

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA

AIKEN DIVISION

USAA Life Insurance Company,)	Case No. 1:17-cv-01900-JMC
)	
Plaintiff,)	
)	
v.)	
)	<u>CONSENT ORDER OF DISMISSAL,</u>
Tracy K. Dorr, Kellie K. Ergle, The)	<u>RELEASE, AND DISTRIBUTION OF</u>
Estate of Udlee P. Cavanaugh, and)	<u>LIFE INSURANCE PROCEEDS</u>
James C. Cavanaugh, Jr.,)	
)	
Defendants.)	
)	

WHEREAS:

1. Decedent Udlee Cavanaugh was insured by a level term life insurance policy in the amount of \$100,000 under policy number G408328317 (“the Policy”).
2. Kellie Ergle as the Personal Representative of the Estate of Udlee Cavanaugh, James Cavanaugh, Tracy Dorr, and Kellie Ergle individually (the “Claimants”) have asserted competing claims over the life insurance proceeds available under the Policy.
3. Udlee Cavanaugh died on March 7, 2017. The only beneficiaries of the Estate of Udlee Cavanaugh are Kellie Ergle and Tracy Dorr. James Cavanaugh has asserted a claim for a spousal elective share with the Estate.
4. The Claimants and USAA Life desire to resolve any and all disputes between them, end this litigation, and foreclose any potential future litigation arising from the Policy.
5. The Claimants, including the Estate of Udlee Cavanaugh, agree to release USAA Life from any and all claims or liability arising from the Policy, agree not to file any additional suits against USAA Life.

6. The claimants also hereby release each other from any and all claims arising out of or related to the Policy or its proceeds.

7. Including interest, \$100,964.00 is available under the Policy. After deduction of \$1,500 for its expenses in bringing this action, USAA Life agrees to make payments as follows:

- (a) \$11,750.00 to Lark Jones as attorney for James C. Cavanaugh; and
- (b) \$87,714.00 to Allgood & Mehrhof as attorneys for Kellie Ergle and Tracy Dorr.

8. All parties agree that the above-described payments fully satisfy all obligations due under the Policy.

Therefore, the following is ORDERED:

A. USAA Life shall make payments, within 30 days of this Order, as described in paragraph 6, above.

B. Upon payment of these amounts, USAA Life will have satisfied all obligations under the Policy. All parties are enjoined from filing additional actions against USAA Life other than to enforce the terms of this Order.

C. This case is dismissed with prejudice, with each party to bear its own costs and attorneys' fees, except as provided above.



J. Michelle Childs
United States District Judge

October 19, 2017

USAA Life Insurance Company v. Tracy K. Dorr, Kellie K. Ergle, The Estate of Udlee P. Cavanaugh, and James C. Cavanaugh, Jr.
Case No. 1:17-cv-01900-JMC

**CONSENT ORDER OF DISMISSAL, RELEASE, AND DISTRIBUTION OF LIFE
INSURANCE PROCEEDS**

WE SO MOVE AND CONSENT:

s/ ROBERT W. WHELAN
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WE SO MOVE AND CONSENT:

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*Counsel for Tracy K. Dorr, Kellie K. Ergle,
and The Estate of Udlee P. Cavanaugh*

WE SO MOVE AND CONSENT:

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