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9
 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 STEPHANIE THOMAS, an individual,
 13
 Plaintiff,
 14

15 vs.

16 STANDARD INSURANCE COMPANY,
 an Oregon corporation; WESTERN
 17 INSURANCE SPECIALTIES, INC., a
 Nevada corporation; TIAA-CREF
 18 INDIVIDUAL AND INSTITUTIONAL
 SERVICES, LLC, a Delaware limited
 19 liability company; VALIC
 RETIREMEMNT SERVICES
 20 COMPANY, a Texas corporation, and
 21 DOES I-X, and ROE CORPORATIONS I-
 22 X, inclusive,

23 Defendants.
24

Case No. 2:07-CV-491-GMN-GWF

**JOINT MOTION RE: 120-DAY TIME
 PERIOD TO LOCATE/SERVE
 SAMANTHA M. THOMAS**

1 STANDARD INSURANCE COMPANY,
2 an Oregon corporation,
3
4 Counterclaimant,
5
6 vs.
7 STEPHANIE THOMAS and SAMANTHA
8 MARY THOMAS,
9
10 Counterdefendants.

11 Defendant Standard Insurance Company submits this motion pursuant to the Status
12 Report filed October 25, 2010 (Dkt. 39) and the Court's October 27, 2010 Order (Dkt. 40).

13 Standard Insurance Company deposited proceeds of two life insurance policies,
14 totaling \$263,089.88, with this Court on August 7, 2008. Plaintiff Stephanie Thomas, who
15 is the primary beneficiary under the policies, pled guilty to Second Degree Murder of the
16 insured decedent, Lawrence Thomas, on August 27, 2010.

17 Per a conversation on October 25, 2010, between counsel for Standard and counsel
18 for Stephanie Thomas, Stephanie Thomas now acknowledges that applicable law precludes
19 payment of the death benefits to her. Stephanie Thomas further has indicated that she will
20 disclaim her rights as primary beneficiary under the policies in favor of Samantha M.
21 Thomas, who is the contingent beneficiary designated in the policy documents. She is the
22 daughter of Stephanie Thomas and the deceased.

23 Samantha M. Thomas has not yet been served in this action. At the outset of the
24 interpleader litigation, Standard filed a motion for appointment of a guardian ad litem, as
25 Samantha M. Thomas was a minor at that time. Decision on that motion was stayed, as
26 was the entire case, pending resolution of the criminal case against Stephanie Thomas.
27 Upon information and belief, Samantha M. Thomas has now reached the age of majority.

28 To resolve the interpleader action and to assist the Court in disbursing the interpled
funds to the contingent beneficiary, Samantha M. Thomas must be served with process and

1 appear. Accordingly, to bring Samantha M. Thomas before the Court, Standard requests
2 120 days in which to locate and serve Samantha M. Thomas.

3 RESPECTFULLY SUBMITTED this 27th day of October, 2010.

4 ROGER P. CROTEAU & ASSOCIATES,
5 LTD.

LEWIS AND ROCA LLP

6 BY: /s/ Roger P. Croteau

BY: /s/ Ann-Martha Andrews

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14 Attorneys for Stephanie Thomas

Attorneys for Defendant and
Counterclaimant Standard Insurance
Company

15 **IT IS SO ORDERED:**

16 
17 _____

GEORGE FOLEY, JR.

United States Magistrate Judge

18 DATED: October 28, 2010