


that the Decedent died from a self-inflicted gunshot wound; that is, suicide. [Doc. 1-1 at 3, 8, 9, 13, 14]. It is also undisputed that the insurance policy was for an accidental death benefit and that the policy contained an exclusion for death by suicide. [Doc. 1-1 at 8].

On February 8, 2013, the Defendant moved to dismiss the action for failure to state a claim upon which relief may be granted, citing the exclusionary provision of the accidental death benefit policy for suicide. [Doc. 2]. The Plaintiff, who is represented by counsel, failed to file any response to the motion. The Court finds that the motion should be granted.

IT IS, THEREFORE, ORDERED that the Defendant Athene Annuity & Life Assurance Company's Motion to Dismiss [Doc. 2] and Motion to Grant its Uncontested Motion to Dismiss [Doc. 3] are hereby **GRANTED** and this action is hereby **DISMISSED**.

Signed: February 27, 2013


Martin Reidinger
United States District Judge

