

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

TRANSAMERICA PREMIER LIFE)	
INSURANCE COMPANY)	
)	
Plaintiff,)	No. 1:16-cv-11477
)	
v.)	
)	
KERRY LANE, NICHOLAS DISTAJO,)	
and O.D., by and through her)	
guardian ad litem KERRY LANE)	

**TRANSAMERICA PREMIER LIFE INSURANCE COMPANY’S
MOTION FOR FINAL JUDGMENT ORDER IN INTERPLEADER**

Plaintiff, Transamerica Premier Life Insurance Company (“Transamerica”), by its attorneys, William A. Chittenden III and Robert S. Hunger of Chittenden, Murday & Novotny LLC, states as follows for its Motion for Final Judgment Order in Interpleader:

1. Transamerica filed its Complaint for Interpleader on or around December 20, 2016, under Rule 22 of the Federal Rules of Civil Procedure to resolve competing claims to the proceeds of a life insurance policy, No. 50W0015114 (the “Policy”), insuring the life of Richard Distajo. (See Complaint for Interpleader, Docket No. 1).
2. Defendants Kerry Lane, individually, Kerry Lane, as guardian ad litem for O.D., and Nicholas Distajo are adverse claimants to Policy proceeds. Each Defendant has been served and has filed an answer. (See Docket Nos. 10, 12, 16, 22, 23).
3. On January 6, 2017, this Court granted Transamerica leave to deposit \$247,082.52, its total admitted liability, into the Registry of the Court. (See Order of Deposit, Dkt. # 9).
4. Transamerica deposited its total admitted liability into the Registry of the Court on January 6, 2017. A true and correct copy of the receipt for said deposit is attached hereto as Exhibit 1.

5. Transamerica filed its Complaint in good faith and has done all that is required by law to perfect its interpleader action.

6. Transamerica has properly served a copy of this Motion for Final Judgment Order in Interpleader on the Defendants.

7. Transamerica has incurred over \$12,000 in attorney's fees and costs in bringing this action. Transamerica's counsel has communicated with Nicholas Distajo's counsel, who in turn has communicated with Kerry Lane, and the parties have agreed that Transamerica shall receive \$7,000 in attorney's fees and costs incurred in bringing this action.

8. Transamerica submits its proposed Final Judgment Order in Interpleader to the Court via email, in accordance with this Court's case management procedures.

WHEREFORE, Plaintiff, Transamerica Premier Life Insurance Company, respectfully requests this Court enter an Order:

- A. Granting judgment in favor of Transamerica and against Defendants, Kerry Lane, individually, Kerry Lane, as guardian ad litem for O.D., and Nicholas Distajo;
- B. Releasing and discharging Transamerica, its successors, assigns, representatives, agents, attorneys, and all of its affiliated companies, including officers, directors, and employees from any and all liability under Policy No. 50W0015114, or arising on account of the death of Richard Distajo, to any or all of the Defendants, Kerry Lane, individually, Kerry Lane, as guardian ad litem for O.D., and Nicholas Distajo, or any person or entity claiming through them;
- C. Permanently and perpetually restraining and enjoining Defendants, Kerry Lane, individually, Kerry Lane, as guardian ad litem for O.D., and Nicholas Distajo, or any person or entity claiming through them, from commencing or prosecuting any proceeding or claim against Transamerica in any state or federal court or other forum with respect to the proceeds payable under Policy No. 50W0015114, or on account of the death of Richard Distajo and that this injunction issue without bond or surety;
- D. Excusing Transamerica from further attendance in this cause and dismissing Transamerica with prejudice from this cause with an express finding that, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, there is no just reason for delaying either enforcement or appeal of this Order or both;

- E. Requiring Defendants to litigate their entitlement to the proceeds of the Policy among themselves without further involving Transamerica; and
- F. Awarding Transamerica \$7,000 in attorney's fees and costs incurred in bringing this action; and
- G. Granting Transamerica such other and further relief as this Court deems just and appropriate.

Dated: **June 21, 2017**

Respectfully submitted,

Transamerica Premier Life Insurance Company

By: /s/ Robert S. Hunger
One of Its Attorneys

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