

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,
Plaintiff
v.
JILL GARNER, JAN A. MIX, JOY L.
MIX and ANGELA L. MANTOVANI,
Defendants

Case No. 08 CV 3227

NOTICE OF MOTION

To: Michael J. Smith Barrett W. Thies W. Sebastian von Schleicher
Smith, von Schleicher & Smith, von Schleicher & Smith, von Schleicher &
Associates Associates Associates
39 South LaSalle Street 39 S. LaSalle Street 39 South LaSalle Street
Suite 1005 Suite 1005 Suite 1005
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PLEASE TAKE NOTICE that on October 2nd, 2008, at the hour of 9:30 a.m., or
as soon thereafter as counsel may be heard, I shall appear before the Honorable Joan B.
Gottschall in courtroom 2325, or any other judge who may be sitting in her place and stead,
Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, and shall then
and there present the Motion for Judgment and Turnover order.

[Handwritten signature of Bernard P. Edelman]

Bernard P. Edelman
Attorney for Defendants Jill Garner, Jan A.
Mix and Joy L. Mix

Robert R. Tepper Bernard Edelman
111 W. Washington St. 77 W. Washington St.
Suite 1900 Suite 1514
Chicago, IL 60602 Chicago, IL 60602-2962
(312)251-0031 (312)519-9900
Attorney No. 30325 Attorney No. 02948

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PROVIDENT LIFE AND ACCIDENT)
INSURANCE COMPANY,)

Plaintiff)

v.)

Case No. 08 CV 3227

JILL GARNER, JAN A. MIX, JOY L.)
MIX and ANGELA L. MANTOVANI,)

Defendants)

MOTION FOR JUDGMENT AND TURNOVER ORDER

Now come Defendants Jill Garner, Jan A. Mix and Joy L. Mix, by counsel, and hereby moves this Honorable Court enter (1) a judgment in their favor for the amount on deposit with the Clerk of the Court less such amounts, if any, as may be awarded to Plaintiff for attorneys' fees and (2) a corresponding turnover order that the Clerk of the Court turn such funds over to Movants, and in support thereof state as follows:

1. This is an interpleader action involving disputed claims to ownership of life insurance proceeds.
2. The Court has defaulted Defendant Angela Mantovani for failure to have appeared and responded to the complaint.
3. The remaining Defendants (claimants to the funds on deposit with the Clerk) are in agreement that they, jointly, should receive such funds.
4. Plaintiff has reserved the right to seek reimbursement of its attorneys' fees from the funds on deposit.

5. The Court ought to enter an order entering a judgment in favor of Movants and against Defendant Angela Mantovani in the amount of \$15,739 less the amount, if any, awarded to Plaintiff for its attorneys' fees herein. The Court ought also to order the Clerk to turn such amount over to Movants.

Respectfully submitted,



Bernard P. Edelman
Attorney for Defendants Jill Garner, Jan A.
Mix and Joy L. Mix

Robert R. Tepper
111 W. Washington St.
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Attorney No. 30325

Bernard Edelman
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(312)519-9900
Attorney No. 02948

CERTIFICATE OF SERVICE

I, the undersigned, a non-attorney certify under penalties of perjury that I caused a copy of the foregoing **Notice of Motion** and **Motion for Judgment and Turnover Order** to be served upon:

Michael J. Smith
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by causing true and correct copies of same to be sent by **electronic mail** via the CM/ECF system and a COURTESY COPY by mail to:

Angela L. Mantovani
116 S. Columbus St.
North Pekin, IL 61554-1075

this 29th day of September, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 29th, 2008.



Rebecca Robinson Guinn