

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

ACUITY, A MUTUAL INSURANCE )  
COMPANY, )

Plaintiff, )

Case No. 1:16-cv-300-AGF

vs. )

REX, LLC, TABB ROBERT BARKS, )  
RONALD LEE GEAN, ESTATE OF )  
JEAN CAROL GEAN, SWIFT )  
TRANSPORTATION CO. OF )  
ARIZONA, LLC, GAGANJOT SINGH )  
VIRK, AUTO-OWNERS INSURANCE )  
COMPANY, AIR EVAC EMS, INC., )  
DEACONESS HOSPITAL, INC., )  
HEARTLAND REGIONAL MEDICAL )  
CENTER, ZURICH AMERICAN )  
INSURANCE COMPANY, and )  
GALLAGHER BASSETT SERVICES, )  
INC., )

Defendants )

**MEMORANDUM AND ORDER**

This matter is before the Court on the motion of Plaintiff Acuity, A Mutual Insurance Company, to enjoin all claimants/Defendants from instituting or prosecuting any proceeding in any State or United States Court affecting the insurance proceeds of the underlying interpleader action pursuant to 28 U.S.C. § 2361. ECF No. 15. On October 30, 2017, in response to a motion to dismiss filed by Ronald Lee Gean and the Estate of Jean Carol Gean, the Court granted Acuity leave to either deposit additional funds with the Court or dismiss its interpleader count. ECF No. 39. On November 13,

2017, Acuity filed a motion to voluntarily dismiss the interpleader count, which the Court granted on January 4, 2018. ECF No. 46. In light of the dismissal of the interpleader count, Acuity's motion to enjoin is now moot.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion to enjoin all claimants/Defendants from instituting or prosecuting any proceeding in any State or United States Court affecting the insurance proceeds of the underlying interpleader action pursuant to 28 U.S.C. § 2361 is **DENIED as moot**. ECF No. 15.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 11th day of January, 2017.