

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

---

STATE FARM LIFE AND ASSURANCE  
COMPANY, INC.,

Plaintiff,

v.

**ORDER**  
12-CV-380S

RONALD T. EPPS, DONTE R. SMITH,  
DOUGLAS JOHNSON, as Parent and Guardian  
of Travante D. Johnson, TRAVANTE D.  
JOHNSON, individually, MARY MOSS, as  
Guardian of Armontae Moss, ARMONTAE  
MOSS, individually, and MARY MOSS,  
individually and as Custodian Under New York  
Uniform Transfers to Minors Act for Donte R.  
Smith, Travante D. Johnson, and Armontae  
Moss,

Defendants.

---

---

1. On April 30, 2012, Plaintiff commenced this action seeking interpleader relief as an innocent stakeholder facing multiple liability arising from Defendants' competing claims to a life insurance policy ("the Policy") issued by Plaintiff to Angela Moss. Plaintiff filed a motion on September 28, 2012, seeking an order that, among other things, permits it to deposit with the Court the death benefit payable under the Policy and dismisses it from the action with prejudice.

2. On May 23, 2013, this Court referred Plaintiff's motion to the Honorable Leslie G. Foschio, United States Magistrate Judge, to prepare and file a report and recommendation containing findings of fact, conclusions of law and a recommended disposition of the motion pursuant to 28 U.S.C. § 636(b)(1)(B) and (C).

3. On June 10, 2013, Judge Foschio filed a Report and Recommendation recommending that Plaintiff's motion be granted in its entirety.

4. No objections to the Report and Recommendation were received from any party within fourteen (14) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of this Court.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's Report and Recommendation (Docket No. 38) in its entirety and Plaintiff's motion for interpleader relief (Docket No. 19) is GRANTED;

FURTHER, that Plaintiff is permitted to deposit the Policy's \$100,000 death benefit proceeds with the Court, less \$2,000 that this Court grants Plaintiff in attorneys' fees;

FURTHER, that, upon its deposit of proceeds with the Court, Plaintiff is discharged from any further liability to Defendants under the Policy, Plaintiff is dismissed from this action with prejudice, and Defendants are enjoined from commencing any further litigation against Plaintiff relative to the Policy's proceeds;

FURTHER, that Defendants are compelled to litigate their competing claims to the Policy's proceeds.

SO ORDERED.

Dated: July 21, 2013  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court