

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Plaintiff,

vs.

ANTHONY COCO and HEATHER
RUSSELL,

Defendants.

8:12CV196

ORDER APPROVING
SETTLEMENT

This matter is before the Court on the motion for settlement (filing [20](#)) filed by Anthony Coco and Heather Russell. This is an interpleader action. Plaintiff Life Insurance Company of North America (LINA) was previously given permission to interplead the funds at issue with the Court and was dismissed from the action with prejudice. Filing [19](#). Coco and Russell have now reached an agreement regarding the disputed funds.

Coco and Russell have stipulated to the basic facts of the case, which the Court will summarize. Anthony Coco was married to Melissa Coco, now deceased. Filing [20](#) at ¶¶ 4–5. Heather Russell was a friend of the decedent. Filing [1](#) at ¶ 3. This case involves the proceeds from a life insurance policy issued by LINA to Melissa Coco. Filing [20](#) at ¶ 6. LINA filed this interpleader action because it was not clear whether Coco or Russell was the proper beneficiary under the policy. *See generally* filing [1](#). LINA deposited the entire amount of the proceeds at issue, \$20,000, with the Clerk of the Court.

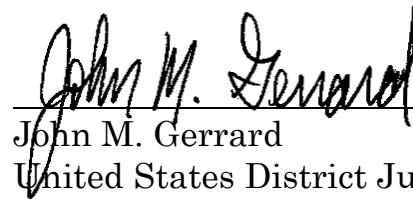
Coco and Russell have agreed to settle and divide the proceeds. Russell will receive \$12,000 and Coco will receive \$8,000. Filing [20](#) at ¶ 8. Additionally, Russell will pay any remaining balance on the funeral bill of Melissa Coco at Ludvigsen Mortuary and hold Anthony Coco harmless thereon. Filing [20](#) at ¶ 8. Each party will pay their own costs and attorney fees. Filing [20](#) at ¶ 8. Finally, neither party admits any fault in this settlement, and both still claim to be the full beneficiaries of the policy. Filing [20](#) at ¶ 8. Both Coco and Russell averred they are competent adults, that they have been advised by counsel, and that they agreed to the current settlement freely, voluntarily, and in full understanding of its terms. Filing [20](#) at ¶ 3. The Court finds that the parties' settlement should be approved and the proceeds distributed as the parties have agreed. Accordingly,

IT IS ORDERED:

1. The deposited monies shall be distributed as follows:
 - a. Anthony Coco will receive \$8,000.
 - b. Heather Russell will receive \$12,000.
2. The Clerk shall issue drafts as stated above, and mail them to Coco's and Russell's respective counsel within 14 days of this Order.
3. Per the parties' settlement, this case is dismissed, each party to bear its own costs and fees.

Dated this 4th day of October, 2012.

BY THE COURT:



John M. Gerrard
United States District Judge