

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.

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**AMENDED ORDER**

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This matter is before the Court on the Emergency Motion to Amend the Court's Order Awarding Attorney's Fees [Docket No. 72] filed by 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 plaintiff the Estate of Terry T. Lankford (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.

On May 12, 2015, pursuant to a stipulated motion by the Plan and the Estate, the Court ordered the Clerk of the Court to 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. 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. Docket No. 71 at 2-3.

The Plan now asks the Court to amend its May 12, 2015 Order to provide that the above-described disbursement shall not occur before July 1, 2015. Docket No. 72 at 2, ¶ 8. Although the Plan has not articulated a rationale for the delay, either in the instant motion or in the previous Stipulated Motion on Attorney's Fees and Costs, the Court notes that the delay in the disbursement was jointly requested by the Plan and plaintiff the Estate of Terry T. Lankford. See Docket No. 68 at 2, ¶ 6. The Court,

accordingly, approves the parties' stipulated request to delay disbursement of funds.

Wherefore, it is

**ORDERED** that dismissed party Administrative Committee of the Northrop Grumman Savings Plan's Emergency Motion to Amend the Court's Order Awarding Attorney's Fees [Docket No. 72] is **GRANTED**. It is further

**ORDERED** that the Court's May 12, 2015 Order granting the Stipulated Motion for Attorney's Fees and Costs filed by plaintiff the Estate of Terry T. Lankford and the Administrative Committee of the Northrup Grumman Savings Plan [Docket No. 71] is **AMENDED** as follows: the Clerk of the Court shall issue the previously-ordered disbursement of funds no earlier than July 1, 2015. The Court's May 12, 2015 Order otherwise remains in full effect.

DATED June 5, 2015.

BY THE COURT:

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