

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

Case No. 3:11-cv-967-J-34JRK

JAMES JACKSON, et al.,

Defendants.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 37; Report), entered by the Honorable James R. Klindt, United States Magistrate Judge, on July 12, 2013. In the Report, Magistrate Judge Klindt recommends that the remaining portion of Plaintiff Metropolitan Life Insurance Company's Amended Motion for Interpleader and For Dismissal From This Action With Prejudice and Response to the Court's October 23, 2012 Order (Dkt. No. 29) be granted. No objections to the Report have been filed, and the time for doing so has now passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United

States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 37) is **ADOPTED** as the opinion of the Court.

2. The remaining portion of Plaintiff Metropolitan Life Insurance Company's Amended Motion for Interpleader and For Dismissal From This Action With Prejudice and Response to the Court's October 23, 2012 Order (Dkt. No. 29) is **GRANTED to the following extent**:

- A. Plaintiff shall deposit the Plan Benefits (\$16,200.00), plus any applicable interest, into the registry of the Court no later than **August 12, 2013**, and file a notice certifying that the deposit has been accomplished.
- B. Upon receipt of the notice, the Court will dismiss Plaintiff from this action with prejudice, and Plaintiff, the Plan, and KAR Holdings, Inc. will be discharged from any further liability for the Plan Benefits, plus any applicable interest.
- C. The Clerk of the Court shall deduct any fees payable to the Clerk's Office from the Plan Benefits.

D. Defendants are hereby restrained and enjoined from instituting any action against Plaintiff, the Plan, and KAR Holdings, Inc. for the recovery of the Plan Benefits, plus any applicable interest.

3. The Clerk shall enter a default judgment against Defendants Tonette Morgan and Tarsha Gates, which shall serve to terminate these Defendants' respective interests, if any, in the Plan Benefits at issue, plus applicable interest.

4. As to Defendants James Jackson, Anthony Harris, Hazel King (a/k/a Halel Shuman, a/k/a Hazel Sherman), Jeannette Smith, Randolph King (a/k/a Rudolph King), and Ralph King:

A. The Court requests the mediator (Richard M. Stoudemire, Esquire) to file, **no later than August 15, 2013**, a detailed report with the Court setting out the terms of the settlement so that the Court may enter an Order directing the disbursement of the Plan Benefits (including the applicable interest) to Defendants in accordance with their settlement agreement. The Court further requests that the mediator simultaneously serve the detailed report on the pro se Defendants at the following addresses, and include with the detailed report a certificate of service to that effect:

- i. James Jackson
3005 Muntjac
Schertz, TX 78154
- ii. Anthony Harris
2303 W. 25th St.
Jacksonville, FL 32201

- iii. Hazel King a/k/a Hael Shuman a/k/a Hazel Sherman
1114 Mcconihe St.
Jacksonville, FL 32209
- iv. Jeannette Smith
904 Townsend Blvd.
Jacksonville, FL 32211
- v. Randolph King a/k/a Rudolph King
1269 Vonda Lane SW
Mableton, GA 30126
- vi. Ralph King
2711 N. Market St.
Jacksonville, FL 32206-2959

B. Defendants shall file with the Court and serve on all other Defendants any objections to the proposed terms of the settlement and proposed disbursement of the Plan Benefits, plus interest, within **twenty (20) days** of the receipt of the mediator's report. In the absence of receiving any objections, the Court will thereafter enter a separate Order directing the Clerk to disburse the Plan Benefits (plus applicable interest) in accordance with the parties' agreement; and dismissing this matter with prejudice.

5. In addition to this Order, the Clerk shall send a copy of Judge Klindt's Report and Recommendation (Dkt. No. 37) to the mediator.

DONE AND ORDERED at Jacksonville, Florida, this 1st day of August, 2013.


MARCIA MORALES HOWARD
United States District Judge

Copies to:

Hon. James R. Klindt
United States Magistrate Judge

Counsel of Record

Pro se parties

Finance

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