

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

**NEW YORK LIFE INSURANCE AND  
ANNUITY CORPORATION, a Delaware  
Corporation,**

**Plaintiff,**

**v.**

**Case No. 8:12-cv-1954-T-30MAP**

**ELLEN GROSS GERTH; THOMAS J.  
GROSS; ABBY BAUMGARTNER,**

**Defendants.**

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**ORDER**

THIS CAUSE comes before the Court upon the Motion to Intervene and for Leave to File Complaint for Interpleader filed by TIAA-CREF Individual & Institutional Services, LLC (Dkt. 41). The motion indicates that it is unopposed by Ellen Gross Gerth and Thomas J. Gross. Upon consideration of the motion, and being otherwise advised in the premises, the Court concludes that TIAA-CREF's motion should be granted and it may file its complaint for interpleader, attached as Exhibit A to its motion.

The decedent Ina Gross had an individual retirement account with TIAA-CREF. Thomas Gross and his sisters Ellen Gross Gerth and Abby Baumgartner are the named primary beneficiaries. TIAA-CREF is unsure as to its obligations regarding disbursement of the IRA due to the ongoing investigation of Gross' potential involvement in Ina Gross'

death. TIAA-CREF argues that the Court should grant it permissive intervention in this action.

The Court agrees that intervention by TIAA-CREF is appropriate, especially because there has not yet been a determination regarding whether Gross is barred from receiving disbursements as Ina Gross' beneficiary under Florida's slayer statute. This issue is a common concern to all of the parties, including TIAA-CREF, and arises from the same set of facts.

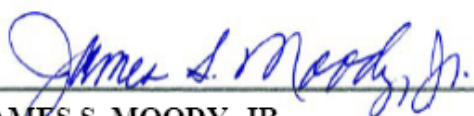
It is therefore ORDERED AND ADJUDGED that:

1. The Motion to Intervene and for Leave to File Complaint for Interpleader filed by TIAA-CREF Individual & Institutional Services, LLC (Dkt. 41) is GRANTED.

2. TIAA-CREF shall file its complaint for interpleader attached to its Motion as Exhibit A.

3. The parties shall file a response to TIAA-CREF's complaint for interpleader within fourteen (14) days of the filing of same.

**DONE** and **ORDERED** in Tampa, Florida on August 16, 2013.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies furnished to:**  
Counsel/Parties of Record

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