

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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