

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ESMERALDA RODRIGUEZ,)	
Plaintiff,)	
)	
v.)	Case No. 5:15-CV-00643-R
)	
METLIFE INSURANCE COMPANY,)	
Defendant.)	

ORDER

This matter comes on for hearing on this 21st day of January, 2016, before the Honorable David Russell, on Plaintiff Esmeralda Rodriguez's Motion for Summary Judgment. The Plaintiff, Esmeralda Rodriguez, appeared by and through her Attorney of Record Ronald "Skip" Kelly, and the Defendant, MetLife Insurance Company, appeared by and through their Attorney of Record, Rene DeMoss, of GableGotwals.

The Court finds that the Plaintiff Esmeralda Rodriguez filed her Motion for Summary Judgment seeking judgment on all claims and causes of actions asserted in her Petition on August 26, 2015, and a copy of said Motion for Summary Judgment was electronically mailed to the Attorney for the Defendants' MetLife Insurance Company as evidenced by the Certificate of Mailing. The Court Further finds that the Defendant, MetLife Insurance Company, filed a Response to Plaintiff Esmeralda Rodriguez's Motion for Summary Judgment. The parties presented oral arguments, and the Court reviewed the following exhibits attached to Plaintiff's Motion for Summary Judgment: 1) Declaration and Registration of Informal Marriage of Guadalupe Rodriguez and Esmeralda Rodriguez, Bexar County, Texas; 2) Amended Death Certificate of Guadalupe Rodriguez; 3) Final Divorce Decree of Guadalupe Rodriguez and Anita Rodriguez; and 4) Final Divorce Decree of Richard Sanchez, Jr., and Esmeralda Sanchez Rodriguez. The Court took judicial

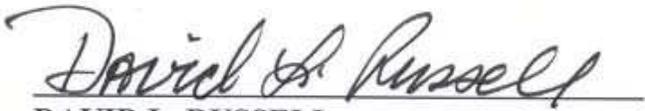
notice of Oklahoma County District Court Case No. PB-2015-278, in which a determination of heirs was rendered establishing that the Plaintiff was the decedent's surviving spouse.

The Court further finds that the Plaintiff , Esmeralda Rodriguez, is the surviving spouse of the insured, Guadalupe Rodriguez, and their marriage was verified pursuant to a Declaration and Registration of Informal Marriage, filed with the County Clerk, of Bexar County, Texas on May 28, 2004. Pursuant to 5 U.S.C. § 8701, *et seq.*, Esmeralda Rodriguez, is entitled to receive the full amount of the insurance proceeds payable by reason of the death of Guadalupe Rodriguez, who was insured under the Federal Employee Group Life Insurance (FEGLI).

The Court further finds, after reviewing Plaintiff's Motion for Summary Judgment, Exhibits attached, and the Defendants MetLife Insurance Company's Response to the Motion for Summary Judgment, that the evidence demonstrates there is no substantial controversy as to any material fact regarding Plaintiff Esmeralda Rodriguez's claims and causes of action asserted against the Defendant MetLife Insurance Company, and as a matter of law, Plaintiff Esmeralda Rodriguez is entitled to her claims as stated in her Motion for Summary Judgment, for payment of the full amount of insurance proceeds, plus applicable interest.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's Motion for Summary Judgment is hereby granted.

Dated this 4th day of February, 2016.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE