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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MOW-N-EDGE CORPORATION, a No. 1:14-cy-00396-DAD-EPG California corporation, 12 Plaintiff, 13 INTERPLEAD FUNDS v. 14 NATIONAL UNION FIRE INSURANCE (Doc. No. 42) 15 COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation, 16 Defendants. 17 18 19 Pursuant to the parties' stipulation, the court issued an order regarding the disbursal of 20 interplead funds on December 16, 2016. (Doc. No. 41.) The stipulation and order, however, did 21 not address the interest earned on those funds. Accordingly, on January 9, 2017, the parties filed a new joint stipulation and proposed order regarding the disbursal of interplead funds As well as 22 23 the interest earned on those funds. (Doc. No. 42.) Pursuant to the parties' most recent stipulation, the interplead funds shall now be dispersed as follows: 24 25 1. The interplead funds in addition to any interest earned on those funds shall be disbursed 26 to plaintiff; 2. Plaintiff Mow-N-Edge Corporation will locate Emma Bonilla Garcia, the beneficiary 27 of Juan Gonzales, and establish the Juan Gonzales Memorial Trust and transfer 28

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one-half the interplead funds to the Juan Gonzales Memorial Trust, the sole beneficiary of which shall be Emma Bonilla Garcia, in the amount of thirty-three thousand, four hundred thirty-two dollars and twenty-four cents (\$33,432.24), plus one-half of any interest earned on the interplead funds;

- 3. Plaintiff will issue monthly payments to Emma Bonilla Garcia from the Juan Gonzales Memorial Trust, unless and until Garcia personally requests disbursement of the entire sum or sum remaining of the trust. The trustee shall be Michael Gene Black, who shall serve without compensation and shall manage the trust. A copy of the proposed trust documents shall be provided to defendant National Union Insurance Company of Pittsburgh, PA ("NUFIC") for approval prior to execution of the above order to remit the interplead funds;
- 4. Plaintiff and NUFIC shall execute a stipulation and proposed order of dismissal of plaintiff's first amended complaint with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure within 5 (five) days after the payment specified in paragraph two of this order; and
- 5. The prior order issued December 16, 2016 regarding the disbursal of interplead funds (Doc. No. 41) is hereby vacated.

IT IS SO ORDERED.

Dated: **January 18, 2017**

UNITED STATES DISTRICT JUDGE

Dale A. Dayd