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11 Attorneys for Plaintiff  
 12 THE PRUDENTIAL INSURANCE  
 13 COMPANY OF AMERICA

14 UNITED STATES DISTRICT COURT  
 15 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 16 SACRAMENTO DIVISION

17 Case No.: Case 2:13-cv-00820-MCE-AC

18 THE PRUDENTIAL INSURANCE COMPANY  
 19 OF AMERICA,

20 Plaintiff,

21 v.

22 A.M, a minor; D.P., a minor; ANDREA  
 23 MORGAN in her personal capacity;  
 24 INGERLISHA MARTINEZ, as mother and next  
 25 friend of the minor child A.M.; and ANDREA  
 26 MORGAN, in her capacity as mother and next  
 27 friend of the minor child D.P.;

28 Defendants.

**ORDER APPOINTING A GUARDIAN AD  
 LITEM FOR THE MINOR D.P. AND  
 ALLOWING DEPOSIT OF THE DEATH  
 BENEFIT INTO THE COURT'S REGISTRY  
 PURSUANT TO FED.R.CIV.PRO. 67 AND  
 LOCAL RULE 150**

Date: April 3, 2014  
 Time: 2:00 p.m.  
 Dept.: 7

Plaintiff The Prudential Insurance Company of America's ("Plaintiff" or "Prudential") Motion To Appoint Guardian Ad Litem For The Minor D.P. And To Deposit The Death Benefit With The Court came on for hearing on April 17, 2014, at 2:00 p.m. in Department 7 of this Court, the Honorable Morrison C. England, Jr., Chief Judge of the United States District Court, presiding. The Court, having determined that no oral argument was necessary, submitted the matter on the briefs in accordance with Local Rule 230(g).

1           Having considered the papers submitted, and it appearing that this matter  
2 concerns entitlement to certain group life insurance benefits in the amount of \$200,000.00  
3 (“Remaining Death Benefit”), plus accrued claim interest, if any, due as a consequence of  
4 the death of Xantavia Phillips, deceased, which Prudential, through the Office of  
5 Servicemembers’ Group Life Insurance, provided to the Department of Veterans Affairs of  
6 the United States, pursuant to the Servicemembers’ Group Life Insurance Statute, 38  
7 U.S.C. § 1965, *et seq.*, under group policy number G-32000, and it appearing that the within  
8 agreed Order is proper and in the best interests of D.P., a minor, and for good cause  
9 shown,

10           1.       Plaintiff’s Motion for Appointment of Guardian ad Litem (ECF No. 36) is  
11 GRANTED. Defendant Andrea Morgan is hereby appointed as guardian *ad litem* of the  
12 minor, D.P., pursuant to Fed. R. Civ. Pro. 17(c)(2), for the purposes of, *inter alia*, accepting  
13 service of the Interpleader Complaint, appearing on behalf of D.P. in this action, and  
14 otherwise binding the minor D.P. to Orders of this Court entered and decisions made during  
15 the course of this litigation. Ms. Morgan, who is the ex-wife of the deceased and the mother  
16 of D.P., originally had asserted a potential right to the insurance proceeds, but by Response  
17 filed April 10, 2014 (ECF No. 41) to the instant motion, represented that she waived any  
18 right to the death benefit at issue and attached a signed waiver in that regard.  
19 Consequently any potential conflict of interest that may have precluded Ms. Morgan from  
20 serving as D.P.’s guardian ad litem no longer exists. Ms. Morgan has consented to serve  
21 as D.P. guardian ad litem in the instant matter.

22           2.       Within twenty-one (21) days of the date of this Order, Prudential shall  
23 cause the Remaining Death Benefit, in the amount of \$200,000.00, plus accrued claim  
24 interest, if any, to be paid into this Court’s Registry to be held in an interest-bearing account  
25 pursuant to Fed. R. Civ. Pro. 67 and Local Rule 150;


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3. Counsel for Plaintiff shall serve a copy of this Order upon all parties within five (5) court days of this Order.

**IT IS SO ORDERED.**

**Dated: April 22, 2014**

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT