

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RALPH NUNZIATA,)	
)	
Plaintiff,)	
)	
v.)	2:16-cv-00158-JAW
)	
JANUS FUNDS, INC.,)	
)	
Defendant.)	

**AGREED ORDER ON DEFENDANT JANUS FUNDS, INC.’S
INTERPLEADER COUNTERCLAIM**

WHEREAS, Janus Funds, Inc. (hereinafter “Janus”) has filed an interpleader counterclaim action asserting that Janus is in possession of funds subject to the dispute in this case, and that Janus Defendant does not have a stake in the outcome of the dispute regarding the proper beneficiary of the Account, but may be exposed to double liability if ownership of the Account or its contents are transferred over to Plaintiff and it is ultimately determined that Decedent’s ex-wife is the proper beneficiary.

WHEREAS, Janus is ready and able to transfer ownership of the Account, but cannot do so without adjudication of the dispute over ownership.

WHEREAS, Janus is ready and willing to liquidate the Account and transfer the funds into the registry of the Court for hold by it pending resolution of the dispute.

WHEREAS, Plaintiff is in agreement with Janus’ request made in the Janus Counterclaim.

WHEREAS, Deposit of the money is permissible under F.R.C.P. Rule 67, it is,
HEREBY AGREED BETWEEN JANUS AND PLAINTIFF, AND ORDERED
BY THE COURT AS FOLLOWS:

- A. Janus is authorized to liquidate the Account and interplead the funds that are the subject of this action, into the registry of the Court;
- B. That Plaintiff is restrained from instituting or prosecuting any proceeding in any court relating to the Account;
- C. Janus is discharged from any further liability regarding the matters at issue in this case and any matter related to the Account;
- D. After Janus deposits the funds with the Court Registry, the Clerk of Court shall deposit these funds into the interest-bearing Court Registry Investment System (C.R.I.S.) administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, pursuant to Local Rule 67(b);
- E. The sum of money so invested in the interest-bearing C.R.I.S. fund shall remain on deposit until further order of this Court. To withdraw the funds, a party must file a motion for withdrawal of the funds and simultaneously submit a proposed order and completed IRS Form W-9, pursuant to Local Rule 67(d);

- F. The Custodian is authorized to deduct service fees and costs in accordance with Local Rule 67(c);
- G. A copy of this Order shall be served upon the Clerk of Court.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 30th day of August, 2016