

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Unicare Life & Health Insurance Company,

Plaintiff,

v.

Case No. 13-14122

Imelda Autrey-Miller, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

OPINION GRANTING

**PLAINTIFF'S UNOPPOSED "MOTION FOR GRANTING OF INTERPLEADER,
DEPOSIT OF DISPUTED FUNDS LESS ATTORNEYS' FEES AND DISMISSAL"**

This is a life insurance interpleader action. The insured decedent, James Miller, died from a gunshot wound to the back on October 23, 2012. The insurance company, Plaintiff Unicare Life & Health Insurance Company ("Unicare") filed this interpleader action to avoid liability as to who is entitled to the life insurance proceeds, which total \$110,000.

The decedent's wife, Imelda Autrey-Miller, would be entitled to the life insurance proceeds under normal circumstances and she has made claim for them to Unicare. But the Amended Interpleader Complaint states that Autrey-Miller has not yet been cleared as a suspect in her husband's murder. Michigan law provides that a beneficiary of a will or other instrument cannot recover benefits if he or she willfully brings about the death of the insured.

Unicare states that the life insurance certificates are silent on the circumstances where the sole named beneficiary disclaims (or is treated as disclaiming) her interest in the proceeds. But Unicare believes the money would go to Autrey-Miller's estate (i.e., her children) if she cannot

collect.

The Amended Interpleader Complaint names as Defendants, in addition to Autrey-Miller, the following persons who may be entitled to some portion of the proceeds: 1) Muqaribu Aundunae Miles (“Miles”); 2) Damon Denard Hailey (“Hailey”); 3) Toni Green (“Green”); and 4) John Doe. Unicare states that Miles, Hailey, and Green are Autrey-Miller’s natural or adopted children.

At this point, Unicare wants to deposit the insurance proceeds with the Court, less its costs and fees in bringing this case, get released from liability and exit the case, leaving the Court to determine who receives the proceeds. It has filed a motion asking for that relief, and it states that Hailey and Green have concurred with their motion but they have not heard from Miles or Autrey-Miller.

In addition, on May 23, 2014, at the Court’s direction, Unicare filed a supplemental brief detailing the costs and attorney fees it seeks. (Docket Entry No. 18). Unicare seeks a total of \$5,462.06 in attorney fees and costs.

This Court issued a Show Cause Order on June 2, 2014, ordering that “if any Defendant opposes Unicare’s pending ‘Motion for Granting of Interpleader, Deposit of Disputed Funds Less Attorneys’ Fees And Dismissal’ (Docket Entry Nos. 16 & 18) that party must file a written response to the motion no later than **June 23, 2014.**” (Docket Entry No. 19) (bolding in original).

No party has filed objections to Unicare’s motion. The Court hereby **ORDERS** that Unicare’s unopposed “Motion for Granting Of Interpleader, Deposit of Disputed Funds Less

Attorneys' Fees and Dismissal" is **GRANTED**. Unicare is directed to submit a proposed order.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: June 30, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 30, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager