

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff(s),

vs.

BARBARA CLAUS, et. al.,

Defendant(s).

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Case Number: 1:07cv1017

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on September 16, 2008 (Doc. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired October 6, 2008, hereby ADOPTS said Report and Recommendation.

According to the docket sheet, there are two docket entries listed as objections to the Report and Recommendation (Docs. 22 and 23). Upon review of the Court, the documents that were filed as objections are not.

Accordingly, plaintiff's motion for default judgment (Doc. 13) is **GRANTED** as to Defendants Deborah A. Durstock and Russell J. Claus, Jr. Plaintiff's motion for leave to make deposit and for dismissal with prejudice (Doc. 14) is **GRANTED**. The Clerk is ORDERED to accept and deposit into the Registry of the Court \$17, 247.60, plus any applicable interest ("Remaining Plan Benefits"). The Clerk is ORDERED to promptly and properly invest said monies as provided by S.D. Ohio Civ. R. 77.2. Each of the Defendants are enjoined and

restrained from instituting any action against Plaintiff, Metropolitan Life Insurance Company, General Electric Company, the Plan, and/or their affiliates or successors for the recovery of the Remaining Plan Benefits. Upon the deposit of the Remaining Plan Benefits Plaintiff, Metropolitan Life Insurance Company is dismissed with prejudice as a party to this action, and Plaintiff, General Electric Company, and the Plan are released from any and all claims or liability for the Remaining Plan Benefits payable under the Plan as a result of the death of the Decedent Russell J. Claus. Defendants Barbara A. Claus, Russell S. Ruehl, Randolph B. Ruehl and Kandice N. Smith must file cross motions for judgment within 30 days of the entry date of this order or forfeit their claims to the Remaining Plan Benefits.

IT IS SO ORDERED.

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s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court