

1 WHITNEY B. WARNICK, ESQ.
 Nevada Bar No. 001573
 2 ALBRIGHT, STODDARD, WARNICK & ALBRIGHT
 801 South Rancho Drive, Bldg. D
 3 Las Vegas, NV 89106
 (702) 384-7111 - Telephone
 4 (702) 384-0605 - Facsimile
wbw@albrightstoddard.com
 5 *Attorneys for Estate of Maurits Jozef Van Praag*

6
 7 UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

8 MORGAN STANLEY & CO., INC.,

Case No. 2:09-cv-00398

9 Interpleader
 10 Plaintiff,

11 vs.

12 SHRINERS HOSPITALS FOR CHILDREN;
 SHRINERS HOSPITALS FOR CHILDREN
 13 (QUEBEC) INC.; JOSEPH L. SURACE, an
 individual, residing in Arizona; and THE ESTATE
 14 OF MAURITS JOZEF VAN PRAAG,

15 Interpleader
 16 Defendants.

17 FINAL JUDGMENT

18 This case came before the court through an action in interpleader filed by interpleader
 19 plaintiff, MORGAN STANLEY & CO., INC. ("Morgan Stanley"). Morgan Stanley, in its
 20 Reno, Nevada office, held an investment account and funds of MAURITS JOZEF VAN
 21 PRAAG ("decedent"), who died on August 21, 2002, in Canada, his country of residence.
 22 Following decedent's death, claims to the funds in his investment account with Morgan Stanley
 23 were asserted by the interpleader defendants, including the SHRINERS HOSPITALS FOR
 24 CHILDREN and the SHRINERS HOSPITALS FOR CHILDREN (QUEBEC) INC., JOSEPH
 25 L. SURACE, and THE ESTATE OF MAURITS JOZEF VAN PRAAG (by and through the
 26 Estate's executor, Robert Dyson, hereinafter referred to as "the Estate").

27 Following the filing of Morgan Stanley's interpleader complaint, and answers thereto
 28 by the interpleader defendants, each claiming an interest in the funds, the parties stipulated to

LAW OFFICES
 ALBRIGHT, STODDARD, WARNICK & ALBRIGHT
 A PROFESSIONAL CORPORATION
 QUAIL PARK, SUITE D-4
 801 SOUTH RANCHO DRIVE
 LAS VEGAS, NEVADA 89106

1 leave the disputed funds of the decedent with Morgan Stanley, pending a determination by the
2 court as to which of the interpleader defendants was entitled to the funds. The parties engaged
3 in discovery and the Estate then filed a motion for summary judgment, asserting its rights to
4 the decedent's funds in the Morgan Stanley investment account. The court, after several delays
5 to allow parties to pursue additional discovery, considered the motion for summary judgment,
6 together with the oppositions filed thereto by the other interpleader defendants, and the other
7 pleadings and documents filed in this case. By order (doc. #88) entered on February 28, 2012,
8 the court granted the Estate's motion for summary judgment, determining that the funds in the
9 decedent's Morgan Stanley investment account belong to the Estate. The court expressly
10 determines that there is no just reason for delay in now entering final judgment, and good cause
11 appearing therefore, final judgment is hereby entered as follows:

12 IT IS HEREBY ORDERED ADJUDGED AND DECREED:

13 1. That upon his death, all of the funds in the decedent's investment account with
14 Morgan Stanley, which are the subject of this pending interpleader action, became an asset of
15 and now belong to the decedent's Nevada Probate Estate, Case No. P57584, presently pending
16 before the Clark County, Nevada, District Court, Probate Division, with Mr. Robert Dyson the
17 duly appointed and acting executor of the Estate.

18 2. As a result of its need to file the interpleader action to determine entitlement to
19 the decedent's funds in its investment account, Morgan Stanley, before delivering the funds
20 to the Estate, is entitled to deduct therefrom its reasonable costs and attorney's fees incurred
21 in this proceeding, which the Estate and Morgan Stanley have agreed is the sum of \$40,000.00.


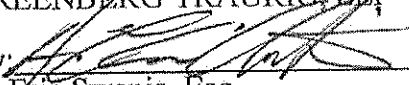
22 3. After deducting its fees and costs as above provided, and without the need of
23 depositing the remaining funds with this court, Morgan Stanley shall then deliver and pay over
24 forthwith directly to the Estate of Maurits Jozef Van Praag, Deceased, in Case No. P57584,
25 presently pending before the Clark County, Nevada, District Court, Probate Division, with Mr.
26 Robert Dyson the duly appointed and acting executor of the Estate, all of the remaining funds
27 in the decedent's Morgan Stanley investment account. Payment to the Estate may be made by
28 delivering a check for the amount of the funds, made payable to the "Estate of Maurits Jozef

1 Van Praag, Deceased", to the Estate's Nevada legal counsel.

2 Dated March 28, 2012.

3
4 
5 UNITED STATES DISTRICT JUDGE

6 Approved as to form and content by:

<p>7 ALBRIGHT, STODDARD, WARNICK 8 & ALBRIGHT</p> <p>9 By:  10 Whitney B. Warnick, Esq. 11 Nevada Bar No. 001573 12 801 South Rancho Drive, Suite D-4 13 Las Vegas, NV 89106 14 (702) 384-7111 <i>Attorneys for Interpleader Defendant, Estate of Maurits Jozef Van Praag</i></p>	<p>JOLLEY URGA WIRTH WOODBURY & STANDISH</p> <p>By: _____ William R. Urga, Esq. Nevada Bar No. 1195 Mindy C. Fisher, Esq. Nevada Bar No. 11121 3800 Howard Hughes Parkway Wells Fargo Tower, Sixteenth Floor Las Vegas, Nevada 89169 (702) 699-7500 <i>Attorneys for Interpleader Defendant, Shriners Hospitals for Children</i></p>
<p>15 GREENBERG TRAUERIG, LLP</p> <p>16 By:  17 Eric Swanis, Esq. 18 Nevada Bar No. 6840 19 F. Christopher Austin, Esq. 20 Nevada Bar No. 6559 21 3773 Howard Hughes Parkway 22 Suite 400 North 23 Las Vegas, Nevada 89169 24 (702) 792-3773 <i>Attorneys for Interpleader Plaintiff, Morgan Stanley & Co., Inc.</i></p>	<p>WRIGHT & WEINER, LTD.</p> <p>By: _____ John Henry Wright, Esq. Nevada Bar No. 6182 801 South Rancho Drive, Suite B-2 Las Vegas, NV 89106 (702) 259-6789 <i>Attorney for Interpleader Defendant, Joseph L. Surace</i></p>

LAW OFFICES
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT
A PROFESSIONAL CORPORATION
801 SOUTH RANCHO DRIVE
LAS VEGAS, NEVADA 89106

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28