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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LINCOLN BENEFIT LIFE COMPANY,

Plaintiff,

v.

NANCY SOTOMAYOR, JOSHUA ERIN
SAENZ, JACUALINE BRITTANY
CAMARENA, STEPHEN
CHRISTOPHER SAENZ, ARTHUR D.
SAENZ, JR., AND GUERRA &
GUTIERREZ MORTUARIES,

Defendants.

Case No: 2:21-cv-01562 MWF (MRWx)

**FINAL JUDGMENT AND ORDER
OF INTERPLEADER
DISBURSEMENT**

Considering the Stipulation of Plaintiff in Interpleader, LINCOLN BENEFIT LIFE COMPANY (“LINCOLN”) and Defendants in Interpleader, NANCY SOTOMAYOR (“SOTOMAYOR”), JOSHUA ERIN SAENZ, JACUALINE BRITTANY CAMARENA, STEPHEN CHRISTOPHER SAENZ, and ARTHUR D. SAENZ, JR. (collectively the “SAENZ SIBLINGS”), and GUERRA & GUTIERREZ MORTUARIES (“GUERRA”), (SOTOMAYOR, SAENZ SIBLINGS, and GUERRA, are collectively referred to as “Defendants”), the Court finds, adjudges, and orders as follows:

1 1. In dispute are proceeds from the LINCOLN Policy No. 01N1416792, issued
2 to Insured and Decedent Arthur D. Saenz, Sr. The Insured passed away on or around
3 September 27, 2020, at which time the benefits under the Policy became payable.
4 However, multiple competing claims were made for the Policy benefits and LINCOLN
5 exhausted all reasonable efforts in trying to identify the proper beneficiary or beneficiaries
6 under the Policy, and filed this Complaint in Interpleader action in February 2021.

7 2. LINCOLN deposited the Policy Proceeds plus accrued interest, in the amount
8 of \$328,851.45, on April 23, 2021 with the registry of this Court (“Interpled Funds”).

9 3. LINCOLN and Defendants agree that the amount of the Interpled Funds
10 deposited with this Court represents all of the contested proceeds payable under the Policy.

11 4. Defendants further agree and acknowledge that the Complaint in Interpleader
12 is properly before this Court and that it was brought by and filed by LINCOLN in good
13 faith and without collusion with any of the Defendants or any other party or entity.

14 5. In order to protect its interests and to file and prosecute the Complaint in
15 Interpleader, LINCOLN retained the services of the firm of Seyfarth Shaw, LLP, which
16 caused LINCOLN to incur attorney’s fees and costs in this matter.

17 6. Plaintiff and all Defendants now agree that all claims that each have against
18 the other have been resolved with LINCOLN to receive \$12,000 for attorney’s fees and
19 costs; GUERRA to receive \$25,730.60; and the net Interpled Funds after payment of
20 LINCOLN and GUERRA are to be divided with SOTOMAYOR to receive 45% of the
21 net Interpled Funds and 45% of the accumulated interest, if any, and the SAENZ
22 SIBLINGS to receive 55% of the net Interpled Funds plus 55% of the accumulated
23 interest, if any.

24 7. THEREFORE, IT IS HEREBY ORDERED THAT the Interpled Funds, plus
25 accumulated interest, if any, should be disbursed to the following persons, as payees for
26 the respective parties, at the following addresses, and in the following amounts:

- 27 a) LINCOLN BENEFIT LIFE COMPANY (Payee)
28 c/o Giovanna A. Ferrari

1 (Attorney for LINCOLN BENEFIT LIFE COMPANY)
2 SEYFARTH SHAW, LLP
3 560 Mission Street, Suite 3100
4 San Francisco, California 94105
5 Telephone: (415) 397-2823
6 Facsimile: (415) 397-8549
7 gferrari@seyfarth.com

8 Twelve Thousand Dollars and Zero Cents (\$12,000.00)

9 b) GUERRA & GUTIERREZ MORTUARIES (Payee)
10 c/o Richard R. Gutierrez
11 (Attorney for GUERRA & GUTIERREZ MORTUARIES)
12 LAW OFFICES OF RICHARD R. GUTIERREZ
13 5800 East Beverly Blvd.
14 Los Angeles, CA 90022
15 Phone: 323-722-1900
16 Facsimile: 323-213-3193
17 richard@guerragutierrez.com

18 Twenty-Five Thousand Seven Hundred Thirty Dollars and Sixty Cents
19 (\$25,730.60).

20 c) INTERPLEADER LAW, LLC IOLTA (Payee)
21 c/o William J. Perry
22 (Attorney for JOSHUA ERIN SAENZ, JACUALINE BRITTANY
23 CAMARENA, STEPHEN CHRISTOPHER SAENZ, AND
24 ARTHUR D. SAENZ, JR.)
25 INTERPLEADER LAW, LLC
26 5800 One Perkins Place Drive, Suite 2A
27 Baton Rouge, Louisiana 70808
28 Telephone: (805) 962-4887
Facsimile: (805) 963-7311
william.perry@interpleaderlaw.com

One Hundred Sixty Thousand One Hundred Sixteen Dollars and Forty-
Seven Cents (\$160,116.47) plus Fifty-Five Percent (55%) of any
accumulated interest.

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23 d) NANCY SOTOMAYOR (Payee)
24 c/o Roberto Lara and Eric L. Davis
25 (Attorneys for NANCY SOTOMAYOR)
26 LARA & DAVIS LLP
27 350 South Figueroa Street, Suite 505
28 Los Angeles, California 90071
Telephone: (213) 623-2600
Facsimile: (213) 623-2616
rlara@lidlegal.com
edavis@lidelegal.com

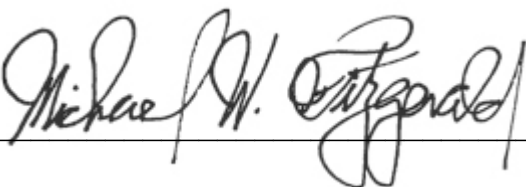
1 One Hundred Thirty-One Thousand Four Dollars and Thirty-Eight
2 Cents (\$131,004.38) plus Forty-Five Percent (45%) of any
3 accumulated interest.

4 8. IT IS FURTHER ORDERED that LINCOLN and its owners, shareholders,
5 partners, officers, directors, employees, agents, general agents, legal representatives,
6 predecessors, successors, assignees, parent corporations, subsidiaries, affiliates, attorneys,
7 re-insurers, administrators, and insurers shall be, and hereby are, dismissed from this
8 action with prejudice and forever discharged, released and relieved from any and all
9 further liability or responsibility of any kind to Defendants SOTOMAYOR, the SAENZ
10 SIBLINGS, and GUERRA, any other current or subsequently added party to this action,
11 and any other persons or entities whether claiming by, through, or under any said persons
12 or entities, or arising out of or in any way connected with the Policy, any and all proceeds
13 payable under the Policy, the Interpled Funds, this action, and/or the facts set forth herein.

14 9. IT IS FURTHER ORDERED that defendants SOTOMAYOR, the SAENZ
15 SIBLINGS, and GUERRA, and every other current or subsequently added party to this
16 action are, during the pendency of this action and hereafter, permanently enjoined and
17 restrained from instituting, prosecuting, or taking any further steps or proceedings against
18 LINCOLN, its owners, shareholders, partners, officers, directors, employees, agents,
19 general agents, legal representatives, predecessors, successors, assignees, parent
20 corporations, subsidiaries, affiliates, attorneys, re-insurers, administrators, and insurers in
21 any action, suit or proceeding, in any way arising out of or in any way connected with the
22 Policy, the proceeds payable under the Policy, this action, and/or the facts set forth herein.

23 10. IT IS FURTHER ORDERED that this matter shall be dismissed with
24 prejudice.

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26 Dated: June 7, 2022

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MICHAEL W. FITZGERALD
United States District Judge

cc: Fiscal Services

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