

1 ANN-MARTHA ANDREWS  
 Nevada Bar No. 7585  
 2 AAndrews@LRLaw.com  
 3 LEWIS AND ROCA LLP  
 3993 Howard Hughes Parkway  
 4 Suite 600  
 5 Las Vegas, Nevada 89169  
 (702) 949-8200  
 6 (702) 949-8398 (fax)

7 JOSEPH J. HASMAN  
 8 jhasman@cmn-law.com  
 CHITTENDEN, MURDAY & NOVOTNY LLC  
 9 303 West Madison Street  
 Suite 1400  
 10 Chicago, Illinois 60606  
 11 (312) 281-3600  
 (312) 281-3678 (fax)

12 Attorneys for Plaintiff  
 13 Midland National Life Insurance Company

14  
 15 UNITED STATES DISTRICT COURT  
 16 DISTRICT OF NEVADA

17 MIDLAND NATIONAL LIFE  
 18 INSURANCE COMPANY,

Case No. 2:11-cv-00433-JCM-LRL

19 Plaintiff,

20 vs.

**PLAINTIFF’S *EX PARTE* MOTION  
 FOR RESTRAINING ORDER**

21 ANGELIQUE KNIGHT and STEVEN  
 22 LIGUORI,

23 Defendants.

24  
 25 Plaintiff Midland National Life Insurance Company (“Midland”) moves this  
 26 Honorable Court for an *Ex Parte* Restraining Order pursuant to 28 U.S.C. § 2361, and in  
 27 support states as follows:  
 28

1           1.       Midland has filed its Complaint In Interpleader under 28 U.S.C. §§1335,  
2 1397, and 2361 (2010) to resolve competing claims to certain life insurance benefits paid  
3 under Midland’s life insurance Policies No. 1502783862 and 1502783864 (“Policies”) and  
4 now held by Midland in a Retained Asset Account (“RAA”).

5           2.       Midland wishes to deposit its admitted liability in the amount of \$607,021.56  
6 with the Registry of this Court. This is the amount of money now in the RAA.

7           3.       Midland now moves this Honorable Court to enter an *Ex Parte* Restraining  
8 Order as provided for by 28 U.S.C. § 2361, which states, in relevant part:

9                   In any civil action of interpleader or in the nature of interpleader under  
10 section 1335 of this title, a district court may issue its process for all  
11 claimants and enter its order restraining them from instituting or prosecuting  
12 any proceeding in any State or United States court affecting the property,  
instrument or obligation involved in the interpleader action until further  
order of the court.

13 28 U.S.C. § 2361 (2010).

14           4.       The restraining order provided for by 28 U.S.C. § 2361 is excepted from the  
15 requirements of Rule 65(b) of the Federal Rules of Civil Procedure by Rule 65(e) which  
16 provides, in relevant part: “These rules do not modify . . . 28 U.S.C. § 2361, which relates  
17 to preliminary injunctions in actions of interpleader or in the nature of interpleader.”  
18 FED. R. CIV. P. 65(e).

19           5.       Accordingly, this Court has the power to enjoin, without notice, other actions  
20 seeking a determination of the rights being contested in order to protect the stakeholder  
21 from vexatious and multiple litigation. *See Orseck, P.A. v. Servicios Legales De*  
22 *Mesoamerica S. De R.L.*, 699 F. Supp. 2d 1344, 1350-1351 (S.D. Fla. 2010); *Star Ins. Co.*  
23 *v. Cedar Valley Express, LLC*, 273 F. Supp. 2d 38, 42-43 (D.D.C. 2002); *see also* LRCiv  
24 7-5 (requiring explanation of good cause and why stipulation is, in this case, unnecessary).

25           6.       Midland is faced with a real threat of multiple litigation relating to the  
26 subject matter of this interpleader suit.

1           7.       A restraining order in this matter will protect the jurisdiction of this  
2 Honorable Court and will prevent a multiplicity of actions with respect to the death  
3 benefits and RAA funds which are the subject of this litigation.

4           WHEREFORE, Midland National Life Insurance Company respectfully requests  
5 that this Court enter the proposed Restraining Order, attached as Exhibit A, temporarily  
6 restraining Defendants Angelique Knight and Steven Liguori and any person or entity  
7 claiming on behalf of or through them or any of them from instituting or prosecuting any  
8 proceeding in any state or federal court concerning the life insurance proceeds paid by  
9 Midland National Life Insurance Company under its Policies No. 1502783862 and  
10 1502783864 and now held by Midland National Life Insurance Company in RAA No.  
11 500297754, which funds are the subject of this litigation, granting leave to Midland  
12 National Life Insurance Company to deposit those funds with the Registry of this Court  
13 until further order of this Court, and granting leave to Midland National Life Insurance  
14 Company to serve the restraining order entered herein in the same manner of service as  
15 summons and complaint.

16           RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of March, 2011.

17   LEWIS AND ROCA LLP

18   BY: /s/ Ann-Martha Andrews

19   ANN-MARTHA ANDREWS

20   Nevada Bar No. 7585

21   3993 Howard Hughes Parkway

22   Suite 600

23   Las Vegas, Nevada 89169

24   and

25   JOSEPH J. HASMAN

26   CHITTENDEN, MURDAY & NOVOTNY LLC

27   303 West Madison Street, Suite 1400

28   Chicago, Illinois 60606

Attorneys for Midland National Life  
Insurance Company

**EXHIBIT A**

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2 Nevada Bar No. 7585  
3 AAndrews@LRLaw.com  
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7 Las Vegas, Nevada 89169  
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15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF NEVADA

17 MIDLAND NATIONAL LIFE  
18 INSURANCE COMPANY,

Case No. 2:11-cv-00433-JCM-LRL

19 Plaintiff,

20 vs.

**RESTRAINING ORDER**

21 ANGELIQUE KNIGHT and STEVEN  
22 LIGUORI,

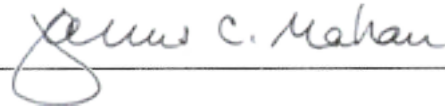
23 Defendants.

24  
25 This cause is before the Court on the *Ex Parte* Motion of Midland National Life  
26 Insurance Company for a restraining order pursuant to 28 U.S.C. § 2361,  
27  
28

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

(1) Defendants Angelique Knight and Steven Liguori and any person or entity claiming on behalf of or through them or any of them are restrained from instituting or prosecuting any proceeding in any state or federal court concerning the life insurance proceeds paid by Midland National Life Insurance Company under its Policies No. 1502783862 and 1502783864 and now held by Midland National Life Insurance Company in Retained Asset Account No. 500297754 until further order of this Court.

(2) Leave is granted to serve this Restraining Order in the same manner of service as the summons and complaint.



**Dated:** March 25, 2011 at 2:45 p.m.

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