UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARY BETH CADLE, *et al.*,

      Plaintiffs,

                                  Case No. 2:11-CV-00787
v.   JUDGE EDMUND A. SARGUS, JR.
                                    Magistrate Judge Norah M. King

MICHAEL SHELTON, *et al.*,

      Defendants.

ORDER

Plaintiffs Mary Beth Cadle, Nationwide Life Insurance Company, and Benefits

Administrative Committee, Plan Administrator of the Nationwide-Sponsored Health and Welfare

Employee Benefits Plans (hereinafter collectively "Nationwide"), bring this interpleader action

requesting determination of the proper beneficiary of Shawna Moseley's life and accidental

insurance benefits under Nationwide's Death Benefit Plan. Nationwide attached the Death

Benefit Plan, restated as of September 1, 2000 (ECF No. 1-1, hereinafter the "Plan"), to the

Complaint. The Plan, however, expressly incorporates and relies upon "[t]he terms and

conditions of the Insurance Policy and Accident Policy . . . ." (Plan 2, ECF No. 1-1.) More

specifically, and of particular relevance, the Plan's "Payment of Claims" section states that

"[p]ayment for claims will be made according to the rules stated in the Insurance Policy and

Accident Policy . . . ." (*Id.* at 9.) Neither the Insurance Policy or the Accident Policy are

currently before the Court.

Accordingly, to assist with resolution of currently pending matters, Nationwide is

DIRECTED to produce to the Court authenticated copies of the relevant policies that the Plan

incorporates. Additionally, Nationwide is **DIRECTED** to produce to the Court any

documentation they possess regarding Shawna Moseley's selection—or non-selection—of a

beneficiary under the Plan **WITHIN SEVEN (7) DAYS** of the date of this Order.[1] Nationwide

should provide an affidavit from the proper custodian if no such documentation exists.

    IT IS SO ORDERED.

    1-2- 2013
DATE

EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

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[1] Nationwide should include an affidavit from the proper custodian authenticating any such documentation.