

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14–cv–01458–KMT

COMBINED INSURANCE COMPANY OF AMERICA, an Illinois corporation,

Plaintiff,

v.

JENNIFER GLASS, an individual,
Defendant/Cross-claim Plaintiff

v.

ALAN GERBITZ AS PERSONAL REPRESENTATIVE OF THE ESTATE OF RICHARD
E. GERBITZ,

Defendant/Cross-claim Defendant.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 55(b) and 58(a); and the Order [Docket No. 40] of Magistrate Judge Kathleen M. Tafoya entered on March 3, 2015, the following Final and Default Judgment is hereby entered.

IT IS ORDERED that (Interpleader) Defendant and Cross-Claim Plaintiff Jennifer Glass’s “Motion for Entry of Default Judgment against Defendant Alan Gerbitz” (Doc. No. 19) and “Motion to Strike Defendant Gerbitz’s Answer to Complaint in Interpleader and Cross-Claim against Defendant Glass” (Doc. No. 29) and Plaintiff Combined Insurance Company of America’s Motion to Dismiss Interpleader Plaintiff (Doc. No. 17) and Motion for Attorneys’ Fees and Costs (Doc. No. 18) are GRANTED. Accordingly, it is further

ORDERED that Defendant and Cross-Claim Defendant Alan Gerbitz’s Answer to Complaint in Interpleader and Cross-Claim against Defendant Glass (Doc. No. 28) is

STRICKEN. It is further

ORDERED that Default Judgment is hereby entered in favor of (Interpleader) Defendant and Cross-Claim Plaintiff Jennifer Glass and against Defendant and Cross-Claim Defendant Alan Gerbitz, declaring that Alan Gerbitz, as personal representative of the estate of Richard E. Gerbitz, has defaulted in this interpleader action and has thereby waived any entitlement to payment of the proceeds of the benefits of the Accident Only Life Insurance Policy payable as the result of the death of Richard E. Gerbitz. It is further

ORDERED that the death benefits shall be payable solely to Jennifer Glass and that Alan Gerbitz is enjoined from instituting any action against Combined Insurance Company of America for payment of the life insurance benefits that are being paid to Ms. Glass. It is further

ORDERED that Combined Insurance Company of America is granted the sum of \$5,546.20 as costs and attorney's fees in this civil action with the remainder of the sum on deposit to be paid to Jennifer Glass. It is further

ORDERED that the Clerk of Court shall distribute the funds in the registry in accordance with Order [40]. It is further

ORDERED that post-judgment interest shall accrue on the amounts awarded in this matter at the legal rate of 0.22% per annum from the date of entry of judgment.

Dated at Denver, Colorado this 4th day of March, 2015.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ M. Ortiz

M. Ortiz, Deputy Clerk