

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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PHL Variable Insurance Company,

Court File No: 09-CV-01924-MJD-JSM

Plaintiff,

v.

Carmella Damato 2007 Irrevocable Trust, by  
and through its trustee, BNC National Bank,  
Richard W. Smith, The Producers Group  
Advantage LLC, and William Stansbury,

Defendants,

**ORDER**

New Stream Insurance LLC,

Intervenor and Third-  
Party Plaintiff

v.

PHL Variable Insurance Company

Third-Party Defendant

Richard W. Smith and The Producers Group  
Advantage, LLC.

Third-Party Plaintiffs

v.

Bruce Burns and Wholesale Life Insurance  
Brokers, Inc.

Third-Party Defendants

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Pending before the Court is PHL Variable Insurance Company's and New Stream Insurance LLC's Joint Motion to Withdraw Funds from the Registry of the Court.

After consideration of the Motion and the settlement between PHL Variable Insurance Company and New Stream Insurance LLC, the Court finds that the disposition of the deposited funds is no longer disputed and that all competing claims to the funds have been resolved.

THEREFORE, IT IS HEREBY ORDERED, pursuant to 28 U.S.C. § 2042 and L.R. 67.2, that the Clerk pay \$364,354.00, plus 100% of interest accrued and less the registry fee, to Edison, McDowell & Hetherington LLP, in accordance with the Withdrawal Payee Information Form filed with the Clerk.

Signed this 15<sup>th</sup> day of August, 2011.

s/ Michael J. Davis \_\_\_\_\_

Michael J. Davis, Chief Judge  
United States District Court  
District of Minnesota