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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WESTERN CONFERENCE OF
TEAMSTERS PENSION PLAN, et al.,

Plaintiffs,

v.

DIANA LEE JENNINGS, et al.,

Defendants.

No. C 10-03629 PJH

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

The court has reviewed Magistrate Judge Laporte's report and recommendation re plaintiffs' motion for default judgment as to defendant Diana Jennings. Ms. Jennings and defendant Minnie Hironaka each claimed entitlement to pension benefits following the death of Kenneth Hironaka, a participant in the plaintiff Western Conference of Teamsters Pension Plan. The plaintiff Plan and plaintiff Western Conference of Teamsters Pension Trust Fund filed the present action in interpleader, seeking a determination as to whether Ms. Jennings or Ms. Hironaka was entitled to the pension benefits.

Ms. Hironaka participated in the case, but Ms. Jennings did not, and default was entered against her. Ms. Jennings filed no objections to the report within the time permitted under 28 U.S.C. § 636(b)(1)(B). The court finds the report correct, well-reasoned and thorough, and adopts it in every respect.

Accordingly, the court finds that the motion for default judgment must be GRANTED. The court further finds as follows:

1. Ms. Hironaka was the spouse of Kenneth Hironaka as of the date of his death;

1 2. Ms. Hironaka is entitled to the After Retirement Spouse Lifetime Pension, and
2 the Western Conference of Teamsters Trust Fund is hereby ordered to pay the Spouse
3 Pension to Ms. Hironaka;

4 3. Plaintiff is discharged from all liability to Ms. Jennings for the Spouse Pension
5 or for any benefits payable as a result of Kenneth Hironaka's participation in the Western
6 Conference of Teamsters Pension Plan;

7 4. Ms. Jennings is restrained from commencing action in any court against the
8 plaintiff relating to the Spouse Pension or any benefits payable as a result of Kenneth
9 Hironaka's participation in the Western Conference of Teamsters Pension Plan; and

10 5. Plaintiff is awarded \$15,961.99 in attorney's fees and costs.

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12 **IT IS SO ORDERED.**

13 Dated: July 1, 2011

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17 PHYLLIS J. HAMILTON
18 United States District Judge
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