

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

NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION,

Plaintiff,

v.

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

ELLEN GROSS GERTH, THOMAS J.
GROSS and ABBY BAUMGARTNER,

Defendants.

ORDER

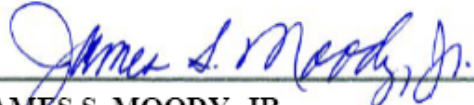
THIS CAUSE came before the Court upon Thomas J. Gross' Motion to Withdraw Claim to Interpled Funds (Dkt. 96). Gross' Motion indicates that he withdraws his claims to the interpled funds and consents to the disbursement of 50% of the funds to Ellen Gross Gerth and 50% of the funds to Abby Baumgarnter. The Court grants Gross' request to the extent that his claims to the interpled funds are considered withdrawn.

It is therefore ORDERED AND ADJUDGED that:

1. Thomas J. Gross' Motion to Withdraw Claim to Interpled Funds (Dkt. 96) is granted to the extent that his claims to the interpled funds are hereby withdrawn.
2. Ellen Gross Gerth and Abby Baumgarnter shall file a notice with the Court within fourteen (14) days of this Order stating how they would like the Court to proceed with respect to the disbursement of the interpled funds.

3. Ellen Gross Gerth's Motion to Compel (Dkt. 93) is denied as moot.

DONE and **ORDERED** in Tampa, Florida on May 2, 2014.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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