

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Kemper Independence Insurance Company,
Plaintiff,

vs.

Case No. 14-4081-JTM

Robert L. Brown, Jr. and Rochelle Chatfield,
Defendants.

MEMORANDUM AND ORDER

This case arises from a shooting incident in Topeka, Kansas. Robert Brown, who had a homeowners policy with plaintiff Kemper Insurance, shot defendant Rochelle Chatfield. Brown was later convicted of attempted murder, and is currently incarcerated. Chatfield sued Brown in Shawnee County, Kansas District Court. Kemper offered to defend the suit under a reservation of rights, but Brown refused and did not appear at trial. Chatfield obtained a \$1.8 million judgment against Brown for negligence.

Kemper instituted the present declaratory judgment action, arguing the policy does not apply under exclusions for intentional acts and acts in violation of penal laws. This matter is before the court on Chatfield's Motion of Issuance of Order of Garnishment. She seeks garnishment against Kemper pursuant to K.S.A. 60-729 to 60-744, based upon her claim that Kemper negligently failed to settle her civil suit against Brown.

Kemper has filed no response to the Motion, which is hereby granted pursuant to D.Kan.R.

7.4. The Clerk of the Court is directed to sign and issue the Order of Garnishment (Dkt. 8-8) submitted by the defendant.

IT IS SO ORDERED this 6th day of November, 2014.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE