

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

MINNESOTA LIFE INS. CO.,

Plaintiff,

vs.

JERRY A. GLASSBURN and,
JAMES L. JOHNSON,

Defendants.

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Case No. 3:17cv133

JUDGE WALTER H. RICE

DECISION AND ENTRY SUSTAINING RENEWED MOTION FOR
SUMMARY JUDGMENT OF DEFENDANT GLASSSSBURN (DOC. #19);
JUDGMENT TO ENTER IN FAVOR OF DEFENDANT GLASSBURN AND
AGAINST CO-DEFENDANT JAMES JOHNSON; PLAINTIFF'S MOTION
FOR ATTORNEYS' FEES (DOC. #23) SUSTAINED; DIRECTIONS TO
CLERK OF COURTS; TERMINATION ENTRY

The captioned cause is an interpleader action, filed by the Plaintiff to determine which of two individuals, to wit: James L. Johnson, the decedent's ex-husband, or Jerry A. Glassburn, the decedent's widower is entitled to the \$128,000.00 proceeds of a life insurance policy issued to decedent. The Plaintiff has deposited the proceeds of the insurance policy in question, plus accrued interest, with the Clerk of Court's Office, (Doc. #21) and was dismissed as a party to this litigation. Further, the Defendant, James L. Johnson, neither answered nor motioned the Plaintiff's Complaint, the result of which an entry of default has been taken against him. The Defendant, Jerry A. Glassburn, has filed a Renewed Motion for Summary Judgment (Doc. #19). Based upon the reasoning set forth by the Defendant in his Memorandum in Support of his

Renewed Motion for Summary Judgment, as well as upon a thorough review of this Court's file, the applicable law and the exhibits attached to said motion, the Court finds the motion to be well taken and same, is, therefore, granted in its entirety. Judgment will be entered in favor of the Defendant, Jerry A. Glassburn, and against co-Defendant, James L. Johnson, for the total amount of the insurance proceeds in question.

The Plaintiff, Minnesota Life Insurance Co., has filed an application for Attorneys' Fees, to which Defendant Glassburn has filed no objection and to which Defendant Johnson is in default. Based upon the reasoning set forth in the memorandum accompanying Plaintiff's Application for Attorneys' Fees, as well as the Affidavit attached to said motion, said motion is deemed by the Court to be well taken. Accordingly, the Clerk of Courts is directed to submit to the Plaintiff the amount of \$7,142.04 from the funds that have been deposited with this Court.

WHEREFORE, default judgment having been earlier taken against the Defendant, James L. Johnson, and, further, the Court having granted the Defendant Jerry A. Glassburn's Renewed Motion for Summary Judgment (Doc. #19), judgment will be ordered entered in favor of the Defendant Glassburn and against the Defendant Johnson. The Clerk of Courts is to remit the sum of \$134,550.79, (the \$128,000.00 death benefit plus accrued interest), less \$7,142.04 in attorneys' fees to the Defendant, Jerry A. Glassburn.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

August 10, 2018



WALTER H. RICE
UNITED STATES DISTRICT JUDGE