

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BANKERS LIFE AND CASUALTY)
COMPANY,)
))
Plaintiff/Interpleader,)
))
v.))
))
MARSHA BOUKER,)
DEAN McFANN,)
SUSAN BROWN,)
CLAY McFANN,)
GLEN McFANN,)
HOYT McFANN, &)
JULIE LANGE,)
))
Defendants.)
_____)

CIVIL ACTION

No. 09-2014-KHV

ORDER FOR INTERPLEADER AND DISMISSAL

This matter comes before the Court on the parties' Stipulated Motion For Interpleader And Dismissal (Doc. #14) filed April 8, 2009. The Court previously accepted the deposit by Bankers Life & Casualty Company of the proceeds at issue, plus an amount in interest calculated from the date of death, for a total amount of \$29,125.72, into an interest-bearing account in the Court's Registry. For substantially the reasons set forth by the parties the Court hereby approves the parties' motion.

IT IS THEREFORE ORDERED that the parties' Stipulated Motion For Interpleader And Dismissal (Doc. #14) filed April 8, 2009 be and hereby is **SUSTAINED**.

IT IS FURTHER ORDERED that the Clerk pay to Bankers Life & Casualty Company an amount of \$3,500.00 from the proceeds that were deposited, for attorneys' fees and costs agreed by the parties. This payment will be remitted to the legal counsel for Bankers Life & Casualty Company:

Theresa A. Otto
Baty, Holm & Numrich, PC - KC
210 Plaza West Building

4600 Madison Avenue
Kansas City , MO 64112

Pursuant to D. Kan. Rule 67.1(d), the Court retains ten per cent of the income earned on the interest-bearing account.

IT IS FURTHER ORDERED that the Clerk pay the remaining proceeds deposited with the Court in equal amounts to the following individuals: Julie A. Lange, Clay McFann, Glen McFann and Hoyt McFann.¹

IT IS FURTHER ORDERED that defendants Marsha Bouker, Dean McFann, Susan Leah Brown, Clay McFann, Glen McFann, Hoyt McFann, and Julie A. Lange, having renounced all further rights to any claims, be and are hereby restrained from entering into any action against Bankers Life & Casualty Company for the recovery of benefits under the annuity at issue herein in any state or federal court.

IT IS FURTHER ORDERED that Bankers Life & Casualty Company be and hereby is discharged from all liability for any claims defendants have or may have brought against it.

IT IS FURTHER ORDERED that there being no remaining dispute between the parties, this action be dismissed with prejudice.

Dated this 21st day of April, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge

¹ Pursuant to Rule 62(a), Fed. R. Civ. P., the Court will not disburse these funds until 10 days after the judgment is entered in this matter.