

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

CASE NO. 13-13009
HON. LAWRENCE P. ZATKOFF

v.

LaMONICA C. ROBINSON, K.M.R. (a minor),
C.S.R. (a minor), MARY ROBINSON, TINA
ROBINSON, ANDREW ROBINSON, and
UNKNOWN HEIRS OF JOHN A.
ROBINSON,

Defendants.

OPINION AND ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on the 11th day of August, 2014

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on Plaintiff's Motion for Default Judgment as to Mary Robinson (Docket #24), Plaintiff's Motion for Default Judgment as to Andrew Robinson and Unknown Heirs of John A. Robinson (Docket #30), and the Motion to Withdraw Funds filed by LaMonica C. Robinson, K.M.R., and C.S.R. (Docket #9). No response to any of the Motions has been filed, and the deadline for filing any responsive pleadings or briefs has passed. The Court finds that the facts and legal arguments pertinent to the Motions are adequately presented in the parties' papers, and the decision process will not be aided by oral arguments. Therefore, pursuant to E.D.

Mich. Local R. 7.1(f)(2), it is hereby ORDERED that the Motions be resolved on the briefs submitted by the parties, without this Court entertaining oral arguments. For the reasons that follow, all three Motions are granted.

II. BACKGROUND

Plaintiff filed a Complaint in Interpleader on July 12, 2013. Plaintiff initiated this interpleader action due to conflicting rights to life insurance benefits for coverage provided to John A. Robinson (the “Insured”) under the Federal Employees’ Group Life Insurance Policy (the “FEGLI Policy”) issued by Plaintiff. Life insurance benefits in the amount of \$454,768.62 (the “FEGLI Benefits”) are payable to the proper beneficiary or beneficiaries. Plaintiff has deposited the FEGLI Benefits, plus interest, with the Clerk of the Court.

LaMonica C. Robinson, K.M.R., C.S.R., Tina Robinson and Mary Robinson were served with copies of the Complaint. LaMonica C. Robinson is the legal guardian of K.M.R. and C.S.R. LaMonica C. Robinson, K.M.R. and C.S.R. filed answers and a motion to withdraw funds. In the motion to withdraw funds, they: (1) assert that the Insured’s only surviving heirs are LaMonica C. Robinson and Lisa Robinson (first cousins of the Insured) and two great nieces, K.M.R. and C.S.R., both minors, and (2) ask the Court to release all of the funds to LaMonica C. Robinson, as administrator of the Estate of the Insured.

Each of LaMonica C. Robinson and Tina Robinson has filed an affidavit stating that she is the first cousin of the Insured and that the only surviving heirs of the Insured are LaMonica C. Robinson, Tina Robinson, K.M.R. and C.S.R. Tina Robinson has also filed with the Court a “Stipulation by Tina Robinson to Release of Funds to LaMonica C. Robinson as Administrator of the Estate of John A. Robinson,” wherein she agrees to: (1) a release of all of the FEGLI Benefits,

plus applicable interest, to LaMonica C. Robinson, as administrator of the Estate of the Insured, and (2) relinquish any claim or right to the FEGLI Benefits.

Mary Robinson was served with the Summons and Complaint by personal service on September 24, 2013, but she failed to file an answer or otherwise plead to the Complaint. Plaintiff obtained a Clerk's Entry of Default against Mary Robinson on April 16, 2014, and Plaintiff now seeks the entry of Default Judgment against her.

As to Andrew Robinson and the Unknown Heirs of the Insured (the "Unknown Heirs"), Plaintiff was unable to serve any of them personally because Plaintiff was unable to determine, despite diligent inquiry, the present address of Andrew Robinson, or the names and addresses of any Unknown Heirs. Accordingly, the Court ordered Plaintiff to serve notice on Andrew Robinson and the Unknown Heirs pursuant to Michigan Court Rule 2.106, by publishing in the Macomb County Legal News or other newspaper in Macomb County, once each week for three consecutive weeks, the following notice:

Metropolitan Life Insurance Company v. LaMonica C. Robinson, K.M.R. (a minor), C.S.R. (a minor), Mary Robinson, Tina Robinson, Andrew Robinson, and Unknown Heirs of John A. Robinson, Case No. 2:13-cv-13009-LPZ-RSW, United States District Court for the Eastern District of Michigan, Federal Building, 526 Water Street, 2nd Floor, Port Huron, MI 48060, (810) 984-3290. Complaint in Interpleader to establish the proper beneficiary of life insurance benefits. Andrew Robinson and/or Unknown Heirs of John A. Robinson must file an answer within twenty-eight (28) days from the date of this publication with the court listed above. Failure to file an Answer will result in a judgment of no entitlement to insurance benefits being entered with respect to you.

Plaintiff complied with the Court's Order, and the Court has been provided with certification that the foregoing notice was published in the Macomb County Legal News on May 28, June 4, and June 11, 2014, which notice required interested persons to answer or plead to the Complaint by July 9, 2014. To date, neither the Plaintiff nor the Court has been contacted by Andrew Robinson, or any

other person, in relation to such published notice. Plaintiff obtained a Clerk's Entry of Default against Andrew Robinson and the Unknown Heirs on July 11, 2014, and Plaintiff now seeks the entry of Default Judgment against all of them.

**III. DEFAULT JUDGMENTS AGAINST MARY ROBINSON,
ANDREW ROBINSON, AND UNKNOWN HEIRS OF THE INSURED**

Plaintiff seeks the entry of judgment by default against Mary Robinson, Andrew Robinson, and the Unknown Heirs. Plaintiff seeks a judgment stating that: (1) each of them has no entitlement to the FEGLI Benefits, (2) restraining each of them from instituting any action or proceeding against Plaintiff related to the FEGLI Benefits, and (3) declaring that Plaintiff has no further liability to any of them with respect to the FEGLI Benefits. As noted above, a Clerk's Entry of Default has been entered against Mary Robinson, Andrew Robinson, and the Unknown Heirs. Not one of them, nor anyone else, has filed a response to either of Plaintiff's motions for default judgment. Accordingly, after a consideration of the record in this case and for the reasons set forth in Plaintiff's motion and brief in support of the motion for default judgment, the Court shall: (1) grant Plaintiff's motions for default judgment against Mary Robinson, Andrew Robinson and the Unknown Heirs, (2) enter judgment by default against Mary Robinson, Andrew Robinson, and the Unknown Heirs, and (3) order that:

- (a) Mary Robinson, Andrew Robinson, and the Unknown Heirs have no entitlement to the FEGLI Benefits,
- (b) Mary Robinson, Andrew Robinson, and the Unknown Heirs are barred from instituting any action or proceeding against Plaintiff related to the FEGLI Benefits, and

- (c) Plaintiff has no further liability to Mary Robinson, Andrew Robinson, and the Unknown Heirs with respect to the FEGLI Benefits

IV. DISTRIBUTION OF THE FEGLI BENEFITS

LaMonica C. Robinson, K.M.R., and C.S.R. ask the Court to release the FEGLI Benefits, plus applicable interest, to LaMonica C. Robinson, as administrator of the Estate of the Insured. As noted above, Tina Robinson, the only other remaining defendant in this case, concurs in their request. Therefore, as LaMonica C. Robinson is the administrator of the Estate of the Insured, and as all of the surviving heirs known to the Court have stipulated that the FEGLI Benefits, plus applicable interest, should be distributed to LaMonica C. Robinson, as the administrator of the Estate of the Insured, the Court: (a) concludes that the FEGLI Benefits, plus applicable accrued interest, shall be released to LaMonica C. Robinson, as administrator of the Estate of the Insured, and (b) shall order that the FEGLI Benefits, plus applicable accrued interest, be released accordingly.

For the foregoing reasons, the motion to withdraw funds filed by LaMonica C. Robinson, K.M.R. and C.S.R. is granted.

V. CONCLUSION

Accordingly, and for the reasons set forth above, IT IS HEREBY ORDERED that:

- A. Plaintiff's Motion for Default Judgment as to Mary Robinson (Docket #24) is GRANTED,
- B. Plaintiff's Motion for Default Judgment as to Andrew Robinson and the Unknown Heirs of the Insured (Docket #30) is GRANTED and

C. The Motion to Withdraw Funds filed by LaMonica C. Robinson, K.M.R. and C.S.R. (Docket #9) is GRANTED.

IT IS FURTHER ORDERED that Judgment is entered against Mary Robinson, Andrew Robinson and any Unknown Heirs of Decedent John A. Robinson, as follows:

- (1) None of Mary Robinson, Andrew Robinson, and/or any Unknown Heirs of John A. Robinson shall have any entitlement to the proceeds of the insurance policy held by John A. Robinson (*i.e.*, the FEGLI Benefits), or any interest accrued thereon;
- (2) Mary Robinson, Andrew Robinson, and any Unknown Heirs of John A. Robinson are hereby restrained and enjoined from instituting any action or proceeding in any state or United States court against Plaintiff for recovery of the FEGLI Benefits, including any applicable interest, or claims related thereto; and
- (3) Plaintiff shall have no further liability to Mary Robinson, Andrew Robinson, and/or any Unknown Heirs of John A. Robinson with respect to the FEGLI Benefits.

IT IS FURTHER ORDERED that the FEGLI Benefits, plus applicable interest, less any fees due to Plaintiff, shall be paid to LaMonica C. Robinson, as Administrator for the Estate of John A. Robinson. A separate Judgment and a separate order regarding the disbursement of such funds shall be entered concurrently with this Opinion and Order.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 11, 2014