

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 14-cv-00536-PAB-MJW

THE ESTATE OF TERRY T. LANKFORD,

Plaintiff,

v.

KENNETH FOY LANKFORD,

Defendant.

ORDER

This matter is before the Court on the Stipulated Motion on Attorney's Fees and Costs [Docket No. 68] filed by plaintiff the Estate of Terry T. Lankford (the "Estate") and dismissed party the Administrative Committee of the Northrop Grumman Savings Plan (the "Plan"). The Plan initiated this action by bringing a complaint in interpleader pursuant to Fed. R. Civ. P. 22 and 28 U.S.C. §§ 2201, 2202, and 29 U.S.C. § 1132(a)(3)(B)(ii) to resolve potential competing claims of the Estate and defendant Kenneth Foy Lankford to the proceeds of Ms. Terry T. Lankford's retirement account (the "account"). See Docket No. 1. On August 11, 2014, the Plan deposited the account funds into the Court registry. Docket No. 43 at 3, ¶ 12.

On April 24, 2014, the Court found that the Plan properly invoked interpleader because it reasonably feared exposure to claims from multiple parties whose interests were adverse to one another. Docket No. 65 at 6. The Court also found that it was undisputed that defendant Kenneth Foy Lankford had forfeited his interest in the

account, and that Mr. Timothy Lankford, a named secondary beneficiary, had executed a written disclaimer in his interest in 50% of the proceeds of the account. Based on these findings, the Court granted summary judgment in favor of the Estate and against defendant Kenneth Foy Lankford. See *id.* at 8-9. The Court ordered the Plan to submit a motion for attorney's fees and further ordered that, after resolution of such motion, the Clerk of the Court shall disburse all funds currently held in the Court registry, including all interest accrued, less the award of attorney's fees and costs, if any, and less the registry fee assessment, as follows: 50% to the estate of Clara M. Trout, and 50% to Richard W. Trout. *Id.* at 9.¹

In lieu of filing a motion for attorney's fees, the Estate and the Plan have stipulated that the Plan shall be paid \$7,000 from the funds currently held in the Court registry and request that the Court order the release of funds accordingly. See Docket No. 68. The Court finds that the stipulated award of attorney's fees is reasonable and appropriate. Wherefore, it is

ORDERED that plaintiff the Estate of Terry T. Lankford and dismissed party Administrative Committee of the Northrop Grumman Savings Plan's Stipulated Motion on Attorney's Fees and Costs [Docket No. 68] is **GRANTED**. It is further

ORDERED that the Clerk of the Court shall disburse all funds currently held in the Court registry in connection with this case, including all interest accrued, less the registry fee assessment, as follows: \$7,000 to Administrative Committee of the Northrop Grumman Savings Plan, c/o Mark Casciari, Seyfarth Shaw LLP, 131 S.

¹On May 1, 2015, the Estate filed contact information for the Estate of Clara M. Trout and Richard W. Trout under Level 1 Restriction. See Docket No. 67.

Dearborn St., Chicago, IL 60603, 50% of the remaining balance to the Estate of Clara M. Trout, and 50% of the remaining balance to Richard W. Trout.

DATED May 12, 2015.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge