

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

Plaintiff/Stakeholder,

Case No. 16-14471

v.

Honorable John Corbett O'Meara

FREDERICK KYLE YOUNG, *et al.*,

Defendants/Claimants.

**ORDER GRANTING MOTION FOR INTERPLEADER DISBURSEMENT
AND GRANTING MOTION FOR DISMISSAL AND DISCHARGE**

This matter came before the court on defendants/claimants Precious Davis, A'Joyiah Davis and Ebony Thompson's May 25, 2017 Motion for Interpleader Disbursement and plaintiff The Northwestern Mutual Life Insurance Company's June 13, 2017 Motion for Dismissal and Discharge. No responses were filed, and no oral argument was heard.

Decedent Desanee L. Young was issued a \$500,000 life insurance policy by plaintiff Northwestern Mutual effective June 6, 2006. She died as a result of homicide June 2, 2014. Rival claims exist as to which defendants are rightfully entitled to the proceeds under the policy. Northwestern Mutual filed this interpleader action December 27, 2016. The claimants are Frederick Kyle Young,

A'Joyiah Davis, Precious Davis, and Ebony Thomason, personal representative of the estate of Decedent. United Memorial Funeral Home has asserted a lien against the proceeds. Only Precious and A'Joyiah Davis and Ebony Thomason have filed an appearance and answer in this matter.

Northwestern Mutual deposited the proceeds of the policy and interest, totaling \$501,368.88, into the court's registry February 22, 2017. Having deposited the proceeds, the insurance company has satisfied its obligation under the policy and is entitled to dismissal. In addition, an interpleader party is entitled to recover costs and attorney fees when it is a disinterested stakeholder who has conceded liability, has deposited funds into the court account, and has sought discharge from liability. See First Trust Corp. v. Bryant, 410 F.3d 842, 856 (6th Cir. 2005).

In this case Northwestern Mutual seeks \$4,907.50 for filing and prosecuting this action and asks that the amount be paid from the proceeds that have been deposited with the court. Claimants have not objected to that award. Therefore, the court will grant Northwestern Mutual's motion for dismissal and discharge in its entirety, including direct payment to it from the proceeds deposited with the court.

Claimants Precious and A'Joyiah Davis and Ebony Thomason seek an order releasing the remaining funds to them. Claimant Frederick Kyle Young was convicted of first degree murder by a jury in Wayne County Circuit Court and sentenced to life

in prison without the possibility of parole for killing Desanee Young. The conviction was subsequently upheld by the Michigan Court of Appeals.

Pursuant to Mich. Comp. Laws Ann. § 700.2803(1), a named life insurance policy beneficiary who feloniously and intentionally kills the decedent forfeits all claims to benefits resulting from the death. Therefore, Frederick Kyle Young is not entitled to any proceeds from decedent Desanee Young's policy; and the court will grant the remaining claimants' motion for disbursement.

ORDER

It is hereby **ORDERED** that plaintiff Northwestern Mutual Life Insurance Company's June 13, 2017 Motion for Dismissal and Discharge is **GRANTED** in its entirety.

It is further **ORDERED** that defendants/claimants Precious Davis, A'Joyiah Davis and Ebony Thomason's May 25, 2017 Motion for Interpleader Disbursement is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: July 12, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 12, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager