respect to the benefits  
5 remaining payable on Cornelius's account with the Fund, subject to  
6 adjustments set forth in paragraphs 5 and 6 below.

7 (5) Plaintiffs are awarded attorneys' fees of \$8,134.50, and costs of  
8 \$512.50, incurred by Plaintiffs in bringing this interpleader action, and  
9 such fees and costs shall be deducted from the pension benefits payable  
10 on Cornelius's account prior to the Plaintiffs making any payments  
11 directly to Marisa. From January 1, 2016, through November 1, 2016,  
12 the Trust withheld monthly pension benefits totaling \$1,721.17 payable  
13 on Cornelius's account. The entire \$1,721.17 in withheld pension  
14 benefits shall be retained in the Fund and applied to Plaintiffs'  
15 attorneys' fees and costs, leaving \$6,925.83 for attorneys' fees and costs  
16 due to Plaintiffs.

17 (6) Beginning the first month after the Court enters Judgment, Plaintiffs  
18 shall retain 100% of the \$156.47 monthly benefit payment each month,  
19 until the remaining \$6,925.83 for attorneys' fees and costs is received  
20 by Plaintiffs.

21 (7) Beginning the first month after all amounts set forth in paragraphs 5 and  
22 6 hereinabove are paid, Plaintiffs shall direct payments from the Fund to  
23 Marisa \$156.47 each month, for her lifetime. Said payments shall cease  
24 upon Marisa's death, and no additional survivor benefits shall be paid  
25 from the Fund.

26 (8) Plaintiffs shall pay nothing to Bernadette.

27 (9) Plaintiffs are hereby released, acquitted and discharged from all claims  
28 or liability to the defendants in this action, or any of them, except that

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the Plaintiffs shall be obligated to pay the monthly survivor benefit payments, less the amounts set forth in paragraphs 5 and 6, above, to Marisa.

(10) Defendants Bernadette and Marisa are hereby restrained from instituting any action or actions against Plaintiffs, in any forum, relating to the pension benefits payable on Cornelius's account from the Fund, other than to enforce this Judgment.

(11) Marisa shall be responsible for any federal and state taxes due upon the amounts awarded and/or paid to her pursuant to the Judgment or any order of the Court.

**IT IS SO ORDERED.**

DATED: May 22, 2017



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CONSUELO B. MARSHALL  
UNITED STATES DISTRICT JUDGE