

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAGE POINT LENDER SERVICES,
LLC,

Plaintiff,

v.

SHARON A. KIDD, individually and as
administrator of the ESTATE OF
SHELVIE DOUGLAS KIDD aka
SHELVIE D. KIDD ALAMEDA
PROBATE CASE NO. RP12634226L
GARY KIDD; PEDRO TRUST aka
PATRICK KAY, CO-TRUSTEE OF
THE PEDRO TRUST; INTERNAL
REVENUE SERVICE; and DOES 1
THROUGH 20, INCLUSIVE,

Defendants.

No. 2:15-cv-00175-MCE-EFB

ORDER

On June 3, 2015, the parties filed a signed stipulation proposing, inter alia, how the Clerk of the Court should distribute the interpleaded funds in this action. ECF No. 10. On June 5, 2015, the Court issued an order directing the Clerk to distribute the funds in the manner described in the parties' signed stipulation. ECF No. 12. The Stipulation and Order directed the Clerk to make Sharon Kidd's and Gary Kidd's sums payable to:

///

1 Palmieri Trust Account
2 317 Evelyn Avenue
3 Roseville, California 95678

4 See ECF Nos. 10, 12. Pamela J. Palmieri (“Palmieri”), counsel for Sharon Kidd and
5 Gary Kidd, filed an Ex Parte Application on June 8, 2015. ECF No. 13. After a
6 telephonic hearing on June 11, 2015, the Court ordered the Clerk to immediately
7 distribute the funds as allocated in the June 5, 2015 Order. ECF No. 17.

8 On June 17, 2015, Palmieri filed yet another Ex Parte Application (“Application”).
9 ECF No. 19. The Application explains that the Clerk of the Court has refused to issue a
10 check payable to “Palmieri Trust Account” because Palmieri has not submitted an IRS
11 W-9 Form with either a tax identification number for the “Palmieri Trust Account” or her
12 personal social security number. Rather than provide a W-9 Form with either of those
13 numbers, Palmieri filed the pending Application requesting that the Court order the Clerk
14 to make Sharon Kidd’s and Gary Kidd’s sums payable as follows:

15 Sharon Kidd
16 C/O Palmieri Law
17 317 Evelyn Avenue
18 Roseville, California 95678

19
20 Gary Kidd
21 C/O Palmieri Law
22 317 Evelyn Avenue
23 Roseville, California 95678

24 The Clerk has indicated that Sharon Kidd’s and Gary Kidd’s sums will be issued
25 as requested in the Application if the Clerk receives W-9 Forms—complete with social
26 security numbers—from both Sharon Kidd and Gary Kidd. Despite Palmieri’s
27 representations to the contrary, it is the Court’s understanding that Palmieri has not yet
28 submitted completed W-9 Forms for Sharon Kidd and Gary Kidd.

1 Accordingly, the Court hereby STRIKES that portion of the June 5, 2015 Order
2 that directs the Clerk to distribute funds to "Palmieri Trust Account." See ECF No. 12 at
3 ¶ 13, subdivisions c, d, and e. Additionally, the June 5, 2015 Order is AMENDED and
4 the Clerk is hereby directed to distribute the funds on deposit with the Court registry in
5 this case as follows:

6 c. Third, Sharon Kidd shall receive the sum of \$63,544.18 in satisfaction of
7 her claim as heir of Shelvie Kidd, made payable as follows:

8 Sharon Kidd
9 C/O Palmieri Law
10 317 Evelyn Avenue
11 Roseville, California 95678

12 d. Fourth, Gary Kidd shall receive the sum of \$33,635.72 in satisfaction of his
13 claim as heir of Shelvie Kidd, made payable as follows:

14 Gary Kidd
15 C/O Palmieri Law
16 317 Evelyn Avenue
17 Roseville, California 95678

18 e. Fifth, accrued interest on the deposited Surplus Funds, if any, shall be
19 disbursed equally to Sharon Kidd and Gary Kidd, made payable as follows:

20 Sharon Kidd
21 C/O Palmieri Law
22 317 Evelyn Avenue
23 Roseville, California 95678

24
25 Gary Kidd
26 C/O Palmieri Law
27 317 Evelyn Avenue
28 Roseville, California 95678

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

To the extent that the Application requests that the Clerk make the payments available for pick-up at the Court, that request is DENIED. The checks will be mailed to the Roseville, California address specified in this Order. Additionally, the Clerk shall not distribute any funds to Sharon Kidd and Gary Kidd unless and until the Clerk receives W-9 Forms that include the social security numbers of Sharon Kidd and Gary Kidd. There will be no exceptions.

IT IS SO ORDERED.

Dated: June 22, 2015


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